GLENORCHY CITY COUNCIL
ATTACHMENTS
MONDAY, 31 MARCH 2025

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BUCAAN COMMUNITY HOUSE

A new Community House in Chigwell

A request for land from Glenorchy City Council

Welcome to Bucaan Community House





Bucaan Community House 2024

BUCAAN

40 years of service

Cheers over the tea cups







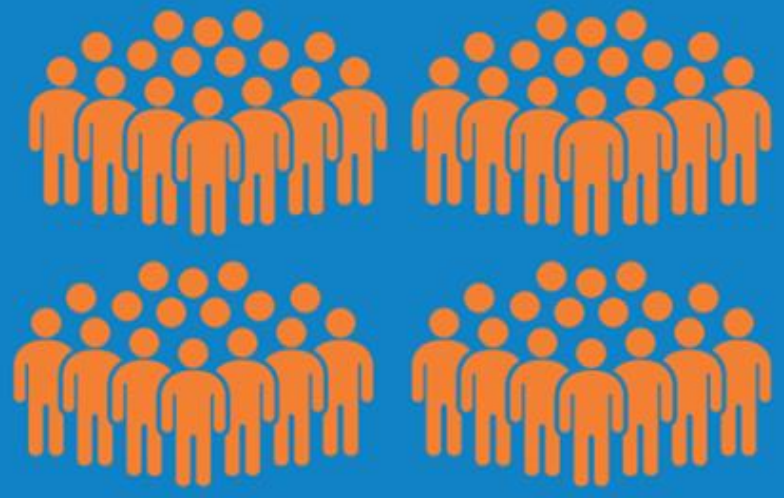
Computer boost for neighbourhood houses

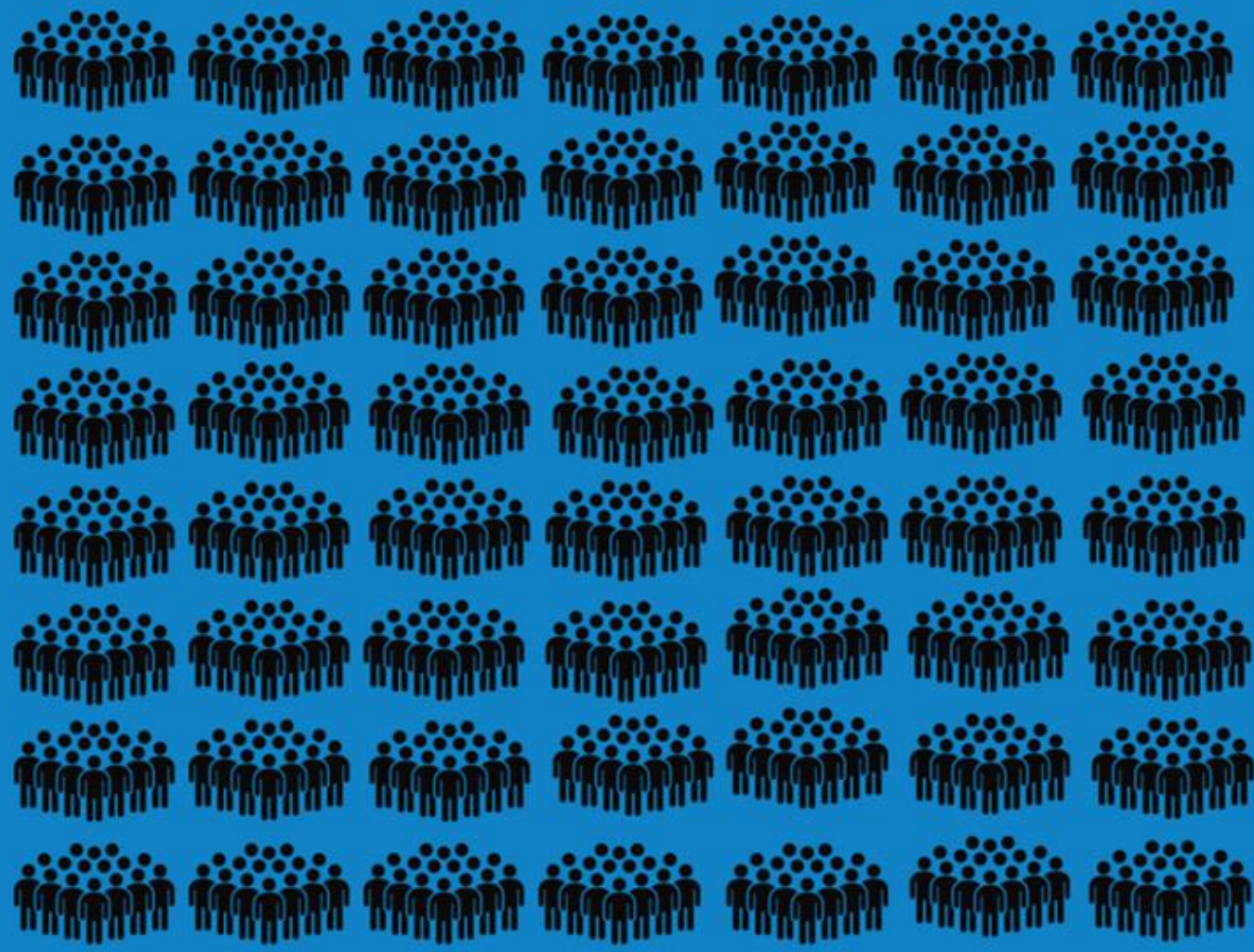




Bucaan Community House 2024

60 people to 900 people





Bucaan Community House 2024

Same 1980's building

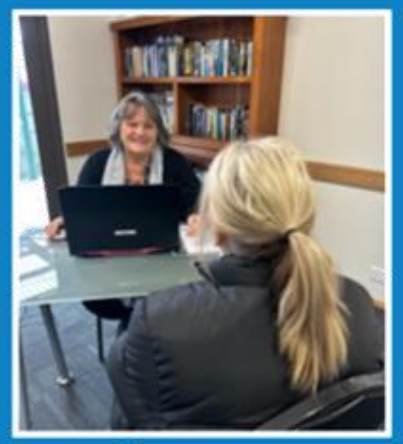




Bucaan Community House 2024

Our programs







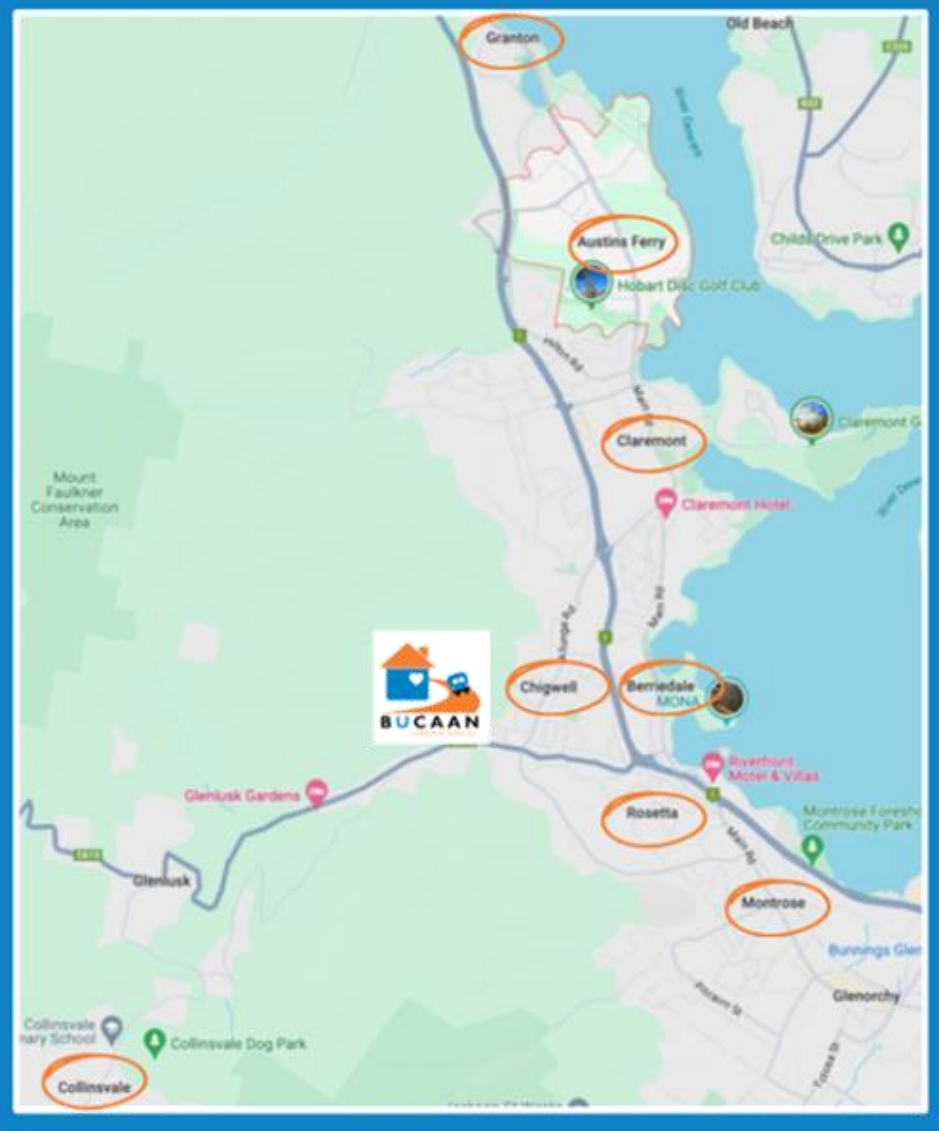







Bucaan Community House 2024

Our community...













Bucaan Community House 2024

Source: ABS

BUCAAN

is under pressure...



'Being isolated.'
Community Member



'Access to Doctor... no bulk billing.'
Community Member



'Cost of living is very hard. We eat two minute noodles one week out of two.'
Community Member

Bucaan Community House 2024

Source: 2023 Bucaan Community House Community Consultation Survey

and needs more support







Cost of living

Social Isolation

Mental Health

Fear and Safety

Domestic Violence

Bucaan Community House 2024

Source: 2023 Bucaan Community House Community Consultation Survey

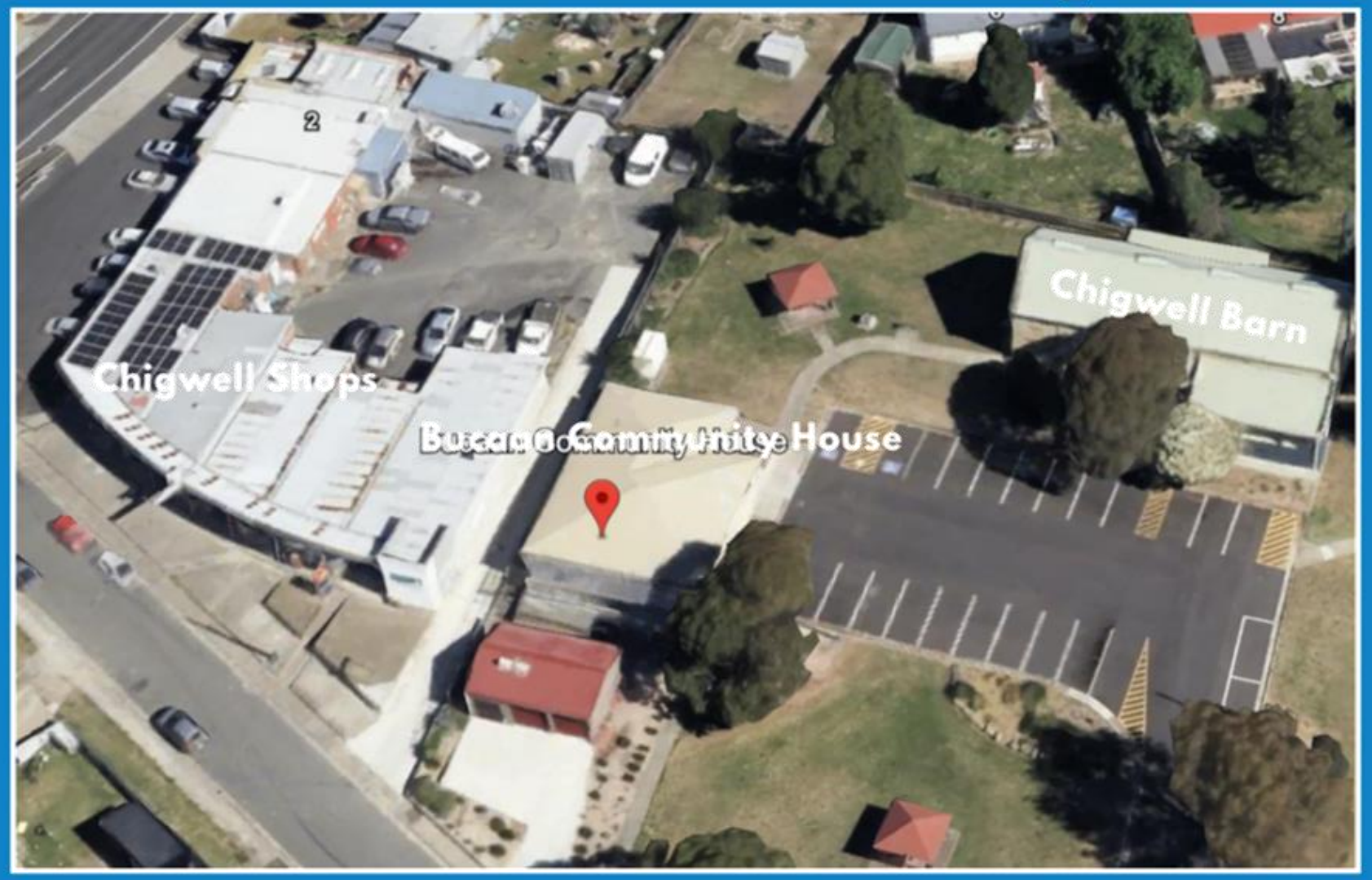
BUCAAN

Take a look around



Bucaan Community House 2024

Our location is important



Bucaan Community House 2024

BUCAAN

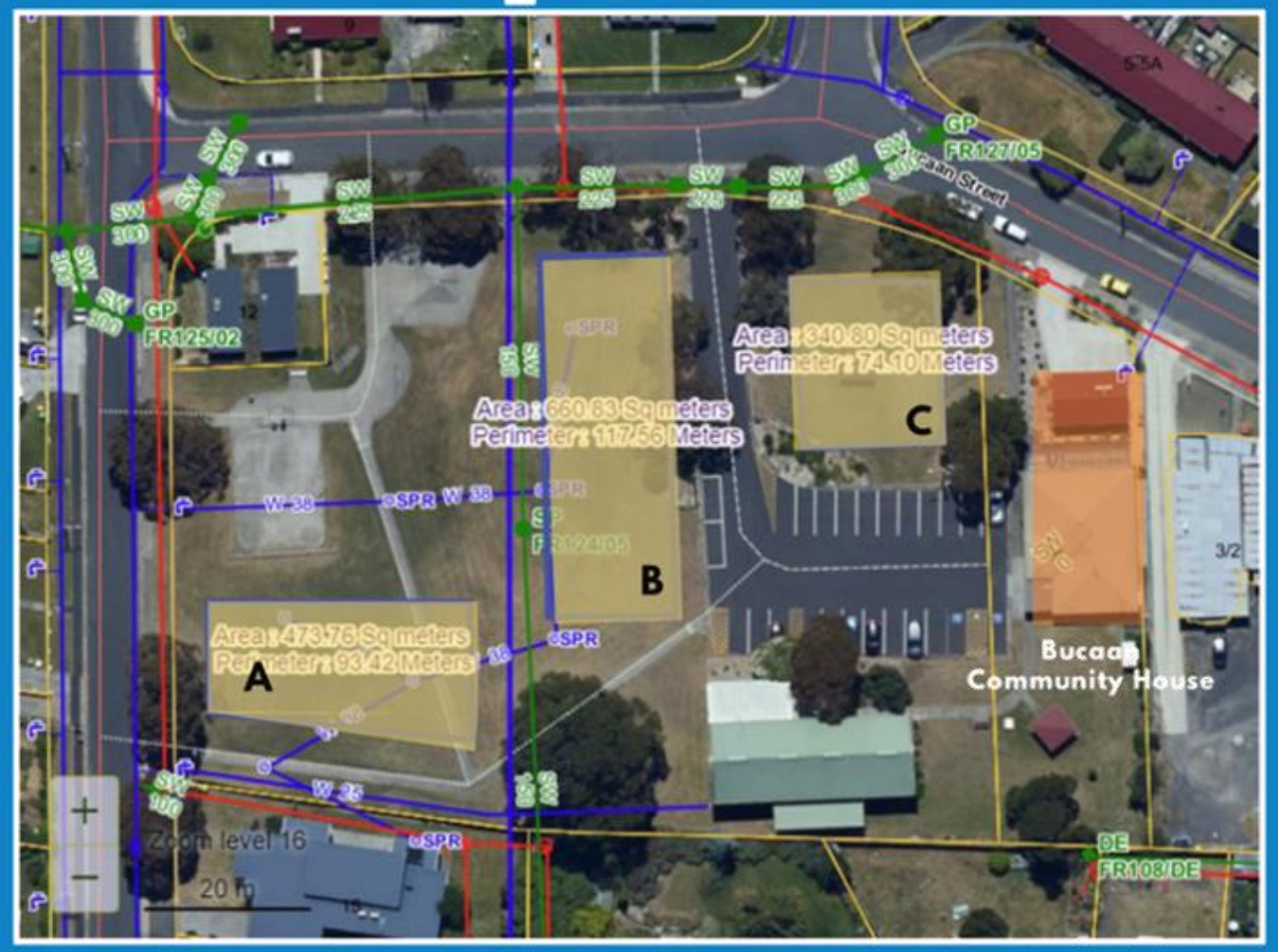
We propose a gift of land



Bucaan Community House 2024

BUCAAN

GCC potential options





Bucaan Community House 2024

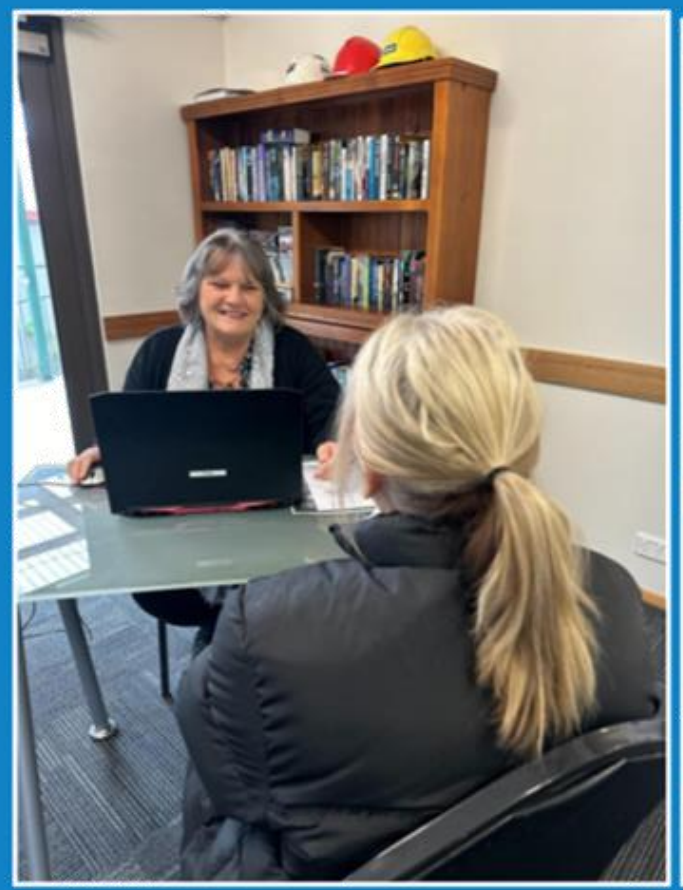
A new solution



Bucaan Community House 2024

BUCAAN

More space for services

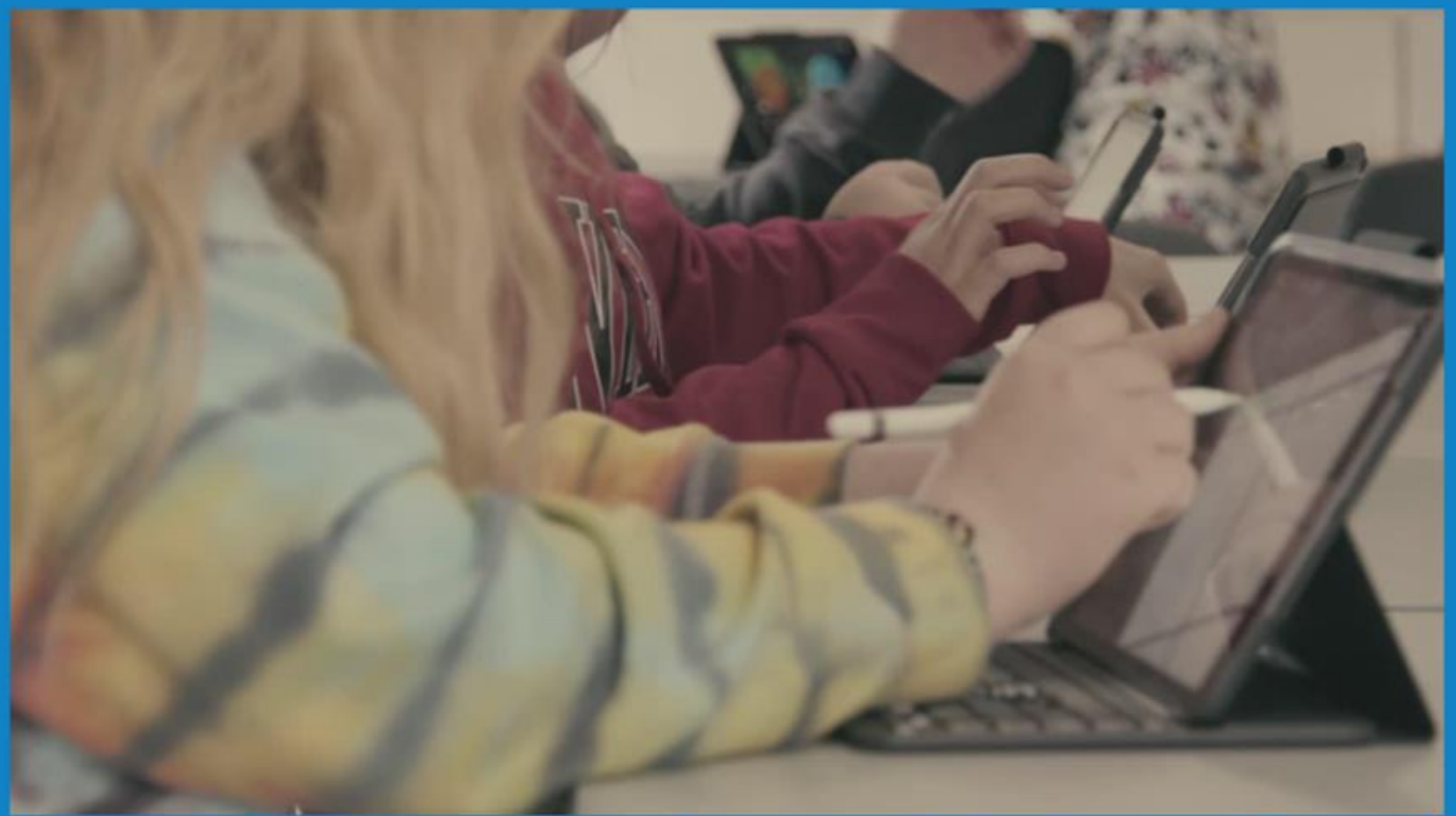






Bucaan Community House 2024

Benefits for Council and Community



Crewative Arts Connect - our Youth Arts Program for local 10-16 year olds
Video: 3.5 minutes

It has been done before

STRONG + PROUD
Karadi

Hobart City Mission
Caring since 1852

wayraparattee
grow strong together

50 YRS
hobart, women's shelter

BRIGHTON COMMUNITY FOOD HUB

Bethlehem House
SERVICES FOR THE HOMELESS

Bucaan Community House 2024

BUCAAN

Why do this for us?

















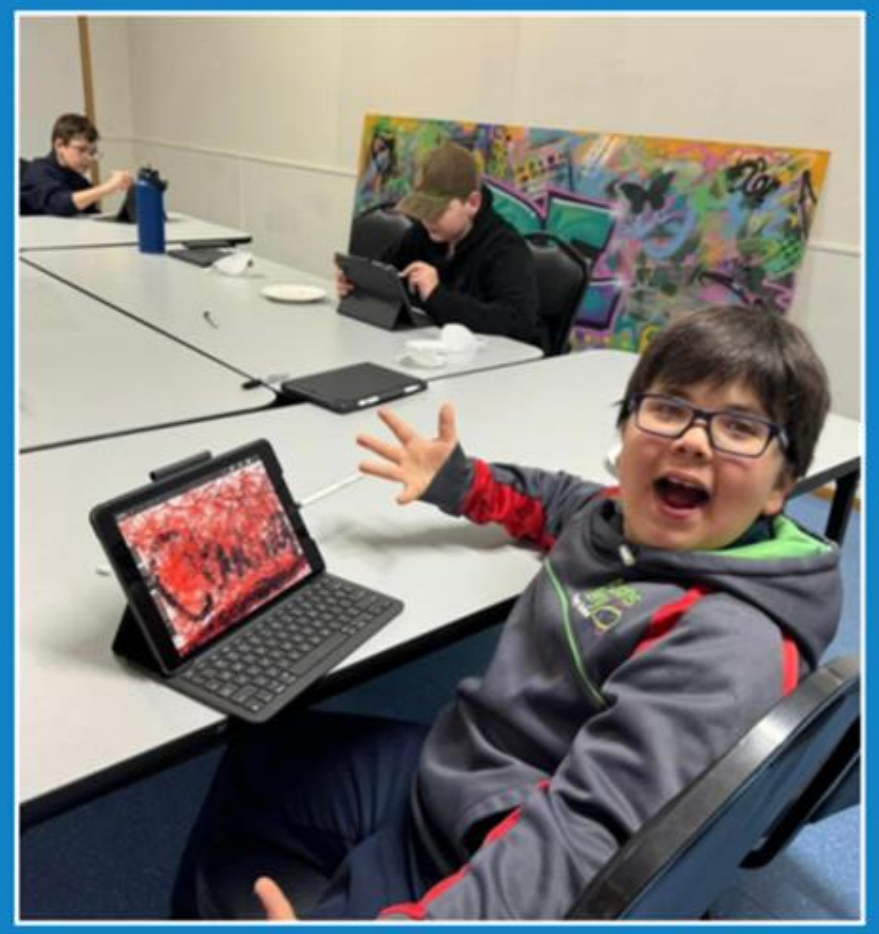
Bucaan Community House 2024

BUCAAN

A smart community solution







Bucaan Community House 2024

BUCAAN

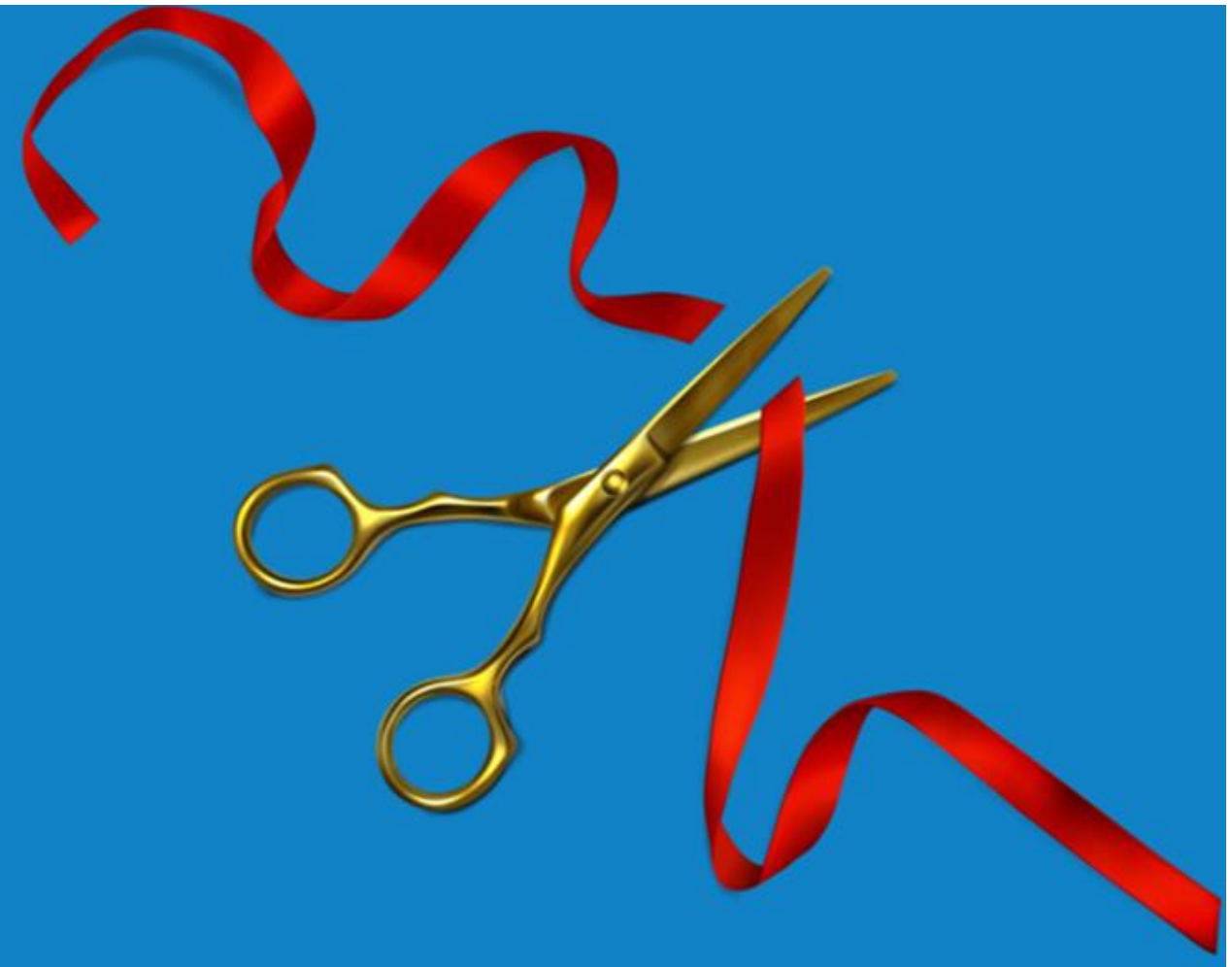
Next steps

1) You say 'Yes'

2) We get the money

3) We keep you updated

4) We celebrate together at the opening!



Bucaan Community House 2024

BUCAAN

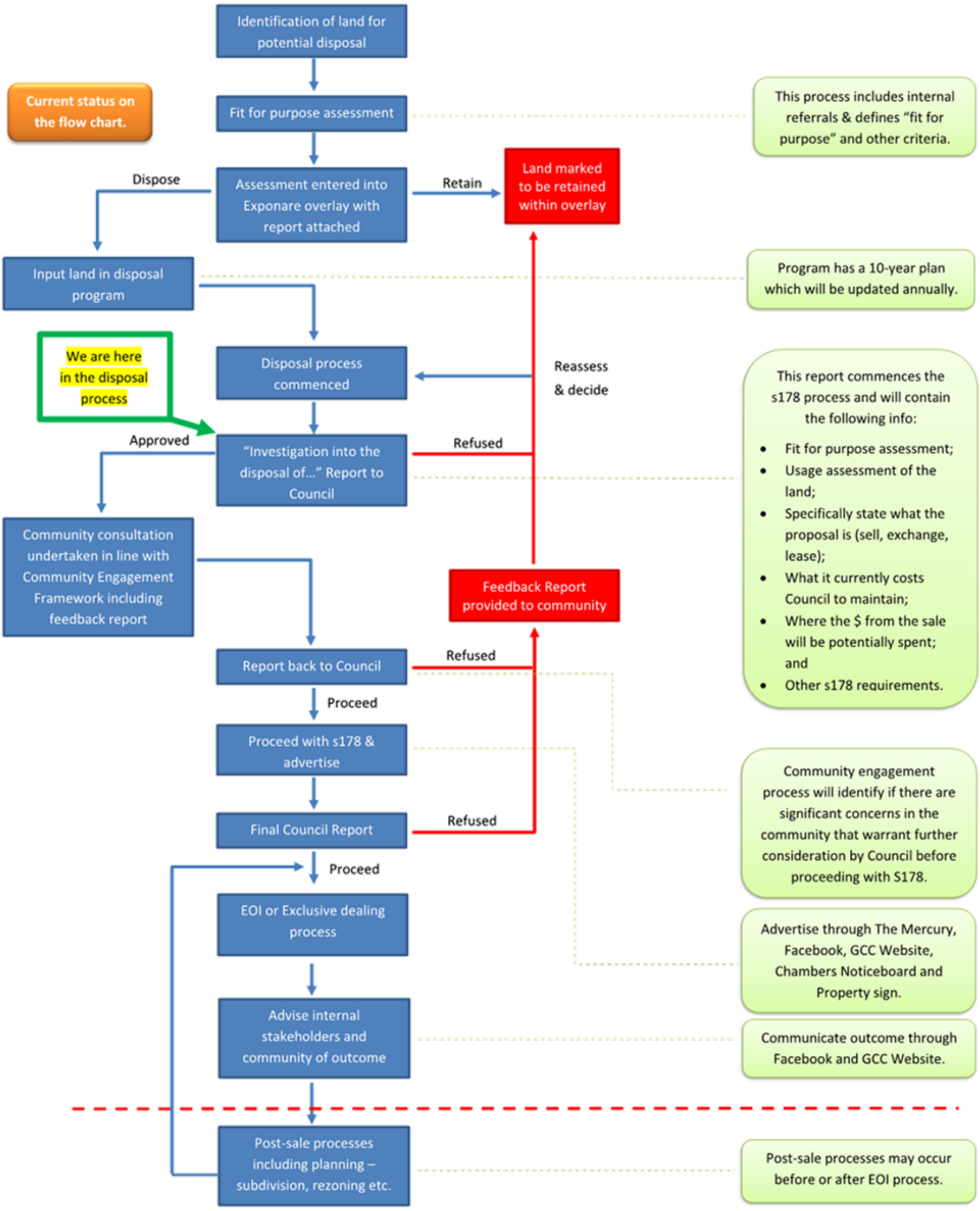
Thank you

BUCAAN
community house inc.

Help us build a new Community House in Chigwell

Bucaan Community House 2024

Disposal of Council Land Workflow



Expression of Interest

318 Main Road, Glenorchy

(part area off Bowden Street)

February 2025

Homes Tasmania

Building homes, creating communities.

Expression of Interest

Homes Tasmania is pleased to present this Expression of Interest (EOI) for the purchase of land at 318 Main Road, Glenorchy (frontage off Bowden Street).

The Tasmanian Government is committed to increasing social and affordable housing including the construction of new housing supply under the *Tasmanian Housing Strategy 2023-2043.*

Homes Tasmania considers the land at 318 Main Road to be strategically important for medium-density residential development with excellent proximity to high-quality community facilities, public transport and open space.

Glenorchy City Council brought this area to the attention of Homes Tasmania, noting Council's desire to see the land developed for residential purposes and identifying the site's access constraints and Council's expectation to retain public pedestrian access between Bowden Street and public recreation grounds at Eady Street and beyond to the Glenorchy business district.

The site shares a boundary with the existing Homes Tasmania Windsor Street residential development for older persons. This connection offers strong potential for providing the necessary vehicular access to the site enabling a high yield for medium-density housing.

Homes Tasmania is uniquely placed to develop the land without demolition of existing homes and has developed feasibility studies to ascertain development potential for around 56 dwellings, vehicular access via and public pedestrian access. Feasibility options, such as the attached, received a positive response from Council officers in planning and engineering and is supported by a traffic impact assessment report.

If successful in this submission, Homes Tasmania will engage with suitably qualified consultants and contractors to further develop the feasibilities into a high-quality residential development.

Homes Tasmania looks forward to discussing this EOI further with the Glenorchy City Council.

Development Vision

Homes Tasmania is committed to building a safe and caring community. A key goal of Homes Tasmania is to ensure the delivery of a range of housing types that meets the needs of our changing population, and to also promote the creation of thriving communities where people have choice in where they want to live, to live in high quality, sustainable housing, be close to employment opportunities and to the services and infrastructure they rely on.

Homes Tasmania's vision for 318 Main Road will aim to create a community focused development and will look to deliver a medium density residential development that is grounded in best practice urban design and architectural principles. The goal of the development is to provide:

- A place for people, with a quality public realm that provides connections to the nearby community facilities through a considered network of shared paths and a streetscape that prioritises human movement and connection.
- A place that is site specific, enhances the built environment and celebrates the unique characteristics of the community. The development will look to include a range of residential development lots that are diverse in scale and density, located appropriately and contain both private and public outdoor spaces.
- A place that provides and creates opportunities for quality design outcomes that enhances the profile of Glenorchy in terms of social, environmental and economic outcomes.
- A place that connects to the natural environment through quality landscaping and sustainability principles, whereby the public realm considers a range of street tree plantings and garden beds that provide pedestrian amenity, fosters biodiversity and creates water sensitive urban design opportunities.
- A place that considers how passive design and landscaping can create a development that is resilient to our changing climate, promote healthy communities and foster time spent outside.
- A place that is legible, creates a 'walkable community' and is easy to navigate for all abilities.

Homes Tasmania is committed to fostering a culture of high quality, energy efficient and fit for purpose housing across the whole housing spectrum through dedicated design standards, policies and strategies, government leadership and industry support. Homes Tasmania recognises the need for housing to be supported by quality neighborhoods, which are grounded in principles of sustainability, are socially inclusive and create a sense of community, apply universal design principles and meet Liveable Housing Design outcomes. Further, all of Homes Tasmania developments must adhere to the 'Design Policy for Social Housing' key standards, inclusive of:

- Providing shelter, comfort and security, and position new homes in well-located suburbs that meet expressed demand and provide reasonable access to jobs, shops, transport, schools and other community services.
- Providing diversity of well-designed and constructed accommodation that supports the needs of residents in an affordable, environmentally sustainable and socially responsible way.
- Increasing housing supply and support liveability through sustainable and prosperous communities where people want to live, work and enjoy themselves.
- Improving environmental sustainability by ensuring that all new properties conform to the National Construction Code of Australia's (2022) minimum 6-star energy efficiency rating.
- Applying industry best practice, including the reduction of home energy use and increasing the financial and social viability of social housing stock.
- Encouraging the use of new innovative developments in design and building materials, including new smart technologies to assist people living with functional impairment.
- Considering the context of the anticipated effects of climate change through global warming and the new code for bush fire prone areas, and the current reforms to the Tasmanian planning system.

Homes Tasmania have a proven track record of delivering best practice architectural and urban design development projects of a similar scale across Tasmania. Some examples include:

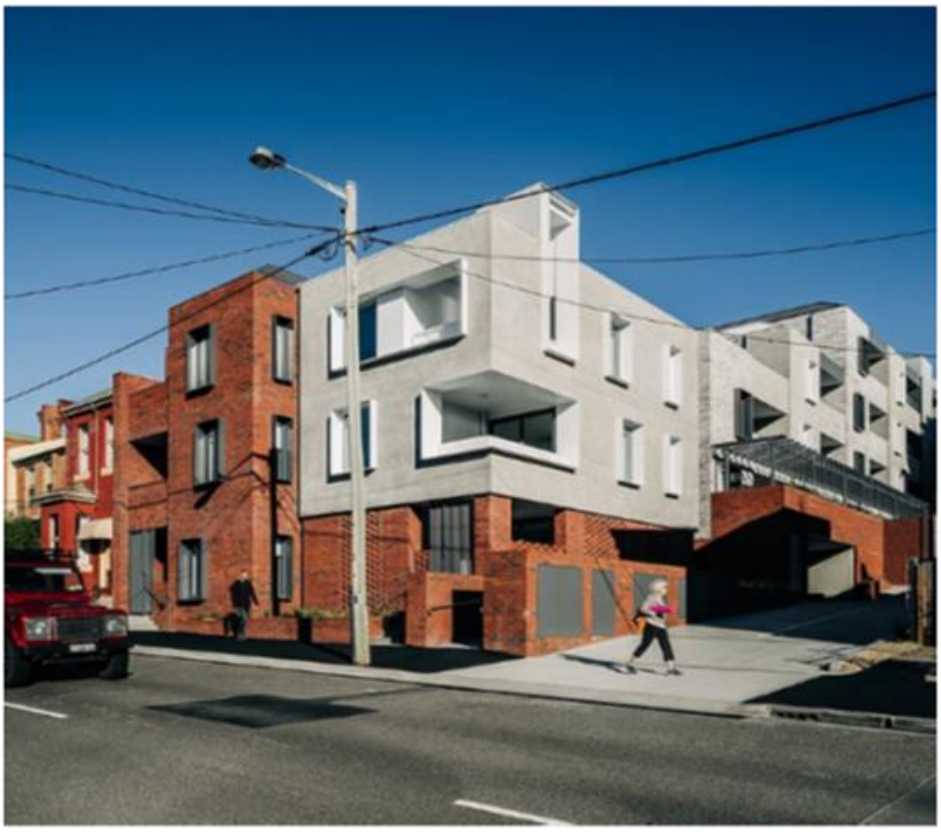
- Planning approval for a 23-dwelling medium-density development at Coraki and Taree Streets, Chigwell; and
- Planning approval for a multi-residential development (15 residences) at Teering Road, Berriedale.
- Goulburn Street Housing– An award winning, 25 apartment social housing complex in inner-city Hobart. Goulburn Street is the outcome of a successful collaboration between Homes Tasmania and Cumulus Studio, as part of a larger strategy to identify and develop suitable inner-city sites for new public housing projects. The apartment complex addresses the need for housing for all abilities and the elderly. The design challenges the stereotype of public housing and prioritises natural light, ventilation and outdoor space, using a contemporary and considered architectural language.
- Letitia Street Housing – recently completed 23 apartment social housing complex in the North Hobart precinct. Designed by Preston Lane Architects, the site achieves a quality medium density development of well-designed homes delivered by Centre Care Evolve Housing.



Artist impression of Teering Road Berriedale development, supplied by Preston Lane Architects



Artist impression of Taree Street Chigwell development, supplied by Cumulus Studio





Images of Goulburn Street Housing, images by Cumulus Studio

Purchaser Information

Purchaser:	Homes Tasmania
ABN:	83 625 432 188
Purchaser Contact:	Pip Bilson
Address:	Level 4, 134 Macquarie Street, Hobart
Phone:	0439 393 546
Email:	pip.bilson1@homes.tas.gov.au
Purchaser Solicitor:	Office of the Crown Solicitor
Address:	GPO Box 825 Hobart TAS 7001
Email:	crown.solicitor@justice.tas.gov.au
Offer to Purchase	Title 213876/1 – Part 318 Main Road, Glenorchy (frontage off Bowden Street). Refer Image 1 over page.
AU $:	To be determined by the Office of the Valuer General
Deposit:	Nil
Settlement Terms:	30 days
Conditions: (if applicable)	This expression of interest (EOI) is made subject to the following conditions: • The EOI is for the site in its entirety 6,445m²; • Homes Tasmania grants a 'right of footway' easement benefitting Glenorchy City Council and this public pedestrian access area will be maintained in perpetuity by Glenorchy City Council; • Approval for the site to be adhered to the adjoining land at CT 135635/1. • A contract prepared by the Office of the Crown Solicitor (OCS); • If GST applies to the transaction, the offer is deemed inclusive of GST; If for any reason GST is imposed or payable on any supply made by a party under this offer then: The Vendor: a. will be responsible for the amount of GST payable under the GST laws on completion of the Agreement; and b. will not be entitled to recover any further For the avoidance of doubt, the Purchaser will only be responsible for the payment of the amount of the offer as outlined above. • On acceptance of this offer, the Vendor is not to accept any other offer without the consent of Homes Tasmania;

Signature:

(Having authority to sign on behalf of the above-mentioned company – if purchasing in the name of a company)

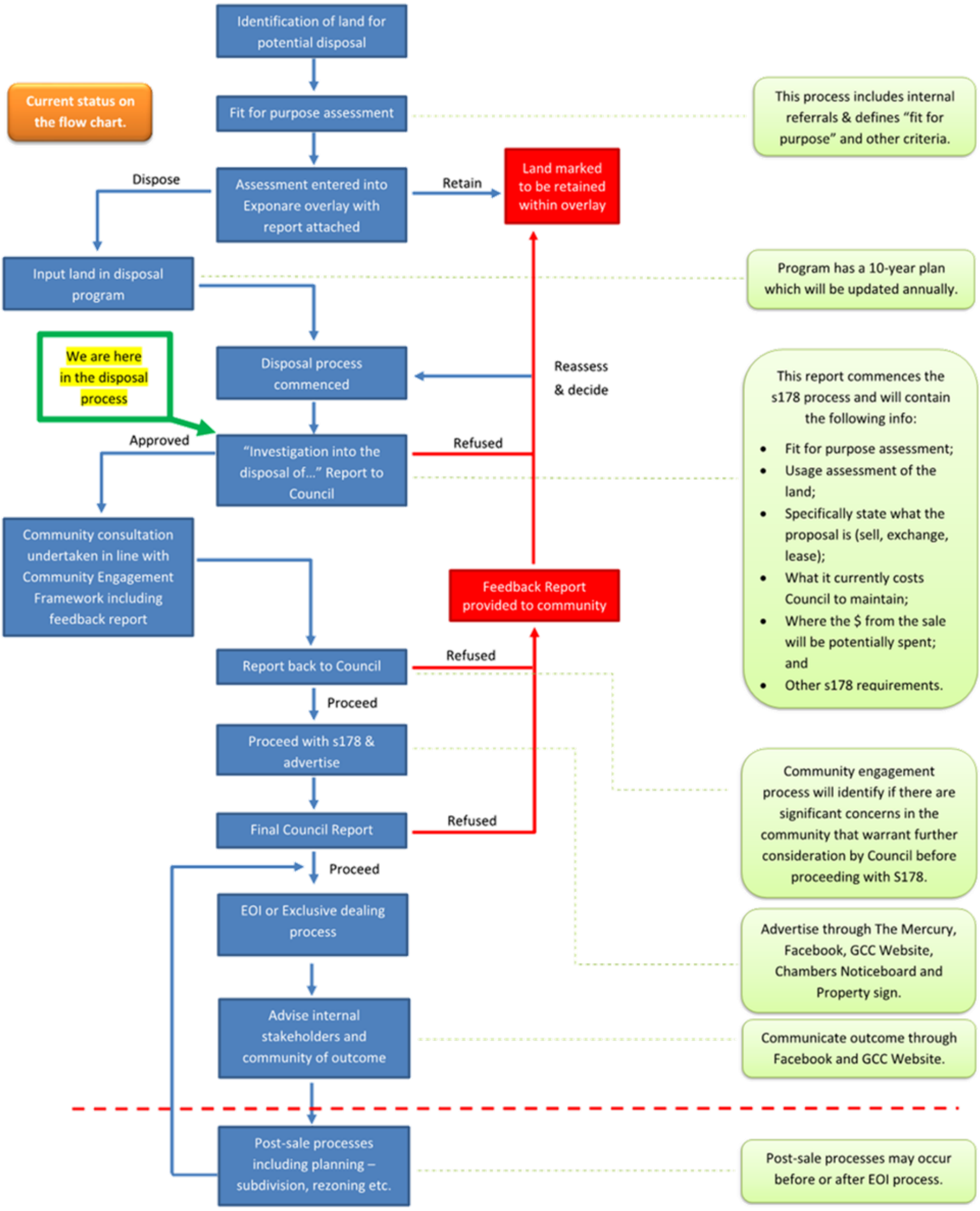
Date: 14 February 2025



Image 1. Part 318 Main Road, Glenorchy Title 213876/1


Homes
Tasmania
Building homes,
creating communities.
www.homestasmania.com.au

Disposal of Council Land Workflow



Drafted in the Office of
Parliamentary Counsel

TASMANIA

LAND USE PLANNING AND APPROVALS AMENDMENT (DEVELOPMENT ASSESSMENT PANELS) BILL 2025

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   Subdivision 2 – Certain applications may be determined by Assessment Panel
   60AC. Certain permit applications may be made to Commission

Consultation Draft

Consultation Draft
24 February 2025

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10. Principal Act
11. Section 33 substituted
33. Application of Planning Act to heritage works is subject to this Part

Consultation Draft

LAND USE PLANNING AND APPROVALS AMENDMENT (DEVELOPMENT ASSESSMENT PANELS) BILL 2025

(Brought in by the Minister for Housing, Planning and Consumer Affairs, the Honourable Felix Ashton Ellis)

A BILL FOR

An Act to amend the *Land Use Planning and Approvals Act 1993* and to consequentially amend the *Historic Cultural Heritage Act 1995*

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Land Use Planning and Approvals Amendment (Development Assessment Panels) Act 2025*.

2. Commencement

The provisions of this Act commence on a day or days to be proclaimed.

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3. Repeal of Act

This Act is repealed on the first anniversary of the day on which the last uncommenced provision of this Act commenced.

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PART 2 – LAND USE PLANNING AND APPROVALS ACT 1993 AMENDED

4. Principal Act

In this Part, the *Land Use Planning and Approvals Act 1993** is referred to as the Principal Act.

5. Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended by omitting the definition of *discretionary permit* and substituting the following definition:

discretionary permit means a permit to which –

(a) section 57 applies or to which, but for section 40Y(5), section 57 would apply; or

(b) Division 2AA of Part 4 applies;

6. Section 8A amended

Section 8A of the Principal Act is amended as follows:

(a) by renumbering the section as subsection (1);

*No. 70 of 1993

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(b) by inserting the following subsection after subsection (1):

(2) For the purposes of Division 2AA of Part 4, the Commission may issue guidelines for the purpose of assisting the Minister in determining whether –

(a) a development includes –

(i) social or affordable housing; or

(ii) a subdivision, within the meaning of Part 3 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*, that includes social or affordable housing; or

(b) an application to the Minister under that Division should be referred to the Commission for the purpose of establishing an

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Assessment Panel under that Division.

7. Section 40BA inserted

After section 40B of the Principal Act, the following section is inserted in Division 2:

40BA. Minister may review certain decisions

(1) If a person has received notice from the planning authority under section 40B(6)(b) that the planning authority does not intend to prepare a draft amendment to the LPS, the person may apply to the Minister for a review of that decision of the planning authority (the ***reviewable decision***).

(2) An application to the Minister under subsection (1), in respect of a reviewable decision –

(a) is to be in a form approved by the Minister; and

(b) is to contain the information prescribed for the purposes of the application; and

(c) is to include a copy of the following documents:

(i) the notification given by the planning authority under section 40B(6)(b)

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in respect of the reviewable decision;

(ii) the notice of the Commission given to the applicant under section 40B(5) in respect of the reviewable decision;

(iii) the notice under section 38(3) to which the reviewable decision relates;

(iv) the request under section 37(1) to which the reviewable decision relates;

(v) any other prescribed document.

(3) If an application is made to the Minister under subsection (1), in respect of a reviewable decision –

(a) the Minister is to provide a copy of the application to the relevant planning authority and the Commission; and

(b) within 7 days after receiving the copy of the application –

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(i) the relevant planning authority is to provide the Minister, in writing, with its reasons for making the decision under section 40B(6) in respect of the reviewable decision and its opinion as to the merits of the reviewable decision; and

(ii) the Commission may provide the Minister, in writing, with any further information that the Commission considers relevant in respect of the reviewable decision.

(4) After receiving an application under subsection (1) and reviewing the information provided in respect of the application under subsection (3), the Minister may –

(a) in accordance with section 40C, direct the relevant planning authority to prepare a draft amendment on an LPS in relation to the request made under section 37(1) to which the relevant reviewable decision relates; or

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(b) refuse to take any action in respect of the application.

(5) The Minister may only make a direction under subsection (4)(a) if, in the opinion of the Minister, the draft amendment meets the LPS criteria.

(6) Before making a decision under subsection (4) in respect of an application, the Minister may inform himself or herself, in the manner the Minister thinks appropriate, in relation to any matter that is relevant to the application.

(7) As soon as practicable after making a decision under subsection (4) in respect of an application, the Minister is to give written notice of the decision, and the reasons for the decision, to the relevant planning authority, the Commission and the applicant.

(8) For the avoidance of doubt, an application may be made under this section in respect of a request under section 40B(1), whether or not an application has also been made under section 40T(1) that relates to the request.

Consultation Draft

10

8. Section 40C amended (Direction to prepare draft amendments of LPS)

Section 40C(1) of the Principal Act is amended by inserting after paragraph (d) the following paragraph:

(da) to implement a decision of the Minister under section 40BA(4) to prepare a draft amendment;

9. Part 4, Division 2AA inserted

After section 60A of the Principal Act, the following Division is inserted in Part 4:

Division 2AA – Development Assessment Panels
Subdivision 1 – General

60AA. Interpretation of Division

(1) In this Division –

Assessment Panel, in relation to an application under this Division, means the Development Assessment Panel that –

(a) is constituted in accordance with section 60AB; and

(b) is established, in respect of the application, by the

Consultation Draft

Commission under section 60AE;

city has the same meaning as in section 16A of the *Local Government Act 1993*;

exhibition period, in relation to an application under this Division, means the 14-day period commencing on the day specified in the notice published under section 60AH(1)(b) in respect of the application;

Homes Tasmania has the same meaning as in the *Homes Tasmania Act 2022*;

party, in relation to an application, includes –

(a) the proponent for the development to which the application relates; and

(b) the relevant planning authority;

registered community housing provider has the same meaning as it has in the Community Housing Providers National Law (Tasmania);

Consultation Draft

reviewing entity, in relation to an application under this Division, includes –

(a) the planning authority for each relevant municipal area to which the application relates; and

(b) the relevant regulated entity, within the meaning of Division 2A; and

(c) the Heritage Council, within the meaning of the *Historic Cultural Heritage Act 1995*, if the application relates to a development that includes heritage works within the meaning of Part 6 of that Act; and

(d) a pipeline licensee, within the meaning of Division 2A, if the application relates to land that is wholly or partly within a gas infrastructure planning corridor, within the meaning of the *Gas Industry Act 2019*;

subdivision, in relation to a development, has the same

Consultation Draft

meaning as in Part 3 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

(2) For the avoidance of doubt, the *Tasmanian Planning Commission Act 1997* applies to this Division as if a reference in this Division to an Assessment Panel were a reference to the Commission.

60AB. Constitution of Assessment Panel

(1) In establishing an Assessment Panel under this Division, the Commission is to appoint 3 persons as members of the Assessment Panel.

(2) Despite subsection (1), the Commission may appoint more than 3 persons, but no more than 5 persons, as members of an Assessment Panel, in respect of a permit application, if the Commission –

(a) is of the opinion that the scale, specialist nature or complexity of the development to which the application relates requires the Assessment Panel to include persons with particular qualifications or experience to assist in the assessment of the application; and

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(b) the Commission is satisfied, on reasonable grounds, that more than 3 persons are required as members of the Assessment Panel to ensure that the Assessment Panel has those qualifications and experience.

(3) If a position on an Assessment Panel established under this Division is vacated, the Commission may appoint a person under this section to fill the vacancy.

(4) For the avoidance of doubt, the performance of a function or the exercise of a power of an Assessment Panel, under this Division, is not invalid solely on the basis that the function is performed, or the power is exercised, while –

(a) a member of the Assessment Panel is absent; or

(b) a position on the Assessment Panel is vacant.

Consultation Draft

Subdivision 2 – Certain applications may be determined by Assessment Panel

60AC. Certain permit applications may be made to Commission

(1) A person may apply to the Commission for an application for a discretionary permit to be determined by an Assessment Panel if –

(a) the application –

(i) is being made by, or on behalf of, Homes Tasmania or a registered community housing provider; and

(ii) relates to a development that includes social or affordable housing or a subdivision that includes social or affordable housing; or

(b) the application relates to a development that is valued in excess of –

(i) $10 000 000 or such other amount as may be prescribed – if all, or any part, of the development

Consultation Draft

is to be located in a city; or

(ii) $5 000 000 or such other amount as may be prescribed – in any other case; or

(c) the council is both parties in relation to the application, and the application relates to a development that is valued in excess of $1 000 000 or such other amount as may be prescribed; or

(d) the application falls within a class of applications prescribed for the purpose of this section.

(2) An application under subsection (1) –

(a) may only be made by –

(i) the applicant for the discretionary permit; or

(ii) the relevant planning authority, with the consent of the applicant for the discretionary permit; and

(b) is to –

Consultation Draft

(i) be in a form approved by the Commission; and

(ii) contain the prescribed information; and

(iii) be accompanied by evidence that the application meets one or more of the requirements specified in subsection (1).

(3) An application may not be made under subsection (1) if the application is an application to which section 25 of the *Environmental Management and Pollution Control Act 1994* applies.

(4) If the Commission requires further information in respect of whether an application falls under subsection (3), the Commission may seek further information from the Board, within the meaning of the *Environmental Management and Pollution Control Act 1994*.

(5) Within 7 days after receiving an application under this section, the Commission is to do one or more of the following:

(a) request further information from either party to the application;

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(b) return the application to the applicant if, in the opinion of the Commission –

(i) the application is an application to which section 25 of the *Environmental Management and Pollution Control Act 1994* applies; or

(ii) the purported application does not meet the requirements for an application under this section;

(c) establish an Assessment Panel under section 60AE in respect of the application.

60AD. Minister may refer certain permit applications to Commission

(1) A party to an application for a discretionary permit may request that the Minister direct the Commission to establish an Assessment Panel in respect of the application if –

(a) the application relates to a development that includes social or affordable housing, or a subdivision that includes social or

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affordable housing, for persons who may otherwise be unable to access suitable accommodation in the private rental or property market; or

(b) the application relates to a development that may be considered significant, or important, to –

(i) the area in which the development is to be located; or

(ii) the State; or

(c) either party to the application believes that the relevant planning authority does not have the technical expertise to assess the application; or

(d) the relevant planning authority may have, in respect of the proponent or development –

(i) a conflict of interest or a perceived conflict of interest; or

(ii) a real or perceived bias, whether for or against the proponent or development; or

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(e) the application falls within a class of applications prescribed for the purpose of this section.

(2) An application for a discretionary permit, that is the subject of a request under subsection (1) –

(a) is to be in a form approved by the Commission; and

(b) must include a statement as to why the party to the application is making the request that the Minister refer the application to the Commission; and

(c) must be accompanied by evidence that the application meets one or more of the requirements specified in subsection (1); and

(d) must contain the prescribed information.

(3) If the Minister receives a request under subsection (1), in relation to an application for a discretionary permit, that is only made by one party to the application, the Minister is to ensure that each other party to the application is –

(a) provided with a copy of the request and the application; and

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(b) notified that the party has a right to respond to the Minister, in respect of the request, within 7 days after the party is provided with a copy of the request under paragraph (a).

(4) The Minister may refer an application for a discretionary permit to the Commission if, in the opinion of the Minister after considering any relevant guidelines issued under section 8A(2) –

(a) the application meets one or more of the requirements specified in subsection (1); and

(b) the application is not an application to which section 25 of the *Environmental Management and Pollution Control Act 1994* applies.

(5) Before the Minister refers an application for a discretionary permit under subsection (4), the Minister is to consult with such part of the Department, that is responsible for the administration of this Act, in respect of the application.

(6) The Minister may refuse to refer an application for a discretionary permit to the Commission, under this section, for any reason.

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(7) Within 7 days after receiving an application referred by the Minister under this section, the Commission may –

(a) return the application to the applicant if, in the opinion of the Commission –

(i) the application is an application to which section 25 of the *Environmental Management and Pollution Control Act 1994* applies; or

(ii) the purported application does not meet the relevant requirements under this Division for such an application; or

(b) establish an Assessment Panel under section 60AE in respect of the application.

60AE. Commission to establish Assessment Panel – new applications

(1) The Commission is to establish an Assessment Panel to undertake an assessment of an application made under section 60AC, or an application referred to the Commission under section 60AD,

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if the Commission is satisfied, on reasonable grounds, that –

(a) the application is not an application to which section 25 of the *Environmental Management and Pollution Control Act 1994* applies; and

(b) the application meets the relevant requirements of this Division for such an application.

(2) If an Assessment Panel is established under this section in respect of an application, the *Historic Cultural Heritage Act 1995* does not apply in respect of the assessment of the application under this Division.

Subdivision 3 – Assessment of applications by Assessment Panel

60AF. Applications for permits to be provided to certain entities

(1) As soon as practical after the Commission establishes an Assessment Panel under section 60AE in respect of an application, the Assessment Panel is to provide a copy of the application to each reviewing entity for that application.

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(2) Within 28 days after being provided a copy of an application under subsection (1) –

(a) each planning authority must provide advice, to the Assessment Panel, relating to the application on the following matters:

(i) any matters that the planning authority would consider, in respect of the application, under the *Local Government (Building and Miscellaneous Provisions) Act 1993*;

(ii) issues and concerns that the planning authority has in respect of the matter to which the application relates including, but not limited to, engineering concerns or the impacts on assets or infrastructure owned or operated by the planning authority;

(iii) suggested terms and conditions that should be imposed on a permit if it is granted under the application and the

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reasons for those terms and conditions;

(iv) any other matter that the planning authority considers relevant to the application; and

(b) each planning authority may provide advice, to the Assessment Panel, relating to the application of the relevant planning scheme to the application; and

(c) each other reviewing entity for the application is to provide advice, to the Assessment Panel relating to the application, on any matter that the reviewing entity considers relevant to the application including, but not limited to, suggested terms and conditions that should be imposed on a permit if it is granted under the application and the reasons for those terms and conditions.

(3) If the Heritage Council is provided with a copy of an application under subsection (1), the Heritage Council is to have regard to the following matters before providing advice in respect of the application in accordance with subsection (2):

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(a) the likely impact of work performed under a permit, if granted under the application, on the historic cultural heritage significance, within the meaning of the *Historic Cultural Heritage Act 1995*, of –

(i) the place or area on which the work is to be performed under the permit; and

(ii) any place or area adjoining the place or area on which the work is to be performed under the permit;

(b) any relevant works guidelines, within the meaning of the *Historic Cultural Heritage Act 1995*, or matters prescribed for the purposes of section 39 of that Act;

(c) any matters prescribed for the purposes of this subsection.

(4) For the purposes of Division 5B of Part 3 of the *Electricity Supply Industry Act 1995* –

(a) an application under this Division is taken to be an application for a

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permit within the meaning of that Division of that Act; and

(b) if an Assessment Panel is established in respect of an application under this Division, a reference to a planning authority in respect of an application, in that Division of that Act, is taken to be a reference to the Assessment Panel established in respect of the application.

60AG. Additional information may be required

(1) Within 14 days after receiving a copy of an application under section 60AF(1), a reviewing entity may make a request to the Assessment Panel for further information in respect of the application to enable the reviewing entity to provide advice on the application under section 60AF.

(2) A planning authority may only request further information under subsection (1) in relation to the following matters:

(a) for the purpose of determining the impact of the use and development on the infrastructure of the council in the relevant municipal area if the application were to be approved and the permit issued;

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(b) any matter that the planning authority considers relevant for the purpose of preparing advice, to the Assessment Panel, relating to the application of the relevant planning scheme to the application;

(c) to assist in the preparation of recommended conditions to be imposed on the permit in respect of the impact of the use and development on the infrastructure of the council;

(d) any matters that the planning authority is entitled to consider, in respect of the application, under the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

(3) If a reviewing entity makes a request for further information under subsection (1) in respect of an application, the Assessment Panel may notify the reviewing entity, in writing –

(a) that the Assessment Panel believes that the requested information is not relevant to the application; and

(b) the reasons for that belief; and

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(c) that the requested information is not information that will be provided under this section.

(4) At the expiry of 21 days after providing copies of an application under section 60AF(1), the Assessment Panel is to –

(a) make a request, in writing, that the applicant provide the further information requested under subsection (1), or such further information requested by the Assessment Panel, in respect of the application, as the Assessment Panel is satisfied that –

(i) the information is relevant to the application; and

(ii) the Assessment Panel does not already have the information; and

(b) send a copy of the written request to the reviewing entities for the application.

(5) If an applicant provides further information to the Assessment Panel as the result of a request made under subsection (4) –

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(a) the Assessment Panel is to provide a copy of the further information to all the reviewing entities for the application; and

(b) each reviewing entity is to notify the Assessment Panel if –

(i) the reviewing entity is satisfied that the additional information provided meets the requests so made; or

(ii) in the opinion of the reviewing entity, further information was requested and has not been provided by the applicant.

(6) Within 7 days after receiving further information as a result of a request under subsection (4), the Assessment Panel must –

(a) determine that –

(i) all further information so requested has been provided by the applicant; or

(ii) the applicant has provided all the further information so requested that is reasonably able to be

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provided by the applicant; or

(b) notify the applicant that the Assessment Panel is not satisfied that the applicant has complied with all requests under subsection (4) in respect of the application.

(7) If an Assessment Panel makes a request to an applicant under subsection (4) for further information, all relevant time periods under this Act do not run in respect of the application until, in the opinion of the Assessment Panel, all requests for further information have been answered.

(8) For the avoidance of doubt, nothing in this section entitles a reviewing entity to request new information, in respect of an application under section 60AF(1), if more than 14 days have passed since the Assessment Panel provided the reviewing entity with a copy of the application as required under this section.

60AH. Exhibition of applications

(1) Within 14 days after the expiry of the period specified in section 60AF(2) in respect of an application, the Assessment Panel is to –

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(a) prepare a draft assessment report in relation to the application; and

(b) ensure that an exhibition notice is published that specifies, in relation to the documents and information specified in paragraph (d) –

(i) the day on which the exhibition of the documents and information is to commence; and

(ii) that the documents and information are or will be available for viewing by the public during the exhibition period at the premises specified in the notice; and

(iii) that the documents and information may be downloaded by the public from the website specified in the notice; and

(c) provide a copy of a notice under paragraph (b) to all property owners who own land adjoining the land to which the application relates; and

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(d) exhibit the following documents and information, in respect of the application, in accordance with the exhibition notice published under paragraph (b):

(i) the application;

(ii) each document, or piece of information, provided by a reviewing entity under section 60AF in respect of the application;

(iii) any further information provided by the applicant under this Act in accordance with section 60AG;

(iv) the draft assessment report;

(v) if the draft assessment report recommends that a permit be granted, a draft permit, including each proposed condition to be imposed in respect of the permit;

(vi) the date on which, and the location at which, a hearing under section 60AI may be held in respect of the

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application, being a date that is not less than 10 days after the close of the exhibition;

(vii) a statement that the hearing may be cancelled in accordance with section 60AJ.

(2) An exhibition notice under subsection (1)(b) is to be published as prescribed.

(3) An exhibition under subsection (1)(d) is to be held for a period of 14 days from the day specified in the notice published under subsection (1)(b), excluding any days on which the premises, where the exhibition is occurring, are closed to the public during normal business hours.

(4) A person may make comments, and provide feedback, to the Assessment Panel in respect of an application during the exhibition period for the application.

(5) If the Assessment Panel has exhibited, under subsection (1)(d), the date and location of a hearing under section 60AI, the Assessment Panel may do either or both of the following by giving notice in accordance with subsection (6):

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(a) alter the date on which the hearing may be held to a later date specified in the notice;

(b) alter the location at which the hearing may be held to a location specified in the notice.

(6) As soon as practicable after an Assessment Panel gives notice, under subsection (5), to alter a hearing under section 60AI in respect of an application, the Assessment Panel must ensure that a copy of the notice –

(a) is published in the manner prescribed under subsection (2); and

(b) is exhibited with the documents and information exhibited under subsection (1)(d) in respect of the application; and

(c) is given to –

(i) each party to the application; and

(ii) each reviewing entity; and

(iii) all persons who made a representation, in respect of the application, who have provided contact

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details to the Assessment Panel.

60AI. Hearings in respect of applications

(1) The Assessment Panel is to hold a hearing in respect of an application, as specified in the notice published under section 60AH(1)(b) in respect of the application, except where the hearing is cancelled in accordance with section 60AJ.

(2) A hearing under this section, in respect of an application, is to be open to –

(a) each party to the application; and

(b) each reviewing entity; and

(c) all persons who made a representation in respect of the application.

(3) A hearing under this section in respect of an application, if not cancelled in accordance with section 60AJ, must be completed –

(a) within 28 days after the close of the exhibition period in respect of the application or such further period as agreed under section 60AM; and

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(b) before the Assessment Panel takes an action specified in section 60AL(1) in respect of the application.

(4) Without limiting the ability of the Assessment Panel to regulate the proceedings of a hearing in respect of an application, the Assessment Panel may use such dispute resolution techniques including, but not limited to, mediation as part of a hearing under this section, if the Assessment Panel considers it appropriate in the circumstances.

60AJ. Hearing may be cancelled in certain circumstances

(1) The Assessment Panel for an application under this Division may cancel a proposed hearing to be held under section 60AI in respect of the application if –

(a) during the assessment of the application, no reviewing entity requested that a hearing be held, under section 60AI, in respect of the application; and

(b) during the exhibition period for the application –

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(i) no representations were made in respect of the application; or

(ii) the representations that were made in respect of the application were in support of the application or specified that the person making the representation does not wish to be heard at a hearing under section 60AI.

(2) If a hearing in respect of an application is cancelled in accordance with subsection (1), the Assessment Panel may direct the relevant planning authority to issue a permit in accordance with the draft assessment report prepared under this Division in respect of the application.

(3) If the Assessment Panel cancels a hearing under subsection (1) in respect of an application, the Assessment Panel is to give written notice that –

(a) the hearing is not to be held, under section 60AI, in respect of the application; and

(b) the relevant planning authority has been directed to issue a

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permit in respect of the application.

(4) A written notice under subsection (3) that relates to the cancellation of a hearing in respect of an application must be given to –

(a) each party to the application; and

(b) each reviewing entity for the application; and

(c) each person who made a representation in respect of the application.

(5) For the avoidance of doubt, nothing in this section requires the Assessment Panel to cancel a hearing under subsection (1).

60AK. Frivolous or vexatious representations

If, in the opinion of the Assessment Panel for an application, a representation that is frivolous or vexatious has been made during the exhibition period for the application –

(a) as soon as practical after forming the opinion, the Assessment Panel is to notify the person who made the representation –

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(i) that the Assessment Panel is of the opinion that the representation is frivolous or vexatious; and

(ii) of the grounds on which the Assessment Panel has formed that opinion; and

(b) the representation is not a representation for the purposes of this Subdivision.

60AL. Determination of application by Assessment Panel

(1) Within 28 days after the close of the exhibition period in respect of an application, the Assessment Panel must –

(a) refuse the application and notify the following persons of that decision:

(i) each party to the application;

(ii) each reviewing entity for the application;

(iii) each person who made a representation in respect of the application; or

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(b) subject to subsection (3), approve the application and subsequently –

(i) notify the following persons of that decision:

(A) each party to the application;

(B) each reviewing entity for the application;

(C) each person who made a representation in respect of the application; and

(ii) direct the relevant planning authority to issue a permit as specified by the Assessment Panel in the direction.

(2) In making a decision under subsection (1) in respect of an application, the Assessment Panel must –

(a) apply the provisions of the relevant planning scheme, as in effect on the day on which the application was made; and

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(b) seek to further the objectives set out in Schedule 1; and

(c) have regard to any advice provided by a reviewing entity under section 60AF in respect of the application; and

(d) take into consideration –

(i) such of the prescribed matters as are relevant to the development to which the application relates; and

(ii) the matters set out in representations made to the Assessment Panel, under this Division, in respect of the application; and

(iii) the submissions made at any hearing held under section 60AI in respect of the application; and

(e) accept a relevant bushfire hazard management plan, or other prescribed management plan relating to environmental hazards or natural hazards, that has been certified as acceptable by an accredited person or a State Service Agency; and

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(f) if the application relates to any land within Wellington Park, as defined in the *Wellington Park Act 1993*, take into account the standards, values and conditions set out in each management plan, within the meaning of that Act, in force as at the date of the application.

(3) An Assessment Panel must not make a decision under subsection (1) in respect of an application if, had the application been made to a planning authority under section 51, the planning authority would have been unable to make the same decision in respect of the application under that section.

(4) If a permit is granted under this section, section 53 applies to the permit as if a reference in that section to the planning authority were a reference to the Assessment Panel.

60AM. Extension of certain time periods

(1) If an Assessment Panel needs an extension of the period specified in section 60AL(1), including for the purpose of extending the period specified in section 60AI(3), the Assessment Panel may make a request to the Minister that

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the period be extended in accordance with subsection (2).

(2) At the request of the Assessment Panel under subsection (1), the Minister may grant one extension, of not more than 21 days, of the period specified in section 60AL(1) if the Minister considers the extension reasonable in the circumstances.

(3) Subsections (1) and (2) do not apply to an Assessment Panel if the Assessment Panel and the applicant agree to –

(a) an extension of the period specified in section 60AL(1) in respect of an application; and

(b) the duration of that extension.

(4) If an extension is granted under subsection (2) or agreed under subsection (3) in respect of an application, the Assessment Panel is to notify the following persons that the extension has been granted, or agreed, and the duration of that extension:

(a) each party to the application;

(b) each reviewing entity for the application;

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(c) each person who made a representation in respect of the application.

Subdivision 4 – Miscellaneous

60AN. Application may be withdrawn by applicant

(1) At any stage before an Assessment Panel gives a direction under section 60AJ(2) or section 60AL(1)(b) in respect of an application, the applicant may withdraw the application by written notice to the Assessment Panel.

(2) If an application has been withdrawn under subsection (1), the Assessment Panel is to notify the following persons that the application has been withdrawn:

(a) each reviewing entity who has been provided with the application under section 60AF;

(b) if the application was exhibited in accordance with section 60AH, each person who made a representation under that section in respect of the application.

60AO. Effect of issuing permit in respect of certain applications

(1) If a planning authority issues a permit at the direction of an Assessment Panel

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under section 60AJ(2) or section 60AL(1)(b) –

(a) the planning authority must issue the permit within 7 days after receiving the direction of the Assessment Panel; and

(b) the planning authority may only issue the permit as directed and may not impose any further conditions on the permit; and

(c) the permit comes into effect on the day on which it is issued or such later day as is specified by the Assessment Panel; and

(d) there is no right of appeal under this Act, in respect of the permit, on merit grounds; and

(e) the provisions of this Act relating to enforcement and minor amendments apply to the permit.

(2) If a planning authority issues a permit at the direction of an Assessment Panel under section 60AJ(2) or section 60AL(1)(b) in relation to a subdivision, a reference in that Part to the council, in respect of a prescribed function or prescribed power of the council under that Part, includes a reference to the Assessment Panel.

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(3) If a planning authority issues a permit at the direction of an Assessment Panel under section 60AJ(2) or section 60AL(1)(b) in relation to a heritage works within the meaning of Part 6 of the *Historic Cultural Heritage Act 1995*, that Act applies to the permit as if that Part had been complied with in respect of the application for the permit.

60AP. Fees under this Division

(1) For the purposes of this Division, the regulations may prescribe one or more of the following:

(a) the fees payable in respect of an application, matter or assessment under this Division;

(b) the maximum fees that may be payable in respect of an application, matter or assessment performed under this Division by an Assessment Panel or a planning authority;

(c) the method of calculating a fee that may be payable under this Division.

(2) Nothing in this section limits or restricts a power to make regulations under section 87 in respect of this Division including, but not limited to, making

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provision for or with respect to a matter specified in section 87(2)(b).

(3) The Commission may waive or remit all or any part of a fee that is payable under this Division.

(4) A planning authority, or reviewing entity, may only charge a fee prescribed under this Act in respect of an application, matter or assessment under this Division.

60AQ. Review of Division

(1) The Minister is to cause a review of the operation of this Division to be carried out as soon as practicable after the fifth anniversary of its commencement.

(2) A review under subsection (1) may include, but is not limited to, the operation of any time period specified in this Division.

(3) The persons who carry out the review under subsection (1) are to give the Minister a written report on the outcome of the review.

(4) The Minister is to cause a copy of the report, given to the Minister under subsection (3), to be tabled in each House of Parliament within 10 sitting-days of that House after the report is given to the Minister.

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PART 3 – HISTORIC CULTURAL HERITAGE ACT 1995 AMENDED

10. Principal Act

In this Part, the *Historic Cultural Heritage Act 1995** is referred to as the Principal Act.

11. Section 33 substituted

Section 33 of the Principal Act is repealed and the following section is substituted:

33. Application of Planning Act to heritage works is subject to this Part

(1) Subject to subsection (2), the provisions of this Part prevail, to the extent of any inconsistency, over the provisions of the Planning Act and any planning scheme or special planning order or planning directive in force under that Act.

(2) This Part does not apply to –

(a) a permit application that is to be determined by an Assessment Panel under Division 2AA of Part 4 of the Planning Act; and

(b) heritage works that are to be performed under a discretionary permit that is issued as a result of

*No. 117 of 1995

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a permit application referred to in paragraph (a).

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Revised Land Use Planning and Approvals (Development Assessment Panel) Bill 2025

Background Report for Consultation

February 2025

State Planning Office
Department of State Growth

Tasmanian Government

We acknowledge and pay our respects to all Aboriginal people in Tasmania; their identity and culture.

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1.0 Background

In July 2023, the Premier of Tasmania, the Honourable Jeremy Rockliff MP, announced the preparation of new legislation to introduce independent Development Assessment Panels (DAPs) to provide an alternative planning pathway for certain development applications.

The stated intent for introducing DAPs was 'to take the politics out of planning' by providing an alternate approval pathway for more complex or contentious development applications.

The State Planning Office (SPO) prepared a Development Assessment Panel (DAP) Framework Position Paper (the Position Paper) to explore these matters. The Position Paper included a draft DAP framework, based on statements made in the Premier's announcement and initial consultation with key stakeholders. Submissions were invited on matters raised in the Position Paper and on the draft framework. There were 542 submissions received during the consultation period on the Position Paper which are published on the SPO website.

A Report on Consultation - DAP Framework Position Paper (Report on Consultation) was published in October 2024. The Report on Consultation summarised the issues raised in the submissions, provided a response to those issues and outlined a revised DAP framework and model for the Minister to direct a planning authority to prepare a draft amendment to its LPS.

The findings from the Report on Consultation were used to inform the drafting of the draft Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2024 (DAP Bill 2024) which was open for a 5 week public consultation period, closing on 12 November 2024. A total of 461 submissions were received which are also available for viewing on the SPO website. The draft DAP Bill 2024 underwent some modifications following consultation feedback prior to being tabled in Parliament on 19 November 2024.

A copy of the tabled DAP Bill 2024, related documents and results of debate in the House of Assembly and the Legislative Council, including access to Hansard records, can be found on the Parliament website.

2.0 Summary of DAP Bill 2024

2.1 DAP assessment pathway

The DAP Bill 2024 provided an option for certain discretionary development applications to be determined by an independent DAP, established by the Commission, subject to the application satisfying one or more of the following criteria:

- being for social or affordable housing, including subdivision to facilitate social or affordable housing, proposed by or on behalf of Homes Tasmania or a registered community housing provider;

- where the applicant, or the planning authority with the consent of the applicant, requests a DAP to determine the application and the application is for development valued at over $5M in metropolitan areas or over $2M in non-metropolitan areas;
- where the council is both the applicant and planning authority, and the development is valued at over $1M;
- it falls within a class of application prescribed by regulations; or
- an application that, upon request by the applicant or planning authority is deemed, by the Minister, to be suitable for DAP determination if:
    - it is for the provision of social or affordable housing, including subdivision to facilitate social or affordable housing, proposed by a developer other than Homes Tasmania or a registered community housing provider;
    - the development is significant or important to the local area or the State;
    - it requires a level of technical expertise that the planning authority is unable to provide;
    - it is controversial;
    - there is a real perceived conflict of interest or bias involving the planning authority; or
    - it falls within a class of application prescribed by regulations.

The DAP Bill 2024 allowed eligible applications to be lodged directly with a DAP or for applications to be transferred to a DAP by the Minister partway through the planning authority's assessment process.

Applications lodged directly with a DAP were subject to set statutory timeframes for the completion of assessment tasks. The time taken for the DAP to determine an application to a permit issued is 98 days or 112 days with a possible extension being granted. Applications referred to a DAP partway through the planning authority's assessment had their assessment process and timeframes determined by the DAP on an individual basis.

The requirement for the DAP to assess the application against the provisions of the planning scheme were strengthened in the draft Bill following submissions received during consultation that it was unclear.

The DAP was required to undertake public exhibition of the application, invite representations and hold public hearings. The decision of the DAP was final with no right of appeal based on planning merit.

2.2 Ministerial direction to prepare a draft amendment

The DAP Bill 2024 also enabled the Minister to direct a council to prepare a draft amendment to its LPS where the review process under section 40B of the Act had been exhausted.

The Ministerial direction can only occur if the Commission requests the council to reconsider its rejection of a draft amendment. A draft amendment prepared under the

Minister's direction only commences the Commission's assessment process rather than any approval or making of an amendment to the LPS.

3.0 Summary of changes - revised draft DAP Bill 2025

The following table provides a summary of the main changes made to the revised draft DAP Bill 2025 and the reasons for those changes.

Modification	**Reason**
Removal of the option for an applicant or planning authority to request the Minister to transfer an application to a DAP for determination partway through a council assessment process.	This pathway was removed because it was overly complex and provided uncertainty to both the applicant and planning authority in the assessment process. It also causes the assessment process to take longer and potentially duplicating assessment tasks performed by the DAP and planning authority.
Modifying the criteria for when the Minister can refer a new application to a DAP for determination by removing certain statements, such as where an application is likely to be 'controversial'.	The removal of ambiguous or subjective criteria helps provide certainty regarding the eligibility of applications to enter the DAP assessment process. This matter is also helped by the requirement of the Commission to prepare guidelines for the Minister to use when making a determination to refer an application (see below for further details).
Increasing the value thresholds for an application to be referred to a DAP from $5 million to $10 million in a city, and from $2 million to $5 million in other areas.	In response to concerns that the threshold values are too low and that it would allow too many applications to enter the DAP process.
Allowing the Commission to issue guidelines to assist the Minister in determining whether to refer an application to a DAP and a requirement for the Minister to take these guidelines into account when making that determination.	To provide greater certainty and accountability regarding what applications are eligible for referral to a DAP for determination.
Clarifying that the DAP can use alternate dispute resolution techniques when making a determination and trying to resolve issues between parties.	Although dispute resolution and mediation processes are implicit in the Commission's proceeding, the proposed inclusion of explicit provisions gives greater certainty to aggrieved parties.

Modification	Reason
Clarifying that the DAP can modify hearing dates and times subject to giving notice and that hearings can occur during an agreed extension of time.	Modification made to provide greater flexibility for conducting hearings to account for availability of the parties to attend hearings, or the need to add additional hearings days to consider the issues raised in the submissions.
Including provisions that allow the Commission to appoint a substitute panel member should a previously appointed member become unavailable.	Modification made to allow flexibility in the Panel membership in case a member becomes unavailable so that it does not hold up the assessment process.
Clarifying that the Heritage Council, in providing its advice to the DAP, are to have regard to the relevant matters that it would normally for an application under s.39(2) of the *Historic Cultural Heritage Act 1995*.	Modification made to clarify the extent of advice provided by the Heritage Council to the DAP.
Clarifying that the Heritage Council retains its normal enforcement functions following the issuing of a permit approved by the DAP.	Modification to clarify that the Heritage Council retains its enforcement function regarding any heritage conditions it may have recommended be imposed on the permit consistent with post approval functions under other assessment pathways.

The most significant changes to the revised draft Bill 2025 have been made to the scope of eligibility for applications to enter the DAP process.

The following provides a summary of the revised eligibility criteria:

> A development application may be eligible for DAP determination if it is for a discretionary permit and is not subject to the *Environmental Management and Pollution Control Act 1994*.
>
> An applicant, or the relevant planning authority with the consent of the applicant, can apply to the Commission for a development application to be determined by a DAP subject to satisfying one or more of the following:
>
> 1. The application relates to development that includes social or affordable housing or a subdivision to facilitate social and affordable housing, made by, or on behalf of, Homes Tasmania or a registered community housing provider.

2. The application relates to development that exceeds the following value thresholds:

    a) over $10 Million or such other amount prescribed, if all, or any part of the development, is located in a city;

    b) over $5 Million or such other amount prescribed, where the development is located elsewhere ;

    c) over $1 Million if council is the applicant and the planning authority, or such other amount prescribed in Regulations; or

    d) a class of application prescribed in Regulations.

The applicant or the relevant planning authority may request the Minister to refer an application to the Commission to be determined by a DAP subject to the Minister being satisfied that one or more of the following criteria are met. In making this decision, the Minister must have regard to the guidelines prepared by the Commission:

1. The application relates to development that includes social or affordable housing, or a subdivision to facilitate social and affordable housing, for persons who may otherwise be unable to access suitable accommodation in the private rental or property market;
2. the application is for development that is considered to be of significance to the local area or State;
3. the applicant or planning authority is of the view that the planning authority does not have the technical expertise to assess the application;
4. the planning authority has, or is likely to have a conflict of interest, or there is perceived bias on the part of the planning authority; or
5. a class of application prescribed in Regulations.

4.0 Next Steps

A copy of the draft Bill 2025 is available for viewing and download on the SPO website.

The draft Bill will undergo a 8 week consultation period during which time submissions are invited through the SPO's Have your say platform.

State Planning Office, Department of State Growth
GPO Box 536 HOBART TAS 7001
Phone: 1300 703 977
Email: spo@stateplanning.tas.gov.au
Website: stateplanning.tas.gov.au

Tasmanian Government

Submission on the Revised Land Use Planning and Approvals (Development Assessment Panels) Bill 2025 (the revised draft DAP Bill).

Glenorchy City Council

Thank you for the opportunity to review revised Land Use Planning and Approvals (Development Assessment Panels) Bill 2025 (the revised draft DAP Bill).

While the changes in the 2025 revised draft Bill are generally positive, they are minor in the context of the fundamental deficiencies in the statutory scheme for a DAP process, which remains fundamentally flawed for the following reasons:

Undue Ministerial interference in the Development Assessment Process

The draft Bill would still enable the Minister to review a decision of a planning authority not to prepare an LPS amendment.

The Minister can still decide to direct a planning permit application to a DAP process on subjective grounds (guidelines to be determined).

The ad-hoc process in proposed Section 60AD, allowing the Minister to interfere on a case-by-case basis based on political matters, perceived bias or conflicts of interest, or based on Guidelines or cases of applications that would be prescribed at some time in the future is not supported.

Compromised public involvement, contrary to the objectives of the Resource Management and Planning System of Tasmania to encourage public involvement in resource management and planning.

Removing appeal rights, delaying exhibition until a recommended decision has been made. These measures would significantly undermine public confidence in the planning system and exacerbate controversy.

It is not clear the new DAP process will be appropriately resourced

There will likely be significant impacts on resourcing assessments and, while yet unclear, it would seem unlikely planning authorities would not receive fees for such applications, yet would still be required to undertake significant assessment, administration and enforcement.

It is not clear the new DAP process is practicable in terms of its timeframes

While the Commission has been given opportunity to extend timeframes for assessments, the legislated timeframes remain extremely tight (and perhaps unrealistically achievable). Council hopes the DAPs will be sufficiently resourced to deal with such assessments noting Council's ability to respond to such timeframes will significantly impact resources.

Attachment 1

GLENORCHY CITY COUNCIL

Monthly Financial Performance Report

For the year-to-date ending 28 February 2025

Statement of Comprehensive Income

Glenorchy City Council Financial Report Statement of Comprehensive Income to 28 February 2025					
Year-to-Date (YTD)	**Note**	**2025 Budget $'000**	**2025 Actual $'000**	**2024 Actual $'000**	**2025 Variance Actual to Budget**
Operating Revenue					
Rates	1	52,180	52,112	49,346	⇩
User charges and licences	2	12,527	12,671	12,497	⇧
Interest	3	990	990	1,146	⇔
Grants	4	2,717	2,821	3,525	⇧
Contributions - cash	5	29	57	14	⇧
Investment income from Tas Water	6	1,086	1,086	1,086	⇔
Other income	7	238	286	421	⇧
Total Operating Revenue		**69,766**	**70,024**	**68,035**	⇧
Operating Expenditure					
Employment costs	8	18,449	18,032	17,084	⇩
Materials and services	9	14,053	11,952	11,197	⇩
Depreciation and amortisation	10	11,826	11,955	12,122	⇧
Finance costs	11	100	97	99	⇩
Bad and doubtful debts	13	-	-	-	⇔
Other expenses	14	4,361	4,282	4,243	⇩
Total Operating Expenditure		**48,788**	**46,318**	**44,745**	⇩
Total Operating Surplus/(Deficit)		**20,979**	**23,706**	**23,290**	⇧
Non-Operating Revenue					
Contributions – non-monetary assets	15	-	-	-	⇔
Net gain/(loss) on disposal of property, infrastructure, plant and equipment	16	(5)	657	8	⇧
Capital grants received specifically for new or upgraded assets	17	6,527	6,876	6,444	⇧
Contributions –monetary	18	-	19	-	⇧
Total Non-Operating Revenue		**6,522**	**7,552**	**6,451**	⇧
Non-Operating Expenses					
Assets written off	12	-	-	-	⇔
Total Non-Operating Expense		**-**	**-**	**-**	
Total Surplus/(Deficit)		**27,500**	**31,258**	**29,742**	⇧

Operating Revenue

Year-to-date operational revenue is $70.024m compared to budgeted operational revenue of $69.766m. This represents a favourable result of $0.258m or 0.4% against budget.

All noted amounts are reported as variance to budget.

Note 1 – Rates Revenue
Unfavourable against the year-to-date $52.180m budget by $65k, noting the Valuer-General has commenced finalising revaluation objections resulting in some rate reductions.

Note 2 – User Charges and Licences Revenue
Favourable against the year-to-date $12.527m budget by $144k, noting improved revenue from property services $127k, landfill $79k and environmental health $39k offset by lower revenue from planning $103k.

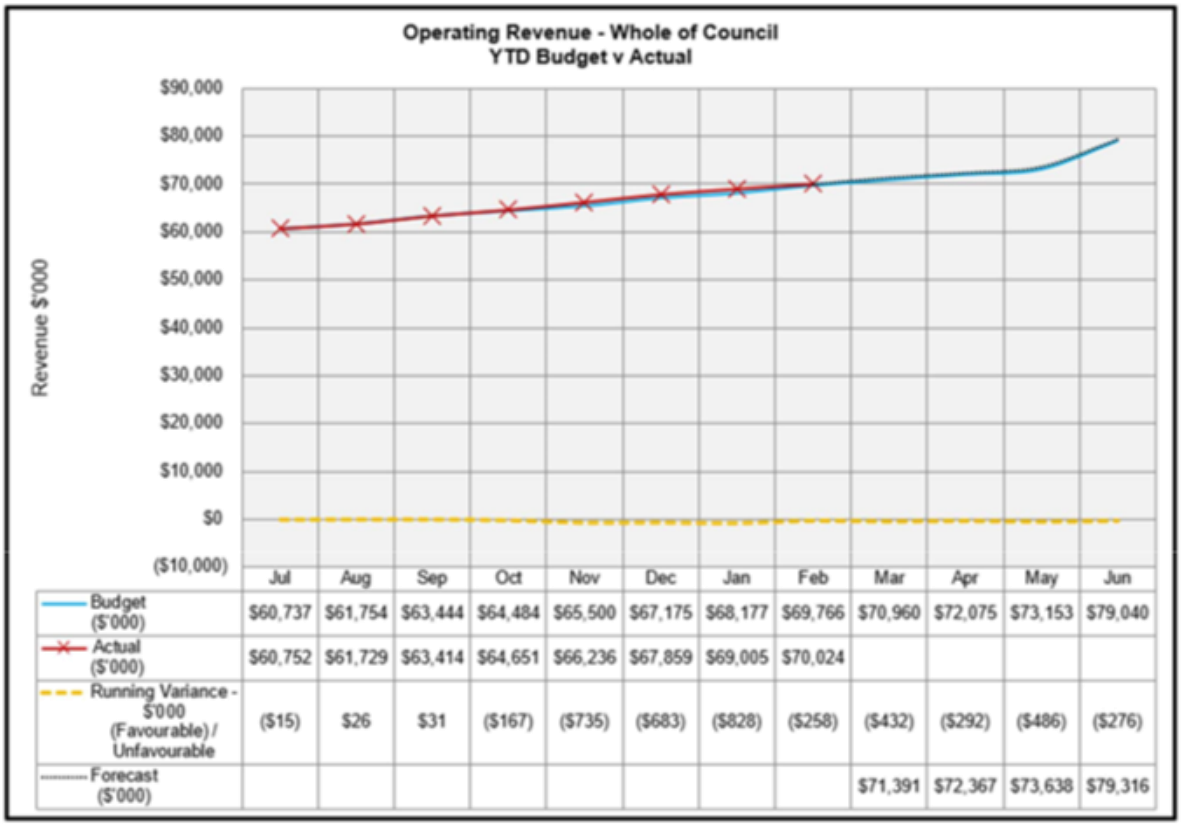
Note 3 – Interest on Investments
Interest recorded to date is $990k represented by actual interest received $1.143m less $153k partial accrual back to 2023/24 for term deposits maturing in 2024/25.

Note 4 – Operating Grants
Favourable against the year-to-date $2.717m budget by $105k, noting landfill infrastructure analysis grant $50k, working together (Benjafield) $36k and moonah music $30k.

Note 5 – Contributions - Cash
Favourable against the year-to-date $29k budget by $24k, noting cash-in-lieu for open space contributions of $25k and stormwater connection point fess of $5k.

Note 6 – Tas Water Income
On track noting interim dividends of $1.086m have been received.

Note 7 – Other Income
Favourable against the year-to-date $238k budget by $48k, noting insurance claim reimbursements $35k, miscellaneous income $23k and landfill gas extraction royalty $7k offset by lower fuel tax credits $10k.



	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Budget ($'000)	$60,737	$61,754	$63,444	$64,484	$65,500	$67,175	$68,177	$69,766	$70,960	$72,075	$73,153	$79,040
Actual ($'000)	$60,752	$61,729	$63,414	$64,651	$66,236	$67,859	$69,005	$70,024				
Running Variance - $'000 (Favourable) / Unfavourable	($15)	$26	$31	($167)	($735)	($683)	($828)	($258)	($432)	($292)	($486)	($276)
Forecast ($'000)									$71,391	$72,367	$73,638	$79,316

Operating Expenditure

Year-to-date operational expenditure is $46.318m compared to budgeted expenditure of $48.788m. This represents a favourable result of $2.469m or 5.1% against budget.

All noted amounts are reported as variance to budget.

Note 8 – Employment Costs
Favourable against the year-to-date $18.449m budget by $0.418m due to vacancies, noting a reset of the budget was approved in the Mid Year Budget Review.

Note 9 – Materials and Services Expenditure
Favourable against the year-to-date $14.053m budget by $2.100m, noting expenditure timing differences for (predominately) - information technology systems $926k (Project Hudson), waste management / landfill $561k (levies), asset management (public street lighting) $241k, community development $192k (grant expenditure) and property services $169k (public utilities).

Note 10 – Depreciation and Amortisation
Unfavourable against the year-to-date $11.826m budget by $129k, with minor variances between asset categories.

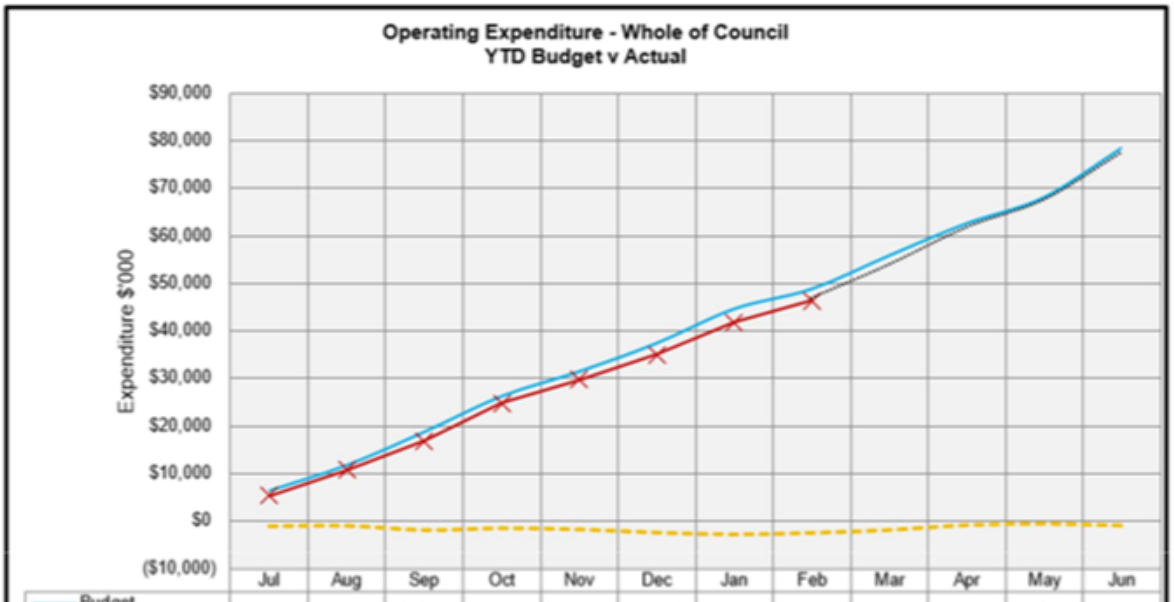
Note 11 – Finance Costs
Favourable against the year-to-date $100k budget by $3k, noting minor variation to loan interest.

Note 13 – Bad and Doubtful Debts

No bad or doubtful debts identified to date.

Note 14 – Other Expenses

Favourable against the year-to-date $4.361m budget by $78k, noting interim fleet leasing amortisation $177k offset by prepayment of land tax instalment three $265k.



	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Budget ($'000)	$6,384	$11,738	$18,749	$26,253	$31,444	$37,396	$44,603	$48,788	$55,806	$62,563	$68,052	$78,407
Actual ($'000)	$5,377	$10,843	$16,892	$24,817	$29,737	$34,985	$41,798	$46,318				
Running Variance - $'000 (Favourable) / Unfavourable	($1,007)	($895)	($1,857)	($1,436)	($1,707)	($2,410)	($2,805)	($2,469)	($1,844)	($756)	($453)	($840)
Forecast ($'000)									$53,962	$61,807	$67,600	$77,567

Non-Operating Revenue

Note 15 – Contributions – Non-Monetary Assets

No non-monetary assets have been received to date against an annual budget of $3.675m.

Note 16 – Gain or Loss on Disposal of Assets / Derecognition of Assets

Gain on disposal of assets is $657k against the annual $1.375m budget loss, noting $31k expenses in preparing land for sale and offset by $688k received from the sale/derecognition of fleet, plant and obsolete technology equipment.

Note 17 – Capital Grants

Capital grant revenue is $6.876m against the annual $14.376m budget, noting funding received for pool reopening $2.500m north chigwell / kgv football redevelopment $1.280m, playground renewals $825k, lrci phase 3 $116k, lrci phase 4 $547k, roads to recovery $518k, better active transport $551k, blackspots $207k, claremont skate park $193k and vulnerable road users program $99k.

Note 18 – Contributions - Monetary

Contributions - Monetary revenue is $19k against no budget allocation, noting a contribution for stormwater WSUD has been received.

Non-Operating Expenditure

Note 12 – Assets Written Off

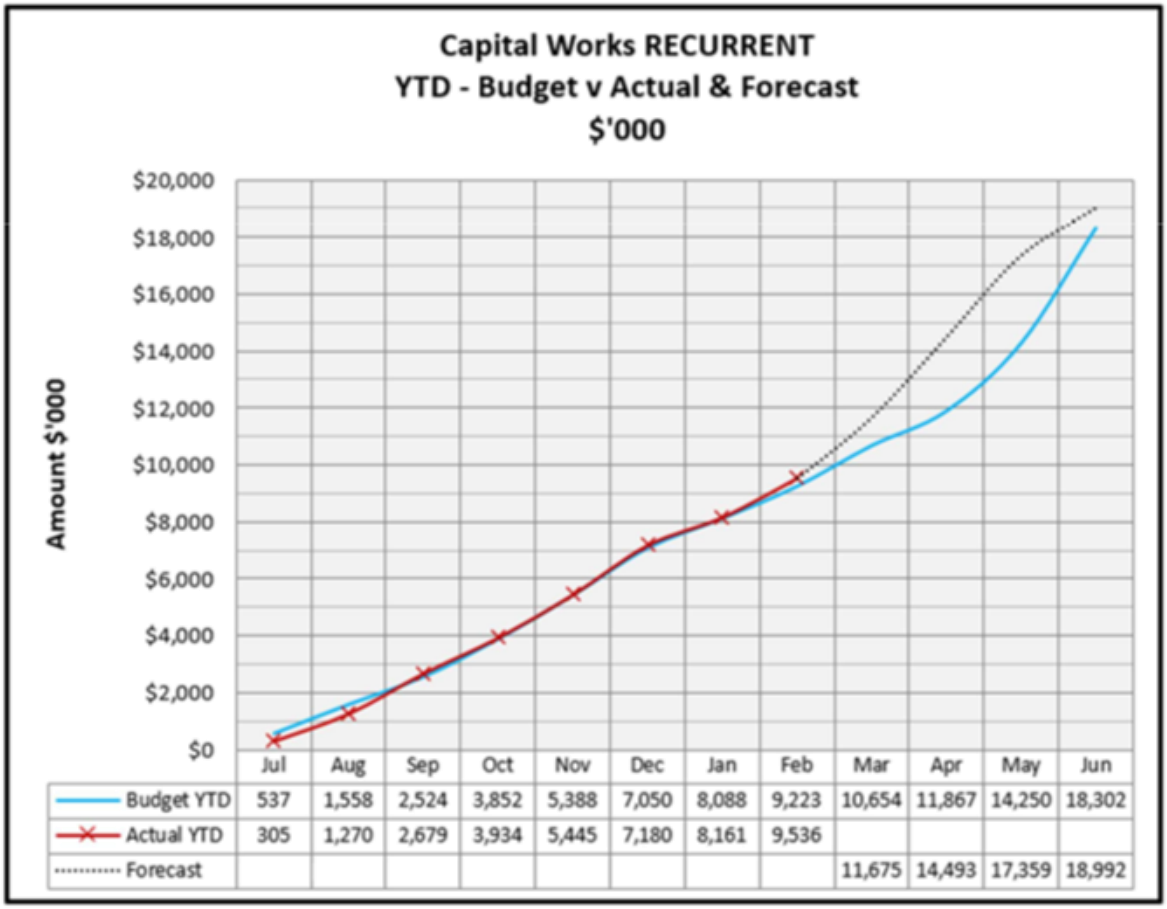
No assets have been written off to date against an annual budget of $0.700m.

Capital Works

Year-to-date Capital Works expenditure is $16.687m against a combined annual budget of $32.629m. At the end of February, the expenditure split between recurrent and major projects is:

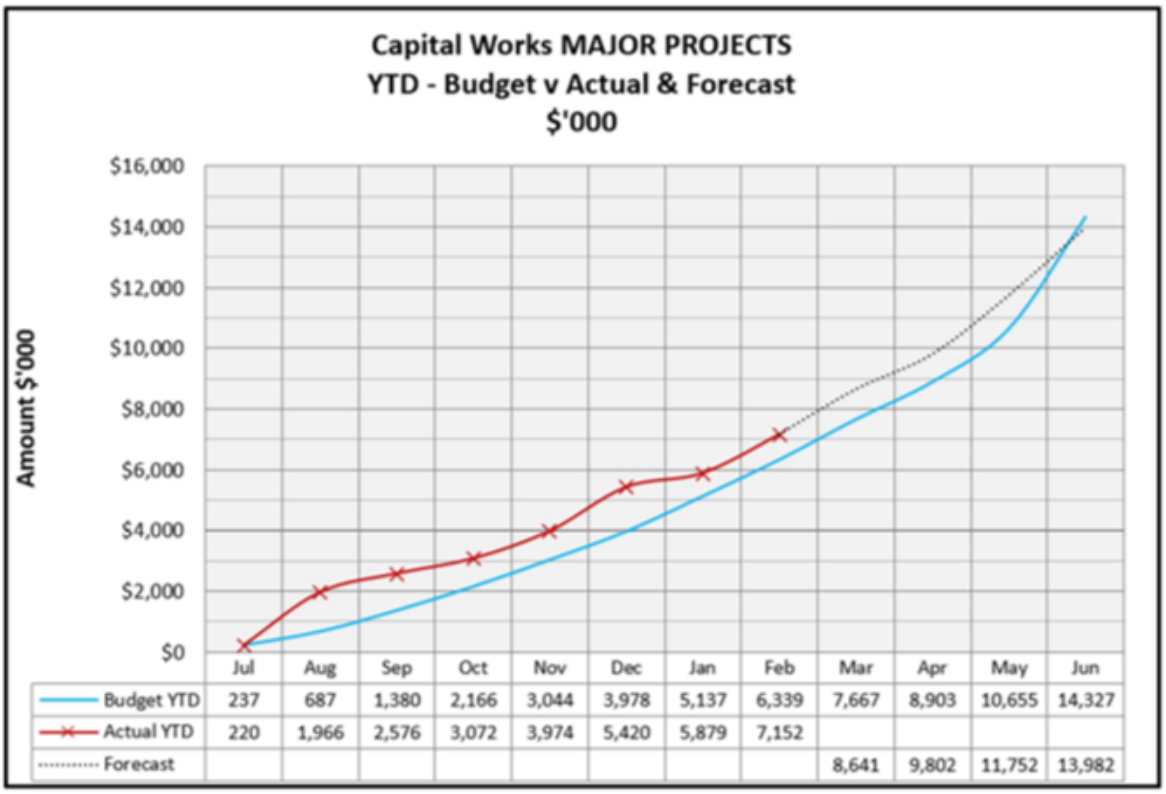
- $9.536m or 52% of the annual RECURRENT budget has been expended
- $7.152m or 50% of the MAJOR PROJECTS budget has been expended

Capital Program – Recurrent



	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Budget YTD	537	1,558	2,524	3,852	5,388	7,050	8,088	9,223	10,654	11,867	14,250	18,302
Actual YTD	305	1,270	2,679	3,934	5,445	7,180	8,161	9,536				
Forecast									11,675	14,493	17,359	18,992

Capital Program – Major Projects*

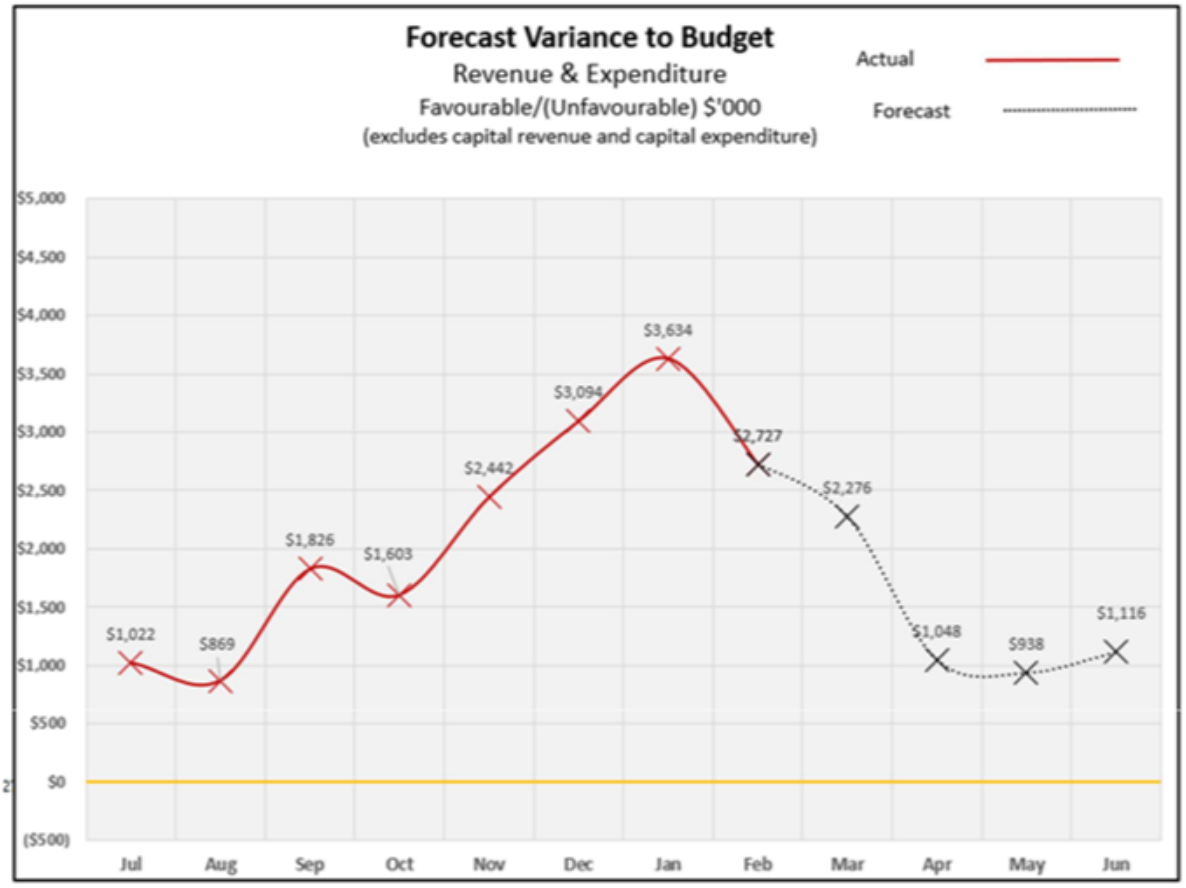


	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Budget YTD	237	687	1,380	2,166	3,044	3,978	5,137	6,339	7,667	8,903	10,655	14,327
Actual YTD	220	1,966	2,576	3,072	3,974	5,420	5,879	7,152				
Forecast									8,641	9,802	11,752	13,982

*The following projects form the Major Projects capital works program:

Project	YTD Actual	ANNUAL Budget	ANNUAL Forecast
101059 - KGV Soccer Design & Construction	$1,818,611	$1,755,000	$2,118,611
101250 - North Chigwell Football and Community Facility	$3,043,940	$4,065,000	$4,068,940
101536 - Tolosa Park Dam Rehabilitation	$1,105,774	$1,373,000	$1,425,774
101915 - Playground Renewals - Federal	$671,392	$1,287,817	$961,392
102173 - Landfill Lift	$21,500	$1,106,024	$1,106,500
102174 - Benjafield Child Care	$98,752	$590,000	$628,752
102175 - Landfill Office	$402	$450,000	$450,402
102176 - Chambers Renovations - Stage 2	$69,356	$200,000	$199,356
102231 - Glenorchy Pool Repairs	$256,178	$3,500,000	$2,956,178
Various Unbudgeted Expenditure on Carryover Projects	$65,825	$0	$65,825
TOTALS	**$7,151,730**	**$14,326,841**	**$13,981,730**

Operating Forecast to 30 June 2025



Note 1: The data in this chart is a compilation of actual, budget and forecast revenue / expenditure. It is recalculated each month to ensure it represents the most up-to-date analysis of Councils financial position which may result in differences to previously reported charts.

Adjustments to amounts previously reported

There are instances where ledger adjustments are required in respect of amounts reported in prior periods. These adjustments will be visible when comparing this report against previously presented Financial Performance Report.

Glenorchy City Council

Animal Management By-Law 2025

By-Law No. 1 of 2025
Adopted by Council on

Glenorchy City Council
Animal Management By-Law 2025

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Glenorchy City Council
Animal Management By-Law 2025

Preliminary

1 Short title

(1) This By-Law may be cited as the Animal Management By-Law.

2 Dictionary

(1) In this By-Law—

Animal includes any live vertebrate, other than a human being;

Animal House means a building or structure used for the housing of any animal that includes a kennel, pen, poultry house, aviary, but does not include a Stable.

Attack includes bite, menace, harass, threaten or chase;

Authorised Person means -

(a) an employee of the Glenorchy City Council who has been assigned duties related to compliance with legislation and Council policies; or

(b) any other person authorised by the Chief Executive Officer; or

(c) a police officer;

Chief Executive Officer means the General Manager of the Council appointed under the *Local Government Act 1993* (Tas) or their delegate.

Code of Practice means any relevant and applicable Code of Practice for the purpose of Animal husbandry and welfare and includes the Glenorchy City Council Code of Practice "Animal Keeping";

Council means the Glenorchy City Council established under the *Local Government Act 1993* (Tas);

Effective Control means -

(a) secured within the boundary of private premises, or

(b) on a leash and under the direct supervision of a competent person; or

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(c) confined or controlled by such other adequate and/or lawful method that prevents uncontrolled Animal activity.

Farm Animal means a horse, stock or any other Animal that is commonly farmed or grazed;

Foul means to excrete on, dig into, or damage property;

Obstruct means to resist, hinder, assault, verbally abuse, threaten, harass, intimidate, or impede;

Owner includes -

(a) the person who legally owns, or normally keeps and cares for an Animal; or

(b) a person who accepts responsibility, or adopts duty of care and control, of an Animal; or

(c) if the Owner is a minor, that minor's parent or guardian.

Occupier means in relation to premises, includes a person who has, or is entitled to, possession or control of the premises;

Penalty Units means the amount of money set under the provisions of the *Penalty Units and Other Penalties Act 1987*;

Permit includes a letter, ticket, licence, lease, or other form of written approval issued by Council for the purposes of allowing or regulating the activities described in this By-Law;

Permit Holder means the holder of a Permit;

Pest Animal means a non-native Animal with no identifiable Owner, including non-native species that cause harm or nuisance to human activities, agriculture, the environment, or native wildlife;

Poultry includes chickens (including hens and roosters) and any other commonly farmed or grazed avian species;

Public Land means land owned, vested in or managed by Council of any Government department, agency or instrumentality;

Residential Area means the General Residential, Inner Residential, or Low Density Residential zone of the Tasmanian Planning Scheme (Glenorchy);

Road means a highway in the municipality of Glenorchy and includes, but is not limited to, any part of a —

(a) local highway as defined by the *Local Government (Highways) Act 1982* (Tas);

(b) footpath or cycleway;

Stable means any structure, or building, used for the keeping of horses or stock.

Control and Management of Animals

3 Control of Animals

(1) The Owner of any Animal must ensure that their Animal does not:

(a) enter, remain on, or Foul any private property without the consent of the Occupier of such property; or

(b) enter, or remain on, any Public Land unless there is a sign displayed on that land authorising the presence of that kind of Animal; or

(c) Attack another Animal or person; or

(d) create a noise that persistently occurs or continues to such an extent that it unreasonably interferes with the peace, comfort, or convenience of any person in any premises or public place.

Penalty: Fine not exceeding 5 Penalty Units.

(2) Clause 3(1) of this By-Law does not apply to domestic dogs.

4 Maintenance of Premises Used by Animals

(1) The Owner of any Animal, in relation to the land where they are kept, must:

(a) Use adequate materials for any fencing, and keep such fencing maintained, to ensure the Effective Control of the Animal being kept;

(b) keep any Animal House and areas to which Animals have access, in a clean and sanitary condition;

(c) regularly maintain any area or container used for the

keeping of Animal waste or Animal food and keep such area in a clean and sanitary condition; and

(d) not have an Animal House situated within 1 metre of an adjoining property or Road boundary.

Penalty: Fine not exceeding 5 Penalty Units.

(2) A person must not discharge, deposit, allow, or permit the discharge or deposition of any Animal waste, including but not limited to faeces;

(a) onto any other property; and/or

(b) into any watercourse or drain,

Penalty: Fine not exceeding 5 Penalty Units.

5 Pest Animals

(1) A person must not feed, encourage, or harbour Pest Animals.

Penalty: Fine not exceeding 5 Penalty Units.

6 Keeping of Farm Animals

(1) A person must not keep, or allow to be kept, a Farm Animal other than Poultry, on any land in a Residential Area without a Permit.

Penalty: Fine not exceeding 5 Penalty Units.

(2) A person may keep Poultry in a Residential Area without a Permit, provided that:

(a) no roosters are kept; and

(b) if the property allotment size is

i. greater than 400m2, but less than 1000 m2, the number of Poultry being kept does not exceed 6 birds; or

ii. 1001 m2 or greater and the number of Poultry being kept does not exceed 12 birds; and

(c) a breach of this By-Law is not being committed.

Failure to comply with subclauses (a)-(c) constitutes an offence under this By-Law.

Penalty: Fine not exceeding 5 Penalty Units.

7 Keeping Bees

(1) The maximum number of beehives a person can keep on a property allotment size, in a Residential Area without a Permit, is as follows:

(a) up to 400 m2 – 0 hives

(b) 401m2 to 1000m2 – 2 hives

(c) 1001m2 to 3000m2 – 5 hives

(d) 3001m2 and above – 10 hives

Failure to comply with subclauses (a)-(d) constitutes an offence under this By-Law.

Penalty: Fine not exceeding 5 Penalty Units.

(2) A person must not keep a beehive without a Permit within:

(a) 4 metres of an adjoining private property boundary; and

(b) 25 metres of a Road or adjoining dwelling.

Penalty: Fine not exceeding 5 Penalty Units.

8 Stables

(1) A Stable used for the keeping of a horse or stock must not be situated in a Residential Area or within 6 metres of a property boundary without a Permit.

Penalty: Fine not exceeding 5 Penalty Units.

(2) An application for a Stable Permit cannot be considered until:

(a) the person applying for the Permit has correctly advertised their intention to apply for a Stable Permit in a daily newspaper circulating throughout Council's municipal area; and

(b) 28 days since the publication of the notice of intention to apply for a Stable Permit has passed; and

(c) the Application submitted to Council includes a copy of the published Notice of Intention to Apply for a Stable Permit; and

(d) the Stable construction meets any requirements under the Tasmanian Planning Scheme (Glenorchy).

Permits

9 Permit applications and transfers

(1) An application for a Permit, must be made in the prescribed form and be accompanied by the prescribed fee.

(2) The Chief Executive Officer may request further information from an applicant, when assessing an application for a Permit.

(3) A Permit Holder may apply to the Chief Executive Officer to transfer their Permit to another person.

10 Permit Approval or Refusal

(1) The Chief Executive Officer may approve or refuse a Permit application.

(2) When deciding whether to approve or refuse a Permit application, the Chief Executive Officer will consider factors including, but not limited to:

(a) the applicant's previous history of compliance with By-Laws and any other law relating to Animal management, public health, or environmental protection;

(b) whether the premises in the Permit application is suitable for the Permit; and

(c) the proposed manner in which the Animals are to be kept.

(3) The Council or the Chief Executive Officer may impose any conditions on a Permit granted under this By-Law that they consider appropriate.

(4) The Council or the Chief Executive Officer may grant a Permit of any duration and for single or multiple activities.

(5) The holder of a Permit must not contravene the conditions of a Permit granted under this By-Law.

Penalty: Fine not exceeding 5 Penalty Units.

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11 Permit cancellation or suspension

(1) The Chief Executive Officer may cancel of suspend a Permit if they reasonably believe that the Permit Holder is committing, has committed or attempted to commit an offence under this By-Law.

(2) Before cancelling a Permit, the Chief Executive Officer is to:

(a) give one (1) month's written notice to the Permit Holder to show cause on, or before, a day specified on the notice why the Permit should not be cancelled; and

(b) give consideration to any representation made by the Permit Holder in respect to the notice given under clause 11 (2)(a).

Seizure and Detention of Animals

12 Seizure and detention by Authorised Person

(1) An Authorised Person who reasonably believes an offence has been committed under this By-Law, may enter land, and seize an Animal or beehive relating to the commission of that offence.

(2) As soon as reasonably practicable, the Chief Executive Officer will provide the Owner of any Animal or beehive seized under this By-Law with written notification of:

(a) a description of the Animal or beehive seized; and

(b) the alleged offence against this By-Law, being the reason for seizure; and

(c) conditions required to be met or fees required to be paid before the Animal or beehive can be released; and

(d) the fact that if the requirements of clause 12(2)(c) are not fulfilled and/or the Animal or beehive remains unclaimed, it may be rehomed, given away, sold, or humanely euthanised after ten working days.

(3) If the Owner of an Animal or beehive seized under this By-Law cannot be identified, the Chief Executive Officer may, after three working days, rehome, give away, sell, or humanely euthanise it.

Notices and Enforcement

13 Direction of Authorised Persons

(1) An Authorised Person may give a direction, verbally or in writing, to a person to—

(a) cease any conduct or activity which constitutes a breach of this By-Law; or

(b) take action to prevent or remedy a breach of the By-Law.

(2) A direction given under this By-Law may be subject to such conditions and requirements and allow such time period as the Authorised Person may determine.

(3) Unless otherwise specified in a direction, a person to whom the direction is given is to comply with the direction at their own cost.

(4) A person must not without lawful excuse, fail to comply with a direction given under this By-Law.

Penalty: Fine not exceeding 20 Penalty Units.

(5) The Chief Executive Officer may undertake the work required in a direction given pursuant to this By-Law if the person to whom a direction is given fails to comply with the direction within the time specified, or to the prescribed standard, in the direction.

(6) Any expense incurred by Council as a result of a person's contravention or failure to comply with a provision of this By-Law is a debt payable to Council by that person and is recoverable in a court of competent jurisdiction in addition to any penalty imposed under this By-Law.

Penalty: Fine not exceeding 10 Penalty Units.

(7) A person must not Obstruct an Authorised Person in the performance of any function, or in exercising any power under this By-Law.

Penalty: Fine not exceeding 10 Penalty Units.

14 Infringement notices

(1) An Authorised Person who reasonably believes an offence listed in Schedule 1 of this By-Law has been committed, may issue an infringement notice in respect of that offence which is to detail:

(a) The conduct constituting the offence under this B-Law; and

(b) The monetary penalty payable in respect of that offence.

(2) The infringement notice may be issued for more than one offence.

(3) Payment of the monetary penalty set out in an infringement notice must be made to Council in the manner specified in the infringement notice.

(4) Payment of an infringement notice issued under this By-Law must be made to the Chief Executive Officer within 28 days of the issue of the infringement

notice to avoid the infringement notice being referred to the Director, Monetary Penalties Enforcement Service.

(5) The *Monetary Penalties Enforcement Act 2005* (Tas) applies to an infringement notice issued under this By-Law.

15 Continuing offences

(1) Where a person:

(a) commits an offence under this By-Law; and

(b) is given notice of the offence; and

(c) continues to carry out the act or omission that constituted the offence after first being given notice of the offence; and

(d) is subsequently convicted of the offence,

—the person is liable to a further penalty of 2 Penalty Units for each day during which the act or omission continues after the person was given notice of the offence.

(2) The penalty in clause (15) (1) does not displace the penalty specifically prescribed elsewhere for the offence and is to be imposed in addition to the penalty for the offence.

(3) In this clause, convicted includes a deemed conviction, such as a result of a person paying an infringement notice or failing to appeal an infringement notice within a prescribed time limit.

16 Supply of name and address

(1) An Authorised Person may require a person to give their name and address if the Authorised Person reasonably believes that the person is offending or has offended against this By-Law.

(2) A person who fails or refuses to comply with a requirement under clause (16) (1) or who states a name or address that is false, is guilty of an offence.

Penalty: Fine not exceeding 5 Penalty Units.

17 Code of Practice

(1) All Animals must be kept in accordance with the Code of Practice, adhering to best practice standards to ensure the highest level of care and welfare.

Schedule 1 Specified Offences

Column 1	Column 2	Column 3
Clause	**General description of offence**	**Penalty units**
3	Fail to control Animal	1
4(1)	Improper maintenance of premises	1
4(2)	Improper management of Animal waste	1
5	Feed, encourage, harbour Pest Animals	1
6(1)	Keeping of Farm Animals in a Residential Area without a Permit	1
6(2)	Keeping Poultry in breach of By-Law	1
7(1)	Keeping more beehives than Permitted	1
7(2)	Keeping beehive in breach of location regulations	1
8	Have a Stable in a Residential Area without Permit or within 6 metres of a property boundary	1
10(5)	Contravening a Permit	1
13(4)	Fail to comply with a direction	4
13(6)	Failure to pay debts incurred from expenses or non-compliant activities	2
13(7)	Obstructing an Authorised Person	2
16(2)	Fail to supply name or address, or give a false name or address.	1

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Glenorchy City Council

Animal Management By-Law ~~2024~~ 2025 ~~– Draft~~

By-Law No. 1 of ~~2024~~2025
Adopted by Council on

Glenorchy City Council
Animal Management By-Law ~~2024~~2025

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Glenorchy City Council
Animal Management By-Law ~~2024~~2025

Preliminary

1 Short title

(1) This By-~~l~~Law may be cited as the Animal Management By-Law.

2 Dictionary

(1) In this By-~~l~~Law—

~~*animal*~~*Animal* includes any live vertebrate, other than a human being;

Animal House means a building or structure used for the housing of any animal that includes a kennel, pen, poultry house, aviary, but does not include a Stable.

~~*attack*~~*Attack* includes bite, menace, harass, threaten or chase;

~~*authorised person*~~*Authorised Person* means ~~:~~

(a) an employee of the Glenorchy City Council ~~staff~~ who has been assigned duties related to compliance with legislation and Council policies; or

(b) any other person authorised by the Chief Executive Officer~~General Manager~~; or

(c) a police officer;

Chief Executive Officer means the General Manager of the Council appointed under the *Local Government Act 1993* (Tas) or their delegate.

Code of Practice means~~:~~ any relevant and applicable ~~code of practice~~Code of Practice for the purpose of ~~animal~~Animal husbandry and welfare and includes the Glenorchy City Council ~~code of practice~~Code of Practice "Animal Keeping";

Council means~~:~~ the Glenorchy City Council established under the *Local Government Act 1993* (Tas);

~~*effective control*~~*Effective Control* means ~~:~~

(a) secured within the boundary of private premises, or

(b) on a leash and under the direct supervision of a competent person; or

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(c) confined or controlled by such other adequate and/or lawful method that prevents uncontrolled ~~animal~~Animal activity.

~~farm~~Farm ***~~animal~~Animal*** means~~:~~ a horse, stock or any other ~~animal~~Animal that is commonly farmed or grazed;

~~foul~~Foul means~~:~~ to excrete on, dig into~~on~~, or damage property;

~~***General Manager*** means: the General Manager of the Council appointed under the *Local Government Act 1993* (Tas) or their delegate.~~

~~obstruct~~Obstruct means to ~~an authorised officer includes~~ resist~~ing~~, hinder~~ing~~, assault~~ing~~, verbally abus~~eing~~, threaten~~ing~~, harass~~ing~~, intimidat~~eing~~, or imped~~eing~~;

~~owner~~Owner includes ~~:~~

(a) the person who legally owns, or normally keeps and cares for an ~~animal~~Animal; or

(b) a person who accepts responsibility, or adopts duty of care and control, of an ~~animal~~Animal; or

(c) if the ~~owner~~Owner is a minor, that minor's parent or guardian.

~~occupier~~Occupier means~~:~~ in relation to premises, includes a person who has, or is entitled to, possession or control of the premises;

Penalty Units means the amount of money set under the provisions of the *Penalty Units and Other Penalties Act 1987*;

~~permit~~Permit includes a letter, ticket, licence, lease, or other form of written approval issued by Council for the purposes of allowing or regulating the activities described in this By-Law;

~~permit holder~~Permit Holder means~~:~~ the holder of a ~~permit~~Permit;

~~pest~~Pest ***~~animal~~Animal*** means~~:~~ a non-native ~~animal~~Animal with no identifiable ~~owner~~Owner, including non-native species that cause harm or nuisance to human activities, agriculture, the environment, or native wildlife;

~~poultry~~Poultry includes chickens (including hens and roosters) and any other commonly farmed or grazed avian species;

~~public land~~Public Land means~~:~~ land owned, vested in or managed by Council of any Government department, agency or instrumentality~~within the Municipal Area which is owned, vested in, or managed by Council and includes any public place and any local highway~~;

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~~*residential area*~~*Residential Area* means~~:~~ the General Residential, Inner Residential, or Low Density Residential zone of the Tasmanian Planning Scheme (Glenorchy);

~~*rural area* means: a Rural Living, Rural Agricultural, or Landscape and Conservation zone of the Tasmanian Planning Scheme (Glenorchy);~~

~~*road*~~*Road* means~~:~~ a highway in the municipality of Glenorchy and includes, but is not limited to, any part of a —

(a) local highway as defined by the *Local Government (Highways) Act 1982* (Tas);

(b) footpath or cycleway;

~~*stable*~~*Stable* means~~:~~ any structure, or building, used for the keeping of horses or stock.

Control and Management of Animals

3 Control of Animals

(1) The ~~owner~~Owner of any ~~animal~~Animal must ensure that their ~~animal~~Animal does not:

(a) enter, remain on, or ~~foul~~Foul any private property without the consent of the ~~occupier~~Occupier of such property; or

(b) enter, or remain on, any ~~public land~~Public Land unless there is a sign displayed on that land authorising the presence of that kind of ~~animal~~Animal; or

(c) ~~attack~~Attack another ~~animal~~Animal or person; or

(d) create a noise that persistently occurs or continues to such an extent that it unreasonably interferes with the peace, comfort, or convenience of any person in any premises or public place.

Penalty: Fine not exceeding 5 ~~penalty units~~Penalty Units.

(2) Clause 3(1) of this By-Law does not apply to domestic dogs.

4 Maintenance of Premises Used by Animals

(1) The ~~owner~~Owner of any ~~animal~~Animal, in relation to the land where they

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are kept, must:

(a) Use adequate materials for any fencing, and keep such fencing maintained, to ensure the ~~effective control~~Effective Control of the ~~animal~~Animal being kept;

(b) keep any ~~structures, buildings, enclosures~~Animal House and~~or~~ areas to which ~~animal~~Animals have access, in a clean and sanitary condition;

~~(c) keep any bedding or floor coverings used by animals, or to which animals have access, in a clean and sanitary condition;~~

(c) regularly maintain any area or container used for the keeping of ~~animal~~Animal waste or, ~~animal~~Animal food ~~or manure~~ and keep such area in a clean and sanitary condition; and

(d) not have an Animal House situated within 1 metre of an adjoining property or Road boundary.

~~(e) not use or include any part of an adjoining property fence as part of an animal enclosure.~~

Penalty: Fine not exceeding 5 ~~penalty units~~Penalty Units.

(2) A person must not discharge, deposit, allow, or permit the discharge or deposition of any ~~animal~~Animal waste, including but not limited to faeces;

(a) onto any other property; and/or

(b) into any water course or drain,

Penalty: Fine not exceeding 5 ~~penalty units~~Penalty Units.

5 Pest ~~animal~~Animals

(1) A person must not feed, encourage, or harbour ~~pest~~Pest ~~animal~~Animals.

Penalty: Fine not exceeding 5 ~~penalty units~~Penalty Units.

6 Keeping of Farm Animals

(1) ~~Without a permit, a~~A person must not keep, or allow to be

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kept, a ~~farm~~Farm ~~animal~~Animal other than Poultry, on any land in a ~~residential area~~Residential Area without a Permit.

Penalty: Fine not exceeding 5 ~~penalty units~~Penalty Units.

~~(2) Without a permit, a person must not allow any farm animal, where they are kept, to approach within 2 metres of a road boundary.~~

~~**Penalty:** Fine not exceeding 5 penalty units.~~

~~(3)~~(2) ~~Without a permit, a~~A person may keep ~~poultry~~Poultry in a ~~residential area~~Residential Area without a Permit, provided that:

(a) no roosters are kept; and

~~(b) poultry cannot approach within 5 metres of another dwelling house; and~~

~~(c) poultry cannot approach within 1 metre of an adjoining property boundary; and~~

~~(d) a poultry enclosure is not situated within 3 metres of an adjoining property boundary; and~~

(b) if the property allotment size is

~~greater than 400m2, but less than 1000 m2, the number of poultry~~Poultry being kept does not exceed 6 birds; or

~~i.~~

ii. ~~if the allotment size is~~ 1001 m2 or greater and the number of ~~poultry~~Poultry being kept does not exceed 12 birds; and.

~~(c)~~(c) a breach of this By-Law is not being committed.

Failure to comply with subclauses (a)-(c) constitutes an offence under this By-Law.

Penalty: Fine not exceeding 5 ~~penalty units~~Penalty Units.

7 Keeping Bees

(1) ~~Without a permit, t~~The maximum number of beehives a person can keep on ~~a residential land~~property allotment size, in a Residential Area without a Permit, is as follows:

(a) up to 400 m2 – 0 hives

(b) 401m2 to 1000m2 – 2 hives

~~6~~

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(c) 1001m2 to 3000m2 – 5 hives

(d) 3001m2 and above – 10 hives

Failure to comply with subclauses (a)-(d) constitutes an offence under this By-Law.

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Penalty: Fine not exceeding 5 ~~penalty units~~Penalty Units.

(2) ~~Without a permit, a~~A person must not keep a beehive without a Permit within:

(a) 4 metres of an adjoining private property boundary; and

(b) 25 metres of a ~~road~~Road or adjoining dwelling.

Penalty: Fine not exceeding 5 ~~penalty units~~Penalty Units.

8 Stables

(1) ~~Without a permit, a~~A ~~stable~~Stable used for the keeping of a horse or stock must not be situated in a ~~residential area~~Residential Area or within 6 metres of a property boundary without a Permit.

Penalty: Fine not exceeding 5 ~~penalty units~~Penalty Units.

(2) An application for a ~~stable~~Stable ~~permit~~Permit cannot be considered until:

(a) the person applying for the ~~permit~~Permit has correctly advertised their intention to apply for a Stable Permit in a daily newspaper circulating throughout Council's municipal area; and

(b) 28 days since the publication of the notice of intention to apply for a Stable Permit has passed; and

(c) the Application submitted to Council includes a copy of the published Notice of Intention to Apply for a Stable Permit; and

(d) the Stable construction meets any requirements under the Tasmanian Planning Scheme (Glenorchy).

Permits

9 Permit applications and transfers

(1) An application for a ~~permit~~Permit, must be made in the prescribed form and be accompanied by the prescribed fee.

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(2) The Chief Executive Officer~~General Manager~~ may request further information from an applicant, when assessing an application for a ~~permit~~Permit.

(3) A ~~permit holder~~Permit Holder may apply to the Chief Executive Officer~~General Manager~~ to transfer their ~~permit~~Permit to another person.

10 Permit Approval or Refusal

(1) The Chief Executive Officer~~General Manager~~ may approve or refuse a ~~permit~~Permit application.

(2) When deciding whether to approve or refuse a ~~permit~~Permit application, the Chief Executive Officer~~General Manager~~ will consider factors including, but not limited to:

(a) the applicant's previous history of compliance with ~~this~~ By-Laws and any other law relating to ~~animal~~Animal management, public health, or environmental protection;

(b) whether the premises in the Permit application is suitable for the ~~permit~~Permit; and

(c) the proposed manner in which the ~~animal~~Animals are to be kept.

(3) The Council or the Chief Executive Officer~~General Manager~~ may impose any conditions on a ~~permit~~Permit granted under this By-Law that they consider appropriate.

(4) The Council or the Chief Executive Officer~~General Manager~~ may grant a ~~permit~~Permit of any duration and for single or multiple activities.

(5) The holder of a ~~permit~~Permit must not contravene the conditions of a ~~permit~~Permit granted under this By-Law.

Penalty: Fine not exceeding 5 ~~penalty units~~Penalty Units.

11 Permit cancellation or suspension

~~(1) By providing one month written notice, the General Manager may:~~

~~(a) vary the conditions of a permit;~~

~~(b) suspend a permit; or~~

~~(c) cancel a permit.~~

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(1) The Chief Executive Officer may cancel of suspend a Permit if they reasonably believe that the Permit Holder is committing, has committed or attempted to commit an offence under this By-Law.

(2) Before cancelling a Permit, the Chief Executive Officer is to:

(a) give one (1) month's written notice to the Permit Holder to show cause on, or before, a day specified on the notice why the Permit should not be cancelled; and

(b) give consideration to any representation made by the Permit Holder in respect to the notice given under clause 11 (2)(a).

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Seizure and Detention of Animals

12 Seizure and detention by Authorised Person

(1) An ~~authorised person~~Authorised Person who reasonably believes an offence has been committed under this By-Llaw, may enter land, and seize an ~~animal~~Animal or beehive relating to the commission of that offence.

(2) As soon as reasonably practicable, the Chief Executive Officer~~General Manager~~ will provide the ~~owner~~Owner of any ~~animal~~Animal or beehive seized under this Bby-Llaw with written notification of:

(a) a description of the ~~animal~~Animal or beehive seized; and

(b) the alleged offence against this By-Llaw, being the reason for seizure; and

(c) conditions required to be met or fees required to be paid before the ~~animal~~Animal or beehive can be released; and

(d) the fact that if the requirements of clause 12(2)(c) are not fulfilled and/or the ~~animal~~Animal or beehive remains unclaimed, it may be rehomed, given away, sold, or humanely euthanised after ten working days.

(3) If the ~~owner~~Owner of an ~~animal~~Animal or beehive seized under this Bby-Llaw cannot be identified, the Chief Executive Officer~~General Manager~~ may, after three working days, rehome, give away, sell, or humanely euthanise it.

Notices and Enforcement

13 Direction of Authorised Persons

(1) An ~~authorised person~~Authorised Person may give a direction, verbally or in writing, to a person to—

(a) cease any conduct or activity which constitutes a breach of this By-Llaw; or

(b) take action to prevent or remedy a breach of the By-Llaw.

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(2) A direction given under this By-Llaw may be subject to such conditions and requirements and allow such time period as the ~~authorised person~~Authorised Person may determine.

(3) Unless otherwise specified in a direction, a person to whom the direction is given is to comply with the direction at their own cost.

(4) A person must not without lawful excuse, fail to comply with a direction given under this By-Llaw.

Penalty: Fine not exceeding 20 ~~penalty units~~Penalty Units.

(5) The Chief Executive Officer~~General Manager~~ may undertake the work required in a direction given pursuant to this By-Llaw if the person to whom a direction is given fails to comply with the direction within the time specified, or to the prescribed standard, in the direction.

(6) Any expense incurred by Council as a result of a person's contravention or failure to comply with a provision of this By-Llaw is a debt payable to Council by that person and is recoverable in a court of competent jurisdiction in addition to any penalty imposed under this By-Llaw.

Penalty: Fine not exceeding 10 ~~penalty units~~Penalty Units.

(7) A person must not ~~obstruct~~Obstruct an ~~authorised person~~Authorised Person in the performance of any function, or in exercising any power under this Bby-Llaw.

Penalty: Fine not exceeding 10 ~~penalty units~~Penalty Units.

14 Infringement notices

(1) ~~An infringement notice may be issued by an authorised person~~:An Authorised Person who reasonably believes an offence listed in Schedule 1 of this By-Law has been committed, may issue an infringement notice in respect of that offence which is to detail:

(a) The conduct constituting the offence under this B-Law~~for an offence~~; and

(b) The monetary penalty payable in respect of that offence.~~for the penalty, listed in column 1 of Schedule 1.~~

(2) The infringement notice may be issued for more than one offence.

(3) Payment of the monetary penalty set out in an infringement notice must be made to Council in the manner specified in the infringement notice.

(4) Payment of an iInfringement nNotice issued under this By-Law must be made to the Chief Executive Officer~~General Manager~~ within 28 days of the

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issue of the ~~i~~Infringement ~~n~~Notice to avoid the ~~i~~Infringement ~~n~~Notice being referred to the Director, Monetary Penalties Enforcement Service.

(5) The *Monetary Penalties Enforcement Act 2005* (Tas) applies to an ~~i~~Infringement ~~n~~Notice issued under this By-Law.

15 Continuing offences

(1) Where a person:

(a) commits an offence under this By-~~L~~law; and

(b) is given notice of the offence; and

(c) continues to carry out the act or omission that constituted the offence after first being given notice of the offence; and

(d) is subsequently convicted of the offence,

—the person is liable to a further penalty of 2 ~~penalty units~~Penalty Units for each day during which the act or omission continues after the person was given notice of the offence.

(2) The penalty in ~~sub-~~clause (15) (1) does not displace the penalty specifically prescribed elsewhere for the offence and is to be imposed in addition to the penalty for the offence.

(3) In this clause, convicted includes a deemed conviction, such as a result of a person paying an infringement notice or failing to appeal an infringement notice within a prescribed time limit.

16 Supply of name and address

(1) An Authorised Person may require a person to give their name and address if the Authorised Person reasonably believes that the person is offending or has offended against this By-~~L~~law.

(2) A person who fails or refuses to comply with a requirement under ~~sub-~~clause (16) (1) or who states a name or address that is false, is guilty of an offence.

Penalty: Fine not exceeding 5 ~~penalty units~~Penalty Units.

17 Code of Practice

(1) All ~~animal~~Animals must be kept in accordance with the Code of Practice, adhering to best practice standards to ensure the highest level of care and welfare.

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Schedule 1 Specified Offences

Column 1	Column 2	Column 3
Clause	**General description of offence**	**Penalty units**
3	Fail to control ~~animal~~Animal	1
4(1)	Improper maintenance of premises	1
4(2)	Improper management of ~~animal~~Animal waste	1
5	Feed, encourage, harbour ~~pest~~Pest ~~animal~~Animals	1
6(1)	Keeping of ~~farm~~Farm ~~animal~~Animals in a ~~residential area~~Residential Area without a ~~permit~~Permit	1
~~6(2)~~	~~Allow farm animal to approach within 2 metres of a road boundary.~~	~~1~~
6(~~2~~3)	Keeping ~~poultry~~Poultry in breach of ~~B~~by-~~L~~law	1
7(1)	Keeping more beehives than ~~permit~~Permitted	1
7(2)	Keeping beehive in breach of location regulations	1
8	Have a ~~stable~~Stable ~~on~~ in a ~~residential~~ Residential Area~~land~~ without ~~permit~~Permit or within 6 metres of a property boundary	1
10(5)	Contravening a ~~permit~~Permit	1
13(4)	Fail to comply with a direction	4
13(6)	Failure to pay debts incurred from expenses or non-compliant activities	2
13(7)	Obstructing an ~~authorised person~~Authorised Person	2
16(2)	Fail to supply name or address, or give a false name or address.	1

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Draft Glenorchy City Council Animal Management By-Law 2025

Public Consultation Submissions received.

Below is a list of all submissions received during the public consultation period for the Draft Glenorchy City Council Animal Management By-Law 2025, and Council Officers' response for each.

Submission	Council Officers' Response
Reading through some of these amendments I feel that they are over reach from the council and don't see the point of the changes. Many residents of GCC have large blocks and are lucky to be able to have other animals other than domestic animals we don't need any changes to the current act	No recommendations/suggestions to current By-Law for consideration.
I don't see any mention of owners of cats being registered with GCC Why are dogs required to be registered with GCC and a fee charged but the same does not apply for cats	No recommendations/suggestions to current By-Law for consideration. As with dogs under the *Dog Control Act 2000*, cat registration better sits uniformly across all Councils under the Cat Management Act. This By-Law manages the effective control of cats so they do not cause a nuisance.
My concern is with cats and owners allowing them to roam night and day. The damage that domestic cats do to wildlife is well documented. they are indiscriminatory in their killing. Part of creating sustainable gardens to combat the climate crisis as well as for the ecosystem, health and wellbeing means planting for wildlife. I have been creating such a garden for several years and have attracted all manner of birds and other wildlife but the downside of that is the jeopardy they are in constantly from the neighbourhood cats who lie in wait. I have cats fighting on my roof at night - for territory I guess. There are plenty of councils who have put restrictions on cat ownership ie same as the restriction with dogs. Cats are not living a worse life by being kept inside or in outdoor runs (plenty of evidence to show this). Cats destruction of our wildlife cannot continue. Tasmania itself has so many birds and animals on the endangered list. Eliminating one major problem - roaming and uncontained cats, is a step towards a better outcome for our wildlife.	This concern is shared by Council, and is therefore addressed in the By-Law (section 3).

My first objection is to the miserably short time-span of three weeks to reply when people are necessarily pre-occupied with their Christmas plans. This serves Council's convenience rather than its residents and ratepayers. Please consider postponing the closing date until late January. . Despite the explanatory comment that the proposed by-law primarily affects animals other than dogs, (who are not included in the picture above) the implications of Section/Clause 3(1) (b) are very sweeping and open-ended. The sub-clause refers to 'public land,' while 3(1) (d) refers to 'any public place''. Taken literally such terminology covers any kind of land ranging from roads and footpaths thereon to the remotest corner of bushland. Council may argue that they would never carry such interpretation so far. But both the intention and the effect of these clauses will be to give Council open-ended discretionary powers. What is to prevent future Councils from determining on which roads and footpaths people will be allowed to walk their dog on-lead; or on which stretch of grass or bushland near to their home? I do not feel competent to comment in any detail on issues relating to other animals. What will be the angst and budgetary implications for Animal Management staff for policing the colourful and strange scenario set before us by GCC's legal advisers? Also, the distinction between faeces dropped by native and non-native creatures will be hard to determine, as the grassland areas of Tolosa Park (banned to dogs) home to wallabies, possums and betons bear ample witness. In conclusion, I attach an email I and my wife sent to the Mayor on 3 October last re the distress caused by the sudden placement of 'No Dogs' signs at Berriedale Foreshore. In reply she indicated the possibility that Council could initiate public consultation to change the status of that area in favour of re-access by dogs. Whatever the outcome of the new By-Law proposal, we and many others will continue to urge GCC to accelerate that process during the coming New Year.	Time span of public consultation was in line with the provision of *the Local Government Act 1993* (21 days). Clause 3(2) states that these sections do not apply to domestic dogs.
Should include something around animal cruelty and strong fines.	Animal cruelty and associated enforcement is governed by the *Animal Welfare Act 1993*.
Cats must be indoor cats only	The issue of roaming cats is addressed in the By-Law (section 3).
What is the use of these rules and requirements if nothing is done to the people that disobey them. I know of a property with an unknown number of undesexed cats, that roam and continue to breed. The stench on neighbouring properties from the male cats is awful. Yet, nothing has been done over the years to stop this property from continuing as they do. If you want to have this legislation, enforce it.	No recommendations/suggestions to current By-Law for consideration.

Cats need to be registered as well as dogs. There needs to be a maximum amount of cats that one residence/dwelling can have.	As with dogs under the *Dog Control Act 2000*, cat registration better sits uniformly across all Councils under the Cat Management Act. This By-Law manages the effective control of cats so they do not cause a nuisance. The *Cat Management Act 2009* regulates the number of cats permitted on a property.
The poultry changes are quite restrictive. We have ours where they don't impede neighbours but the changes would force their moving closer to residences due to shape of block. 1 metre off fence is reasonable but 3m makes impossible unless your block is a perfect rectangle, which lots are not.	Submission considered relevant, amendments made to section 6.
I've read through the Animal Management By-Law, and notice that it doesn't include animals that are travelling to/staying within the Glenorchy city council municipality (eg. horses and greyhound dogs being kept at the Elwick Racecourse). Are these people and their animals exempt, as they are not residents? And if they are not exempt, I would like to see information on this in the Animal Management By-Law, specifically about animals travelling to the area and what standards they can expect, in relation to maintenance. I would also question the injuring of animals on the Elwick Racecourse and whether the Glenorchy City Council has a say on how animals are treated there. I, as a local resident, would like to see regular investigations into the treatment of the animals on that property.	All animals, whether they are temporarily or permanently kept within the municipality are covered by this By-Law. Animal cruelty is governed by the *Animal Welfare Act 1993*.
The glenorchy dog park is a real embarrassment to this city. There ought to be a separate puppy yard included. It is unfriendly to the disabled, people with prams and children. There isn't enough seating and no shade. We live in Tasmania not Qld and my rates ought to provide for people who want off lead exercise of their dogs in a fenced area. And I thought Bellerive dogpark was bad!	No recommendations/suggestions to current By-Law for consideration.

I believe the draft laws balance the rights of pet owners and the wider community quite well. However, the devil is always in the enforcement. Dog excrement is often littering the streets, dogs are walked without leads in dog on lead areas and dogs are taken to parks without being under effective control and yet there is little to no enforcement so these behaviours become normalised. It is all well and good to say owners should have effective control of their cats, but of the 8 or 9 that visit my yard to stalk birds, eat lizards and use my vegetable garden as a toilet I know where some of them live, but who is going to ensure that: The owner of any animal must ensure that their animal does not: (a) enter, remain on, or foul any private property without the consent of the occupier of such property; or (b) enter, or remain on, any public land unless there is a sign displayed on that land authorising the presence of that kind of animal; or (c) attack another animal or person; or (d) create a noise that persistently occurs or continues to such an extent that it unreasonably interferes with the peace, comfort, or convenience of any person in any premises or public place. Without enforcement cats will continue to roam the streets, hunt wildlife and poop in people's gardens - leaving it up to neighbours to enforce only creates conflict and disharmony within communities. Council must take an active role to educate cat owners about their responsibilities and enforce rules by fining owners who's cats roam freely about the neighbourhood. Perhaps pet registrations should be followed up with compliance checks around fencing and other control measures.	No recommendations/suggestions to current By-Law for consideration. Cat control is enforced under this By-Law.
I am genuinely very happy that there is a good will to start controlling roaming and nuisance cats. I have been having these cats coming to my garden for ages. So these cats walk up and down my street all the time. They kill birds. I have been finding bird feathers all around my garden. They get in the trees and search for little hatchlings too. The biggest issue for me is that I have to constantly remove cat's poop from my property. It comes with a awful smell and a risk of contracting toxoplasmosis. There are 6 cats I can identify appearing on my property frequently. About the time the cat owners take responsibility for their pets. Really appreciate this update on animal management. Well done!	No recommendations/suggestions to current By-Law for consideration.
Happy to keep laws as is.	No recommendations/suggestions to current By-Law for consideration.

Please include an explanation of "penalty units" in the dictionary.	Considered relevant and amended.
There are many issues with the draft by-law. 4. (1) d. is unfair and excessive because if a property boundary is properly fenced there need not be any issues with using a boundary as part of a chicken run. 6. (3) c. and d. are also unfair and excessive. How can it be an offence for poultry to approach within one metre of a suitably-fenced boundary? This is nonsensical. 12. (1) Considering that certain clauses in the draft by-law (noted above) are unfair and excessive and should NOT be treated as offences, it would be a gross derangement of Council authority to consider seizure and detention as a permissible consequence for such things. Consider this: A single hen is pecking three feet from a solid, timber-paling boundary fence and some 'Authorised Person' from Council enters that property without permission and seizes the offending chicken and then gives some sort of warning and/or penalty to the offending property owner! It's not a justified response for Council to say, "But we wouldn't do that." The issue is that you are proposing to give yourself the right to do that... Why?	Considered relevant and amended in sections 4 and 6.
I have no problem with cats and dogs provided their owners are held accountable for their actions and breeding is only premitte by registered breeders. Anyone advertising animals for sale who is not a registered breeder should be prosecuted. Anyone allowing any animal to roam unattended should be prosecuted.	No recommendations/suggestions to current By-Law for consideration. Breeding is covered under current and proposed state legislation.
2 (1) "poultry" Is this intended to include quail and possibly other small avian species? 3 (2) Specifies domestic dogs are exempt from 3 (1) which only 3 (1) b should be exempt. This should probably just be excluded and reference the Dog Control Act and Cat Management Acts. 6 (3) (a) clarify "another dwelling house", does it intend that the keeper's dwelling is acceptable within 5 metres and the rule applies only to other dwellings on the property or adjoining property. 6 (3) (d) "poultry enclosure" is not defined, I would assume the poultry house is included, but is an enclosed run also included as that could be seen to conflict with 6 (3) (c). 6 (3) (e,f) the term allotment is used but not clarified to mean property allotment, 7 (1) refers to it as residential land and not an allotment which is inconsistent.	"Poultry" includes quail and other small avian species, and is defined so in the By-Law's dictionary. Only excluding dogs from section 3 (1) b would overlap the *Dog Control Act 2000*. Sections regarding poultry have been amended. Terms amended to be more consistent with dictionary.

1. Overarching State Legislation Concern The Proposed By-Law does not explicitly confirm that where conflicts arise, State legislation such as the Animal Welfare Act 1993, Dog Control Act 2000, Cat Management Act 2009, and the Land Use Planning and Approvals Act 1993 (including the Tasmanian Planning Scheme) will prevail. There is potential for overlap that may cause confusion and lead to an unenforceable by-law. Recommendation Insert a statement to ensure there is no unintended confusion – such as the by-law being limited to the Glenorchy municipal area, and that Tasmanian and Australian law prevails.	Not required.
2. Potential Duplication with Cat Management Act 2009 Concern Clause 3(2) notes that the Clause 3(1) does not apply for domestic dogs – which seems to be to avoid the overlap with the Dog Control Act 2000. However the same could be said for domestic cats which have similar provisions under the Cat Management Act 2009. Recommendation: Update Clause 3(2) to include domestic cats.	No duplication with Act.
3. Potential Duplication with the Tasmanian Planning Scheme Concern Since the 2014 by-law was created, the Tasmanian Planning Scheme has come into effect, setting a consistent statewide framework that enables councils to manage planning requirements through their Local Provisions Schedule (LPS). Provisions such as Clause 6 (farm animals), Clause 7 (beehives), and Clause 8 (stables) set strict setbacks and controls - e.g., "2 metres from a road boundary," "4 metres from an adjoining boundary," or "6 metres from property boundaries" - running counter to the intent of the Tasmanian Planning Scheme. It would be more appropriate to address these matters through the Tasmanian Planning Scheme, as failing to do so may overextend the Council's authority under the Local Government Act 1993 into areas that should instead be governed by the Land Use Planning and Approvals Act 1993. This duplication could confuse residents and risk inconsistency with planning approvals. Recommendation - Remove or reduce these specific "distance from boundary" standards in the By-Law and instead require compliance with the relevant planning provisions under the Tasmanian Planning Scheme. - Where essential, use a broad statement that animals enclosures must comply with planning requirements (as already noted in Clause 8(2)(d)).	General amendments to sections regarding setbacks made.

4. Risk of Criminalising Common Existing Practices Concern Many residents already keep poultry, bees, or other animals counter to the requirements set in the proposed by-law – for example distances to property boundaries. This by-law will suddenly make common (and quite reasonable) practices unlawful, leading to community tension. Recommendation - Incorporate 'grandfathering' or transitional provisions to avoid penalising existing, otherwise responsible owners. - Undertake community consultation on these changes, to ensure that the community does not find the requirements unreasonably onerous. - Undertake public consultation on the permit system to clarify typical scenarios (e.g., how many chickens are allowed without a permit, how minor changes might or might not require re-application).	General amendments to sections regarding setbacks made.
5. Procedural Fairness: Entry, Seizure, and Permits Concern - Clause 12 allows authorised officers to enter land and seize animals or beehives, but the threshold ("reasonably believes an offence has been committed") is not elaborated on. - Clause 11 provides for a permit's cancellation or suspension with only one month's notice, yet there is no criteria, appeals or review mechanism. Without clear guidelines, community members may find the process unpredictable, lacking transparency and fairness. Recommendation - Add a requirement for the Council to provide written notice and the owner an opportunity to respond before seizure, unless an urgent welfare or public safety risk exists. - Add criteria that the General Manager may consider when granting or refusing permits. - Add an appeal process for permit cancellations or suspensions, such as internal review or an external body such as Ombudsman Tasmania.	Considered relevant and amendments made.
6. Gaps in Clear Definitions for Farm/Pest Animals Concern - Terms like "farm animal" or "pest animal" are broad and poorly defined. - This could inadvertently capture or exclude species in ways that cause confusion—e.g., is a miniature goat or alpaca considered a "farm animal"? - Without standard definitions - ideally referencing authoritative lists - enforcement is ambiguous. Recommendation - Update the by-law to use definitions consistent with recognised guidelines or lists (e.g., from the Department of Natural Resources and Environment). - Seek further advice from relevant Tasmanian Government departments and Local Government entities to ensure consistency across Tasmania.	Definitions sufficient and in line with other Councils' By-Laws and state legislation.

7. Essential Formatting, Writing Style, and Legislative Drafting Standards Concern Attachment A: "Formatting Track Changes to By-Law" lists many crucial changes to formatting, layout, and clarity. As this by-law has the force of law once adopted, even small ambiguities can cause significant issues when enforced or challenged. Inconsistent capitalisation, punctuation, and structure may undermine the by-law's legal validity. Clear and consistent drafting is paramount to avoid confusion and ensure enforceability. Recommendation - Adopt the corrections, formatting improvements, and readability changes noted in Attachment A. - Consult with the Office of Parliamentary Counsel (OPC) to ensure the By-Law is drafted to an appropriate legislative standard. - Seek qualified legal expertise in reviewing and finalising the By-Law, given its potential legal impact and the importance of removing ambiguity.	Considered relevant and amendments made.

[sic]

SCHEDULE 1 - Code of conduct

PART 1 - Decision making

1. A councillor must bring an open and unprejudiced mind to all matters being decided in the course of the councillor's duties, including when making planning decisions as part of the council's role as a planning authority.

2. A councillor must make decisions free from personal bias or prejudgement in the course of the councillor's duties.

3. A councillor, in making decisions, must give genuine and impartial consideration to all relevant information known to the councillor, or of which the councillor should be reasonably aware.

4. A councillor must –
(a) make decisions solely on merit; and

(b) not take irrelevant matters or circumstances into account when making decisions.

PART 2 - Conflicts of interests that are not pecuniary

1. A councillor, in carrying out the councillor's public duty, must not be unduly influenced, nor be seen to be unduly influenced, by personal or private interests that the councillor may have.

2. A councillor must act openly and honestly in the public interest.

3. A councillor must uphold the principles of transparency and honesty and declare actual, potential or perceived conflicts of interest at any meeting of the council and at any workshop or any meeting of a body to which the councillor is appointed or nominated by the council.

4. A councillor must act in good faith and exercise reasonable judgement to determine whether the councillor has an actual, potential or perceived conflict of interest.

5. A councillor must avoid, and withdraw from, positions of conflict of interest as far as reasonably possible.

6. A councillor who has an actual, potential or perceived conflict of interest in a matter before the council must –
(a) declare the conflict of interest and the nature of the interest before discussion of the matter begins; and

(b) act in good faith and exercise reasonable judgement to determine whether a reasonable person would consider that the conflict of interest requires the councillor to leave the room during any council discussion and remain out of the room until the matter is decided by the council.

7. This Part does not apply in relation to a pecuniary interest.

PART 3 - Use of office

1. The actions of a councillor must not bring the council or the office of councillor into disrepute.

2. A councillor must not take advantage, nor seek to take advantage, of the councillor's office or status to influence others improperly to gain an undue, improper, unauthorised or unfair benefit, or detriment, for the councillor, another person or a body.

3. A councillor, in the councillor's personal dealings with the council (for example as a ratepayer, recipient of a council service or planning applicant), must not expect or request, expressly or implicitly, preferential treatment for the councillor, another person or a body.

PART 4 - Use of resources

1. A councillor must use council resources appropriately in the course of the councillor's public duties.

2. A councillor must not use council resources for private purposes except as provided by council policies and procedures.

3. A councillor must not allow the misuse of council resources by another person or a body.

PART 5 - Use of information

1. A councillor –
(a) must only access or use council information as needed to perform the councillor's duties and functions; and

(b) must not access or use council information for personal reasons or non-official purposes.

2. A councillor must only release council information –
(a) in accordance with established council policies and procedures; and

(b) in compliance with relevant legislation.

PART 6 - Gifts and benefits

1. A councillor may accept an offer of a gift or benefit if it –
(a) directly relates to the carrying out of the councillor's public duties; and

(b) is appropriate in the circumstances; and

(c) is not in contravention of relevant legislation.

2. A councillor must avoid situations in which a reasonable person would consider that a person or body, through the provision of gifts or benefits, is securing, or attempting to secure, influence or a favour from the councillor or the council.

PART 7 - Relationships with community, councillors and council employees

1. A councillor must –
(a) treat all persons fairly; and

(b) not cause a reasonable person offence or embarrassment; and

(c) not bully or harass a person.

2. A councillor must –

(a) listen to, and respect, the views of other councillors in council and committee meetings and all other proceedings of the council; and

(b) endeavour to ensure that issues, not personalities, are the focus of debate.

3. A councillor must not contact or issue instructions to a council contractor or tenderer without appropriate authorisation.

4. A councillor must not contact an employee of the council in relation to council matters unless authorised by the general manager of the council.

5. A councillor must not, in the councillor's relationships with persons, other councillors, the council, employees of the council or other bodies, engage in conduct that is prohibited conduct.

PART 8 - Representation

1. A councillor must accurately represent the policies and decisions of the council when giving information to the community.

2. A councillor must not knowingly misrepresent information that the councillor has obtained in the course of the councillor's duties.

3. A councillor must not speak on behalf of the council unless specifically authorised or delegated by the mayor.

4. A councillor must clearly indicate if a view put forward by the councillor is a personal view.

5. A councillor's personal views must not be expressed publicly in such a way as to –
(a) undermine the decisions of the council; or

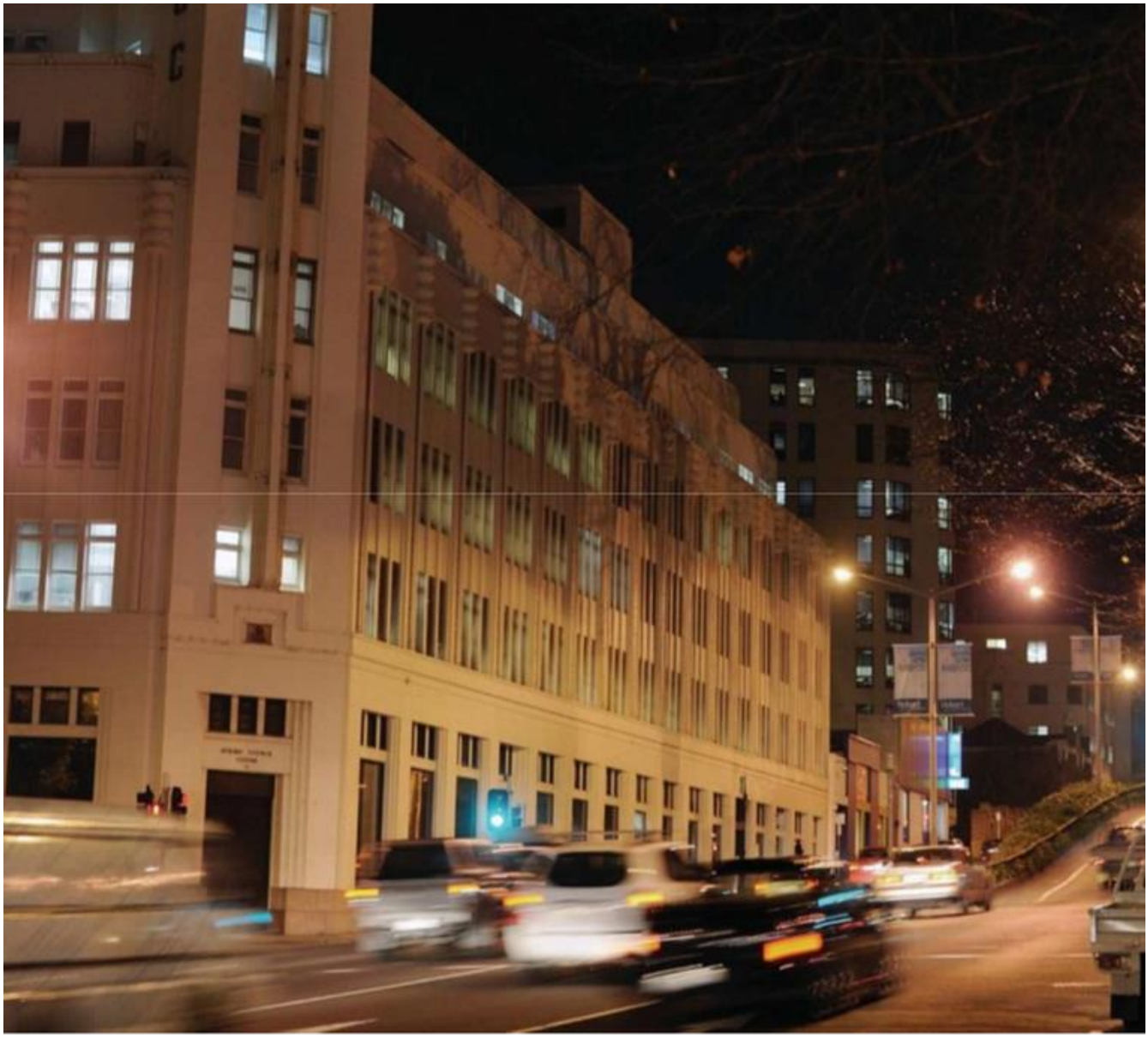
(b) bring the council into disrepute.

6. A councillor must show respect when expressing personal views publicly.

7. A councillor's personal conduct must not reflect, or have the potential to reflect, adversely on the reputation of the council.

8. A councillor appointed to represent the council on external bodies must strive to –
(a) understand the basis of the appointment; and

(b) be aware of the ethical and legal responsibilities attached to such an appointment.



Discussion paper

Local Government Electoral Bill

Office of Local Government
Department of Premier and Cabinet

Tasmanian Government

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Introduction

The Tasmanian Government is committed to developing a new and more flexible statutory framework for local government elections. This new framework will be implemented through a new standalone local government electoral bill and supporting regulations, which will be put in place ahead of the next council elections due in October 2026.

The Government is releasing this discussion paper to test with the community important reforms we are considering, which will:

- create a more flexible format for local government elections
- strengthen donations disclosure and electoral advertising requirements
- improve the quality of public information at elections
- make changes to the franchise for electors and eligibility to run for office, alongside a suite of changes intended to improve the integrity of (and community confidence in) council elections more generally.

Feedback is welcome until **4 April 2025**. Submissions can be provided by email to lg.consultation@dpac.tas.gov.au (preferred) or by post to:

Office of Local Government
GPO Box 123
HOBART TAS 7001

Tasmanian Government Public Submission Policy

All submissions will be treated as public information and published on the Department of Premier and Cabinet's website, unless you clearly specify your submission is being provided on a confidential basis. In accordance with the Tasmanian Government's Public Submission Policy, if you would like your submission to be confidential, you must specify in writing, at the time of providing your submission, the parts of your submission you wish to remain confidential and provide the reasons for this.

Submissions will be published after consideration by Government.

Next steps

The Government will consider consultation feedback in developing draft legislation, which it will release for further consultation and comment in winter 2025. The Government is targeting the spring 2025 session to introduce a Bill into the Parliament.

How we got here

The Tasmanian Government committed to developing and introducing a new standalone Local Government Electoral Bill in response to the recommendations of the Local Government Legislation Review.

That Review was announced in June 2018 and led to the endorsement of 48 approved reforms in April 2020 and a commitment to exposure legislation to follow. Those reforms were the outcome of a consultation process involving over 800 survey responses and 75 submissions.

Disruption associated with the COVID-19 pandemic, and then a commitment of Government to the wider-reaching Future of Local Government Review following the advice of the Premier's Economic and Social Recovery Advisory Council, led to legislative efforts to deliver the prior set of reforms being deferred, to ensure the future framework benefitted from the outcomes of that review. The latter review delivered its final report and recommendations in October 2023.

Separately, the Government introduced compulsory voting for local government elections in advance of the 2022 elections, through the *Local Government Amendment (Elections) Act 2022* (the Amendment Act). While compulsory voting had not been a recommendation of the Local Government Legislation Review, this subsequent policy decision saw Tasmania join Victoria, Queensland and New South Wales (where compulsory voting had been in place since 1947). Importantly, Tasmanians achieved landmark turnout of 84.8 per cent at the 2022 local government elections, with 120,695 more votes returned than at the 2018 elections: a historic result in its national context, outperforming other compulsory voting jurisdictions in recent decades.

The Amendment Act also delivered successful reforms to reduce informal voting rates, which had tended to increase in urban councils as the councillor ballot paper became longer due to larger candidate fields. The informal voting rate in the 2022 Hobart City Council councillor elections fell to 3.3 per cent, compared to 8.8 per cent in 2018 (and the statewide rate falling to 4.0 per cent, compared to 5.1 per cent in 2018). These reforms will be preserved in the new Local Government Electoral Bill.

Notwithstanding its success, the introduction of compulsory voting also drew renewed attention to the limitations of the current system under the *Local Government Act 1993* (the Act). For instance, electors living with print disabilities and Tasmanians interstate and overseas have not been able to enjoy comparable assistance and means to vote as at Tasmanian parliamentary elections, due to a prescriptive detail as to the method of postal voting in the Act. This is despite the Act making provision for assistance to electors and for voting electronically. The Tasmanian Electoral Commission was able to make available an in-person, confidential, and impartial voting assistance service at the 2022 elections, but with statutory change, more appropriate services can be made available at future elections.

Finally, important reforms to the conduct of Tasmanian parliamentary elections were delivered through the Department of Justice's Electoral Act Review, which delivered its final report in February 2021. These reforms, including a comprehensive donations disclosure regime, are embedded in the *Electoral Disclosure and Funding Act 2023,* the *Electoral Matters (Miscellaneous Amendments) Act 2023*, and the Electoral Amendment Bill 2024 (which is still before Parliament as at February 2025).

While the implementation of a disclosure regime of the complexity and comprehensiveness of the *Electoral Disclosure and Funding Act 2023* is not considered compatible with local government elections (which are primarily contested by independent candidates with no campaign assistance), these recent reforms to the conduct of Tasmanian parliamentary elections have influenced the direction of several proposed reforms laid out in this discussion paper.

Local Government Priority Reform Program 2024-26

The Electoral Bill is a core component of the Government's Priority Reform Program for 2024-2026, namely pillar three: improving local democracy and representation.

The Priority Reform Program is the implementation phase of the Future of Local Government Review and earlier Local Government Legislation Review. Alongside the Electoral Bill, Government is to introduce a targeted package of legislative reforms to the Local Government Act and new general and meeting procedures regulations in 2025.

Reform proposals and project scope

The Government's objective is to deliver new local government electoral legislation that enables future elections to be conducted in a more flexible format.

The new legislative framework will deliver the headline reforms of the Local Government Legislation Review to deliver principles-based legislation and a Local Government Electoral Act which makes it easier to administer local government elections.

The proposed reforms outlined in the paper are organised around five key outcomes:

1. **a more flexible and accessible format for local government elections**
2. **a better franchise for electors and changes to eligibility to run for office**
3. **better quality of public information at elections**
4. **strengthened donations disclosure and electoral advertising requirements**
5. **other changes to support the integrity of elections.**

One of the main reform areas the Government is seeking feedback on is in relation to how local government elections are conducted in the future, given the emerging challenges with a model that relies on the postal system. We know some change to the current model is inevitable. The goal is to ensure our legislation provides flexibility to adapt the format of elections having regard to evolving technologies and community needs, among other things.

The paper presents two scenarios for the future format of elections:

- The first is an upfront change to an **attendance voting mode**, either with a single polling day or a polling period, which would represent a substantial departure for local government elections in Tasmania.
- The second relies upon **continued distribution by mail of ballot papers**, with electors encouraged and enabled to complete and return ballots by hand to physical issuing places, creating a 'hybrid' electoral system. This responds to challenges, namely decreasing postal services standards and increasing costs, which will continue to challenge the conduct of elections by universal postal ballot.

In either instance, voters with barriers to participation (including electors with a print disability, who live in remote locations or are interstate or overseas) would be better served by legislative amendments to enable telephone voting, along with an option to continue to access conventional postal voting where that is practicable.

New directions: who should vote in local government elections and how should we elect the deputy mayor?

While proposed reforms in the discussion paper seek to support and deliver on initiatives previously agreed and announced by the Government in response to the Local Government Legislation Review, there are two main exceptions to this where we think there is merit in testing current community and sector views about alternative approaches.

These are:

- consideration for the continued eligibility to vote by non-citizens
- the manner of electing deputy mayors.

Matters out of scope

The Government is seeking broad feedback on a range of proposals in this discussion paper, and the input we receive will be vital in shaping our new local government elections legislation.

However, there are two key matters where the Government will not be considering any changes to the current arrangements:

1. **Voting at Tasmanian local government elections will continue to be compulsory.** The historic turnout at the 2022 elections has validated the decision to introduce compulsory voting, which has seen a level of public engagement and participation at elections which strengthens our vital local government sector and its engagement with our community. The Government does not intend to revisit its decision to institute compulsory voting, which enjoyed unanimous Parliamentary support, and highly positive feedback from in

the previous Office of Local Government consultation process commissioned following the 2022 elections.

2. **The local government sector should bear the cost of conducting its own elections.** This principle is provided for explicitly at section 268 of the *Local Government Act 1993*, and it will stand in the new Local Government Electoral Bill. Notwithstanding this, acknowledging the timing and impost associated with the policy change made at the 2022 elections, the Government provided approximately $400,000 in direct funding to support those elections, including costs associated with the increased count and, importantly, a public information campaign about the new requirement to vote. A further $200,000 is provided in the Forward Estimates for the 2026 elections, principally for a second public information campaign. As the community will have had two electoral cycles, and eight years, to come to understand compulsory voting, no further funding is proposed and local councils will meet the full cost of administering their elections, including public information. Non-voter fines will defray the additional costs of administering compulsory voting at the 2026 elections and beyond.

Navigating this document

The discussion paper is structured as follows:

- The first section presents the main issues for the future conduct and format of elections.
- The second section discusses possible options for reform which depart from earlier positions of the Government – namely non-citizen voting and how deputy mayors are elected - and explains why there are arguments for adopting alternative positions on these issues.
- The third section sets out all the other proposed reforms, organised by theme headings. The context and rationale for each reform is briefly explained, including useful precedent examples in other Australian local government systems and in Tasmanian parliamentary elections.

The future format of local government elections in Tasmania

Tasmanian local government elections have been conducted by universal postal vote since 1993. Postal voting has been successful and is associated across Australian jurisdictions with higher participation rates in council elections.[1] However, elections by universal postal voting are becoming increasingly challenged by declining postal service standards and additional costs, including for electors interstate and overseas.[2]

The status quo is not sustainable. At some point (be that at the 2030 council elections or beyond), letter delivery services may simply become unavailable at any cost, or with such limited frequency that the conduct of mass participation elections is impracticable. Postal service costs and service standards already represented challenges for the 2022 and 2018 elections.

Responding to this challenge, this section of the discussion paper presents two alternatives for the future format of elections.

While these scenarios are presented for consultation neither would need to be specified or 'hard wired' in legislation, with the legislation instead developed to enable a wider range of voting methods to better accommodate a range of future states. Irrespective of the future conduct of elections – whether it be a postal/hybrid model, or a move to attendance voting – the Bill will give operational autonomy to the Tasmanian Electoral Commission in the conduct and format of elections, with some capacity to fix parameters in regulation. This is appropriate, and consistent with the *Electoral Act 2004* and *Local Government Act 1993* in respect of existing elections.

For this reason, these alternatives should be regarded as a bridge to a future state. If we cannot vote fully by post anymore, how should we vote at the next election in 2026 and the elections of 2030? At some point, electronic voting systems will be secure and validated, and most people will vote electronically, in much the way that most consumer banking transactions are now completed online. However, those systems are not yet mature, and the decline in postal standards and increase in costs demands short and medium-term alternatives.

[1] At 84.8 per cent, Tasmania's 2022 election featured likely the highest statewide turnout at Australian local government elections for some decades. Those elections were also the first held in Tasmania with compulsory voting.

[2] The Australian Government reduced letter services standards by amendment to the *Australian Postal Corporation (Performance Standards) Regulations 2019* effective 15 April 2024, succeeding pandemic-era temporary reductions in those same standards (later reversed). Despite these changes, the cost to the Tasmanian Electoral Commission for Australia Post's services for elections has risen substantially.

Scenario A: change to voting in person as the primary means of participation

Move to universal attendance elections with a weeklong polling period, or a polling day, including an extended pre-poll period and postal voting for persons on the supplementary electoral roll.

Telephone voting would be made available for electors with barriers to participation or who are intestate or overseas.

The first scenario presented is to move to an attendance voting model for electors on the House of Assembly roll. This would align local government elections more closely to the model used for Tasmanian and Australian parliamentary elections.

Transitioning to this model presents a significant shift in electoral format requiring the community to immediately adjust to attendance voting at council elections, which is likely to present some additional disruption (especially as voting is now compulsory). However, attendance voting is a feature of most other Australian jurisdictions' local government electoral legislation (besides South Australia), which tend to rely on a mix of voting methods for individual councils or across councils (some council elections are conducted by universal postal ballot and others through a mix of attendance and postal voting).

Attendance voting on a polling day at Tasmanian and Australian parliamentary elections is declining in favour of pre-poll voting. When presented with the option, people increasingly favour voting early and at a time that suits them. The 2022 federal election saw a landmark majority of electors nationally vote early (by pre-poll, predominantly, and postal ballot). At state elections, the proportion of electors voting early tripled between 2002 and 2021, to almost 30 per cent of votes, with the significant majority of this growth being votes cast by pre-poll ballot.

Recognising this emerging preference, there is an opportunity to introduce a polling period of one week, rather than a single polling day. However, there is a direct trade-off between a polling period and a polling day, and the number of polling places which can be made available. It is not affordable, for instance, to staff the density of polling places made available at state elections for an entire week, most of which are not available for that purpose on weekdays (namely schools).

This is relevant as postal voting is, generally, associated with higher turnout at local government elections in other Australia jurisdictions. Despite compulsory voting, it is reasonable to assume the less flexible the manner of voting – for instance, a single day attendance election or a weeklong polling period with limited polling places – the lower turnout will be.

Were attendance voting to be pursued, it is expected a single or small number of polling places for each local government area would be open for a polling week. A pre-poll centre, potentially servicing multiple municipalities, may also be open for a four-week early voting period. These options would be complemented by postal

voting (upon registration) and telephone voting for eligible electors, including electors interstate and overseas.

Even with this kind of flexibility, a wholesale shift to attendance voting still presents challenges, particularly for local government elections, where electors are required to choose between sometimes very large fields of candidates[3] who may have less prominent public profiles, and who do so often without political party support.

While larger fields and community candidates are core to the value and differentiation of local government, they can make it difficult for electors to make informed and meaningful choices at a ballot box. Postal voting has provided electors the ability to work through the ballot paper with the candidate information provided privately and in their own time. Care will need to be taken in the preparation of candidate information and elector material distributed to households to address this gap.

Scenario B: flexible additions to the status quo (a 'hybrid' model)

Provide for a 'hybrid' postal model where:

- all electors are mailed a ballot and candidate information pamphlet
- there is a minimum four week polling period, enabling the earlier return of postal votes
- there are more issuing places in each municipality, to enable the hand return of ballots by electors until the close of polls
- ballots may be returned to issuing places until the close of polls.

Telephone voting would be made available for electors with barriers to participation or who are intestate or overseas.

Under this scenario, future elections would be conducted in a flexible manner which attempts to preserve the benefits of universal posting voting (at least while the postal system remains available and affordable), while embracing the efficiencies and advantages of a 'pre-poll like' model.

At the 2022 elections, traditional postal voting was complemented by increased use of an option for electors to return their completed ballot to council offices as 'issuing places'. This scenario seeks to build on and extend this type of model, and would involve:

- all electors continuing to receive candidate information and ballot papers in the mail following the close of nominations
- a likely polling period of a minimum of four weeks, to enable a longer period for the delivery of ballot packs and for the return of votes

[3] In more populous municipal areas, councillor ballots are sometimes very lengthy, and becoming lengthier. For example, 44 candidates contested the 2022 Hobart City Council ballot, compared to 36 in 2018.

- electors wishing to vote by post needing to complete a postal ballot declaration, identifying one among a prescribed set of reasons for voting via post. Otherwise, electors will be required to hand return completed ballots, in the declaration envelope, to issuing and receiving places.

As voting is compulsory, advice will be provided regarding return postal timeframes, and it is foreseeable that electors voting via post will have substantially less time to complete their votes than voters who return their ballots to a polling place. It is intended that, over time, most ballots are to be returned to issuing and receiving places.

Reduced time for persons voting by return mail does raise equity considerations. However – unlike parliamentary elections – counts for the office of councillor feature exclusions at very low margins, and it would not be feasible to commence the count or calculate provisional result prior to the return of all ballots to be included in the count. This means, unlike at state and Australian Government elections, postal votes cannot be received until a later time after the conclusion of the polling period.

What would these scenarios cost?

Tasmania's 2022 local government elections cost $9.32 per elector, an increase of 34 per cent over the 2018 elections ($6.92 per elector). This is largely attributable to the very large increase in participation (driving increased postal and counting costs) and the costs associated with the returning, processing and counting those additional ballots. By comparison, the 2024 Tasmanian state election cost $12.37 per ballot.

Jurisdictional comparisons demonstrate a wide range in potential costs. 2021 local government elections in the Northern Territory and New South Wales (which are primarily run on an attendance model) incurred costs of $15.10 and $29 per elector, respectively (noting that a range of factors may underpin that, including higher participation at the NSW elections).

It is not possible to quantify with confidence the costs of future Tasmanian local government elections under either alternative. It is reasonable to assume that the slower pace at which electors would take to complete their votes, and so move through the polling place, would increase costs of attendance elections relative to state elections; as may the provision of a polling period, rather than polling day (though this would vary with operational decisions regarding the number and distribution of polling places). As at present, local government elections are a more complex counting process than for state elections, though as discussed elsewhere in this document, this could be addressed by adopting an alternative means of selecting the deputy mayor.

It is similarly difficult to quantify costs of the hybrid election model, though this is anticipated to be less than for attendance elections. Postal services are expected to be more costly over time as overall letter volumes decline.

Under either alternative, the costs of local government elections are expected to increase at the next ordinary elections and beyond.

Potential new directions: who should vote in local government elections, and how should we elect the deputy mayor?

This section of the discussion paper seeks feedback on two reform options for consultation, which if adopted, would depart from agreed reforms in response to the Local Government Legislative Review, namely:

- a continuation of non-citizen voting (limited within certain parameters)
- a move away from the popular election of deputy mayors.

We are testing these directions because we think they have merit in the current landscape and having regard to future challenges and opportunities for council elections in Tasmania.

Reforming the franchise: should non-citizens enjoy a continuing entitlement to vote at local government elections?

If this entitlement were to continue, it is proposed a person's ordinary place of residence must have been in Tasmania for the 12 months prior to making an application for enrolment (or otherwise must own property in Tasmania in a personal capacity).

This would be, in effect, a 'non-citizens' electoral category.

The Government previously endorsed as an outcome of the Local Government Legislation Review that a 'person must be an Australian citizen to be eligible to be enrolled to vote in local government elections'.

Tasmania, alongside Victoria and South Australia, has not limited access to supplementary entitlements to vote only to Australian citizens, or to persons eligible to vote in state and Australian government elections.[4]

This proposition proceeded through the legislation review process with relatively narrow public comment. The local government sector provided conditional support, with several councils supporting the maintenance of voting entitlements for non-citizens who own property or for permanent residents and/or refugees.

There is some civic benefit for continuing a broader franchise than at state and Australian Government elections. Maintaining a franchise that is accessible and equitable encourages participation and interest in the local community and builds connection and civic values. Local councils make decisions that shape people's local,

[4] Those being Australian citizens and British subjects enrolled to vote immediately before 26 January 1984.

immediate environments, and those decisions benefit from the input and engagement of all people who use and enjoy local recreational spaces and public infrastructure.

Enabling a wider segment of the community to vote at local councils provides for democratic engagement and is a first experience of Australian democracy for people who may go on to become Australian citizens and lifelong members of our community.

As noted, some councils have supported continued electoral participation for permanent residents and/or refugees. It is not considered desirable for the Tasmanian Electoral Commission to have to review, and verify, the immigration status of electors, and to make determinations on the basis of visa categories which are themselves the subject of change and reform.

As an alternative, it is proposed that persons seeking enrolment on the supplementary roll who are not entitled to be enrolled on the House of Assembly roll, and whose ordinary place of residence is Tasmania, must be able to demonstrate a minimum of 12 continuous months' residence in Tasmania (not necessarily in the municipal area) at the time of seeking enrolment.[5] This is intended to establish a minimum level of community engagement and integration in Tasmania prior to participating in local government elections and indicate some expectation of continuing residence in the community.

Reforming the entitlement to nominate as councillor

If an entitlement for non-citizens to vote is preserved, require that a person must appear on the House of Assembly electoral roll to be eligible to hold the office of councillor, in addition to appearing on that roll or the supplementary electoral roll at an address in the municipal area.

If Government adopts a revised position that long-term non-citizen residents of Tasmania, or non-citizen owners of property in Tasmania, will enjoy a continuing entitlement to vote in local government elections, it is additionally proposed that persons seeking nomination for office will be required to be on Tasmania's House of Assembly electoral roll, and as a result, be Australian citizens or British subjects eligible to vote in parliamentary elections.

This change would bring Tasmania into alignment with Victoria and South Australia, which impose this differential requirement. The proposal, combined with the continuation of the wider franchise, is intended to balance the benefit of wider civic

[5] By way of example, in South Australia, one month's residence in a ward or council area is required prior to an application for enrolment as a resident for persons not entitled to vote on the basis of enrolment on the state's House of Assembly roll. An extension to this period was acknowledged as a potential direction or reform in the state's Local Government Participation and Elections Review discussion paper.

participation with the acknowledged risks of foreign influence and interference at local government elections and in council decision-making.

Remove the direct election of the deputy mayor

Instead, the councillors are to elect the deputy mayor at the first ordinary meeting of the term of the council. Otherwise, the role of deputy mayor could be removed entirely or made optional in favour of provision for acting mayors, including supplementary allowances.

Change to the mode of election of the deputy mayor and mayor was proposed during Local Government Legislation Review but was not ultimately recommended as a final reform. There was not clear or strong support for the change in submissions to the legislation review at that time, from either councils or the community.

However, there are reasons to reconsider a change, particularly with higher participation rates brought about by the recent introduction of compulsory voting and increasing election costs. It is becoming less clear the costs associated with directly electing the deputy mayor result in attendant democratic or governance benefits for councils and communities.

Tasmania is the only Australian jurisdiction where the deputy mayor is popularly elected and there are obvious complications and limitations to the process of electing the deputy mayor as it stands, including that a person may not contest both the roles of mayor and deputy mayor at the same election.

It is already the case that casual vacancies in the role of deputy mayor are filled 'around the table' and not by by-election. Election around the table is consistent with the approach in all other jurisdictions (noting councils in some jurisdictions also appoint their mayor or principal member in the same manner). Election by popular ballot is not clearly consistent with the actual function of the deputy mayor, which is as an alternative, or acting, spokesperson for the council and the chairperson of its meetings in the mayor's absence. Further, election around the table enables all councillors (including those who contested the mayorship) to seek the deputy mayorship. This may lead, in some circumstances, to council's leadership becoming more reflective of the sentiment of the electorate than is permitted under the present system.

As all Tasmanian mayors are appointed by popular election, one alternative would be the second ranked mayoral candidate be appointed deputy mayor. Such a system may increase the likelihood the mayor and deputy mayor represent factional or partisan opposites in the council, and this may be an impediment to the performance of the deputy mayor's functions. Council choosing its own alternative chairperson and spokesperson is considered preferable to that model.

Alternatively, it may be timely to revisit the express necessity of the office of deputy mayor. Instead, new provision could be made in the *Local Government Act 1993* for the mayor to delegate their functions to a councillor during a period of absence; or for the council to appoint an acting mayor around the table during a period of absence. Provision would be made for a councillor so appointed to receive a mayoral allowance in this period. The mayor would be provided a general power to delegate the role of council spokesperson other than for periods the mayor is on leave.

Only Queensland and Western Australia require a council to appoint a deputy mayor, with legislation in other jurisdictions leaving this at the discretion of councils. This could be the legislated outcome in Tasmania, or provision be made only for acting mayors.

Either proposal could play a significant role in defraying the escalating and unavoidable costs of future local government elections. Wider participation at elections increases the cost and time required to conclude the count, which provides an additional reason to streamline the popular electoral process. The Tasmanian Electoral Commission provided preliminary estimates that the direct election of the deputy mayor cost approximately $285,000 in 2022, or seven per cent of the cost of those elections. This cost can be expected to, at least, increase proportionally with any scenario for the format of future elections (if a change to deputy mayor election around the table, or acting mayors, is not adopted). However, the Commission has indicated this assumption may be conservative were attendance elections introduced for local government.

Were the office of deputy mayor to be removed or made optional, additional savings could be realised from the abolition of associated allowances, or otherwise, these be redistributed among the councillors.

Local Government Elections: technical reforms

Thirty-three technical reforms are presented below, under five themes:

1. **a more flexible and accessible format for local government elections**
2. **a better franchise for electors and changes to eligibility to run for office**
3. **better quality public information at elections**
4. **strengthened donations disclosure and electoral advertising requirements**
5. **other changes to support the integrity of elections.**

1. A more flexible and accessible format for local government elections

This set of reforms will provide future flexibility for the conduct of local government elections and, importantly, remove current barriers to using available assistive practices and technologies for electors with print disabilities and electors who are interstate or overseas.

Reform 1: reduce prescription in the statutory framework to enable the Tasmanian Electoral Commission to approve the electoral process.

This principle will guide the preparation of the new statutory scheme. It corresponds directly to the first headline reform endorsed through the Local Government Legislation Review in April 2020, which is to deliver principles-based legislation removing prescription or moves procedural detail into subordinate legislation that can be more readily adapted as circumstances change. Critically, a more flexible format for local government elections will enable greater responsiveness to the developing challenges with the current universal postal ballot system.

It is acknowledged the unique integrity risks associated with election require care in drafting and sufficient detail in statute to enable impartial arbitration of electoral matters. However, recent electoral cycles have made plain the extent of procedural detail in the *Local Government Act 1993* has frustrated the ability of the Tasmanian Electoral Commission to conduct elections in line with community expectations or to respond to changes in technology and the declining availability and suitability of postal services.

This is particularly so in relation to current constraints on the Commission providing assistance to electors with barriers to participation, including print disability, and electors who are interstate or overseas during the polling period.

Technical engagement with the Commission during the preparation and public consultation on the exposure draft of the Electoral Bill will be prioritised.

Reform 2: enable the Tasmanian Electoral Commission to approve procedures for voting, including by telephone and electronic means, for interstate and overseas electors and electors with impediments to ordinary participation, or for other classes of person prescribed by regulation.

Electors with impediments to participation or who are outside Tasmania during the polling period have not been able to enjoy equitable participation in recent elections, due to limitations in the flexibility afforded to the Commission and Electoral Commissioner in the relevant sections of the current *Local Government Act 1993*.

For electors with print disabilities, section 291 does enable the Commissioner to provide a framework to provide assistance but does not provide for that assistance to overcome prescription in the Act as to what ballots may be accepted and counted (namely, ballots not received in an envelope with a signed declaration, pursuant to sections 285 and 287).

These constraints mean assistance provided at elections for the Parliament of Tasmania – such as the VI-Vote terminals which enable persons with sight impairments to complete an electronic ballot paper independently – cannot be provided for Tasmanian council elections. Similarly, the Commissioner cannot currently enable voting by phone, either with an automated secure system or with the assistance of a human operator.

The new Electoral Bill will remove statutory impediments to participation in elections by phone or with an assisted voting system for people who are not able to complete a written ballot paper.

Section 296 of the Act currently empowers the Commission to approve procedures such that electors who are outside Tasmania may vote by receiving a ballot paper electronically and returning it electronically or by mail. However, provision is not made for telephone voting.

Due in part to cybersecurity risk, electoral commissions in Tasmania and interstate have suspended remote internet voting until more secure systems are developed and validated.[6] This reduced access to the 2022 elections for persons outside Tasmania, particularly those overseas, due to the public and private costs and lengthy lead times associated with postal ballots, and the challenges faced by postal systems in maintaining service standards amid declining letter volumes.

The new Electoral Bill will provide for the Commission to approve procedures to enable either telephone or electronic voting, or both, for voters outside Tasmania. While internet voting is not currently contemplated for local government elections for the reasons outlined above, flexibility will be built into the Bill to ensure the most appropriate method or methods can be used for future elections as determined by the Commission.

[6] For example, the cessation of the New South Wales iVote system following council elections in 2021.

Similar facilitating amendments are proposed for the Electoral Act through the Electoral (Alternative Voting Procedures) Bill 2024. It is anticipated the provisions in the new Bill will mirror these provisions, once finalised.

As systems for telephone and, particularly, electronic voting mature, they may become suitable for more widespread use at elections. A power will be provided for regulations prescribing classes of persons for whom electronic and telephone can be made available.

It is noted that provision will be made for an appropriate balance of accountability between the Commission, Government and Parliament for the conduct of elections, and consideration will be given in the development of exposure legislation for the Commission to transmit its decision as to the manner of elections to the community and Parliament prior to those elections being held.

Reform 3: legislate that the Tasmanian Electoral Commission is required to approve procedures in accordance with universal franchise principles, namely all electors, including electors with additional barriers to participation, are to be afforded an opportunity to vote in an independent, secret and verifiable manner.

While the Electoral Bill will reduce overall statutory prescription and introduce much-needed flexibility, new principles for the conduct of elections will enhance community confidence and guide the Commission and Electoral Commissioner in the making of procedures for electors with impediments to ordinary participation or who are outside Tasmania.

These principles are that all electors are to be afforded an opportunity to vote at those elections in a secret, independent and verifiable manner so far as this is consistent with the Commission conducting efficient and timely elections and the integrity of those elections.

Not all existing and prospective methods of voting, including assistive technologies, perfectly reflect these principles. Postal voting, voting by telephone with a human operator, or voting using internet-based systems each involve trade-offs that may be acceptable or preferable for those who may value factors such as convenience highly, or benefit from direct human assistance.

As above, similar facilitating amendments are contained within the Electoral (Alternative Voting Procedures) Bill 2024, and the draft bill will seek to align to those provisions as made.

It is not possible or appropriate to prescribe in legislation a detailed model for assisted voting which avoids compromise between secret, independent, and verifiable voting and which meets all electors' needs and preferences. However, it may be appropriate to prescribe principles enabling the Commission to continually review and improve its assistive protocols, in consultation with affected electors, to

ensure the range of practicable and achievable voting methods and technologies are provided to electors.

Reform 4: require the Electoral Commissioner to publish after each election a statement on the implementation of the accessibility principles, after information, including relevant statistics and initiatives undertaken to promote universal participation in the election.

The Electoral Commission publishes a statistical report following each ordinary local government election. Supporting the above reforms, the Electoral Bill will require the Electoral Commission to publish a statement on the accessibility principles, including relevant statistics and initiatives undertaken to promote universal participation at the election. This proposal is considered to balance appropriately the independence of the Commission, while providing a transparent accounting of participation at the election for electors with additional barriers to participation.

2. A better franchise for electors and changes to eligibility to run for office

This set of reforms will make the administration of the local government electoral franchise more robust and, importantly, embed the core 'one person, one vote' principle for future elections. It also provides a higher – but appropriate – bar for nomination without the introduction of a candidate nomination fee.

Reform 5: increase the number of elector signatures required to support a notice of nomination to the lesser of 30 or one per cent of the number of electors in the municipal area.

The Local Government Legislation Review contemplated the introduction of a candidate nomination fee, intended to 'to attract serious candidates and reduce nominations by those without real intentions to be elected'. Despite being a common feature of local government elections in Australia, the proposal was not ultimately endorsed, in part due to the potential for the fee to deter genuine candidates and the equity impacts of a fee on participation from a wide section of the community.

However, the imperative to ensure ballots comprise genuine and credible candidates remains relevant. Under compulsory voting, it is perhaps even more important than previously to ensure that the field of candidates is well-understood by electors, to ensure all voters, including those less engaged in political processes, are able to make meaningful choices and are not incentivised to vote arbitrarily.

As an alternative to a candidate fee, the number of signatures required to submit a notice of nomination would be increased from two electors at present to the lesser of 30 persons, or one per cent of electors on the electoral roll for the municipal area. This change provides an initial test of credible public support for a candidacy, while not imposing a financial barrier on candidates. The alterative thresholds are intended to accommodate smaller municipalities for which obtaining 30 signatures could represent an unreasonable barrier.

It is noted a range of thresholds apply at Tasmanian elections, from 100 nominators for a non-party candidate for the House of Assembly to 10 for a non-party candidate at a Legislative Council election. While it is acknowledged there is some apparent conflict with the lower threshold applying for Legislative Council elections, it is considered desirable and appropriate that candidates demonstrate a threshold commitment to seeking and then serving in the office of councillor prior to appearing on the ballot paper. The nomination deposit of $400 for all candidates at Tasmanian Parliament electors provides an alternative incentive for serious candidates at those elections, but a higher nominator threshold is considered more suitable and more inclusive for council elections.

Acknowledging the potential impact of this measure on those who could gain the support of 30 (or one per cent) of electors, but who make a relatively late decision to nominate, consideration will be given to a two-stage nomination process in the Electoral Bill. This would see prospective candidates submit a notice of intention to nominate, followed by a period (of two to four weeks) to collate signatures, prepare a candidate statement, and ensure completion of pre-nomination training, prior to the submission of the notice of nomination (Reform 10).

Reform 6: move administration of the 'general managers' roll' from councils to the Tasmanian Electoral Commission, including administration of the process through which land occupier and corporate nominee (supplementary electoral roll) electors are to enrol.

This change was endorsed through the Local Government Legislation Review.

Presently, supplementary rolls of electors – that is, persons with property-based entitlements and non-citizen electors – are maintained by council general managers, in a manner and using forms approved by the Commission.

Shifting this responsibility to the Commission entirely should enable increased consistency in the administration and application of the supplementary electoral roll. Importantly, the administration of this function will be streamlined with complementary changes to clarify the extent of the electoral entitlement and to establish clear evidentiary requirements, as below.

It is anticipated this change would commence following the next ordinary local government elections to enable time to consolidate and validate supplementary rolls from all councils using the land titles dataset.

Reform 7: provide a definition for the purposes of 'occupier' of land that establishes an occupier holds a leasehold interest or licence over land, and/or the person's ordinary place of residence is in the municipal area.

Presently, a person who owns or occupies land in a municipal area (or is the natural person nominee of a corporate owner or occupier) may vote in an election on the basis of enrolment on a supplementary roll. The term 'occupy' is not adequately defined in the relevant part of the *Local Government Act 1993*.

This created ambiguity around the extent of association with land required to generate an entitlement to vote in local government elections in some specific instances (for instance, persons making regular use of a secondary property owned by a family member or associate). A clear definition of occupier will be introduced in

the new Bill, with the intent of linking entitlement to be enrolled on the supplementary electoral roll with a clear evidentiary basis.

This will include:

- a natural person, or a corporate body, with a personal lease for land
- a natural person, or a corporate body, with a personal licence for land (potentially limited to a private purposes licence at section 86AA of the Act)
- a natural person, otherwise, whose ordinary place of residence is in the municipal area, and who is a longer-term resident of Tasmania, and who is not enrolled for an electoral roll for the House of Assembly. This third case is intended to capture non-citizen persons resident in Tasmania who are not named personally on a residential lease.

Reform 8: provide that a person seeking enrolment on the supplementary roll must complete a land occupier declaration and provide documentation of the leasehold or licence over land, or evidence of their period of residence in Tasmania to the satisfaction of the Commissioner.

Enhancement will be made to the existing provisions for the electoral enrolment form for the supplementary roll, establishing clear evidentiary requirements for enrolment.

Persons seeking enrolment will be required to supply a copy of their lease or licence document, on which they are named; or provide, to the satisfaction of the returning officer, evidence of residence in Tasmania at least 12 months prior to the date of their application for enrolment (for instance, a utility bill) and, if required by the Commissioner, additional information for the intervening period.

Provision will be made for appeal of the determination.

Reform 9: implement the 'one person, one vote' principle and require a nominee of a corporate landowner or occupier of land may nominate one natural person who is an officeholder of the company to be its nominee.

The Local Government Legislation Review endorsed the institution of a 'one person, one vote' principle at local government elections in Tasmania. This requires removing the existing and explicit provision for a person to have up to two votes (found at section 254 of the *Local Government Act 1993*) for an election in a municipal area, where one vote may be in that elector's own right, and another on behalf of a corporate body.

Instead, it is proposed a nominee of a corporation may not also be enrolled on the House of Assembly roll at an address in the municipal area or be enrolled on the supplementary electoral roll for the municipal area.

In addition to providing a person may only have, in any circumstances, one vote in an election for a municipal area, it is proposed natural person nominees of corporate bodies must be officeholders of the corporate body (a director or company secretary of the body). This requirement mirrors arrangements in Victoria and South Australia.[7]

Requiring a nominee of a corporate landowner or occupier is an officeholder provides some additional integrity to the 'one person, one vote' principle as it will no longer be the case a corporate nominee may be arbitrarily selected (and so in some cases, be selected to avoid the prohibition on multiple voting that might otherwise apply). Corporate bodies will continue to have a single nominee for each municipal area, even if it owns or occupies land in several places in that municipality.

A corporate body providing a nomination will have to supply evidence, to the satisfaction of the Commissioner, that the nominated person is an officeholder of the corporate body.

Provision will be made for the appeal of this determination.

Reform 10: provide that all intending candidates (other than incumbent councillors) must complete a prescribed program of pre-nomination training prior to their submission of a notice of nomination.

Councils are obligated to complete pre-nomination training and/or training in office in Victoria, South Australia, Queensland and Western Australia. The Tasmanian Government endorsed the institution of compulsory pre-nomination training as part of its response to the Future of Local Government Review.

The Tasmanian Government, Local Government Association of Tasmania and sector representatives are working to implement and refine a learning and development framework (Learn to Lead) for Tasmanian councillors. A pre-nomination training module was made available to incumbent councillors and candidates at the 2022 local government elections.

The Bill will provide that people intending to become candidates at elections (other than those who are councillors at the time of the notice of elections) must complete training specified by the Director of Local Government, if any, prior to lodging their notice of nomination. The intention of this provision is that all people contesting local government elections will have a common threshold understanding of the particular role and functions of councillors and the day-to-day functioning of councils as the tier of government closest to the community.

While incumbent councillors seeking re-election will be encouraged to avail themselves of all available training, their experience in office, combined with Learn to

[7] See *Victoria's Local Government Act 2020* and *City of Melbourne Act 2001* and South Australia's *Local Government (Elections) Act 1999.*

Lead materials developed for serving councillors, is considered to obviate the need for mandatory pre-nomination training.

Training will be self-paced, online and in an accessible format.

Candidates will be required to attest to their completion of the pre-nomination training in their notice of nomination. Provision of a false declaration would be managed through offences related to the provision of false information to the Commission.

As outlined in Reform 5, consideration will be given in the drafting of the Electoral Bill to a two-stage process, where candidates submit an initial notice of intention to nominate, followed some weeks by a final notice of nomination. If this is pursued, candidates will be required to complete the training in the intervening period, with direct facilitation of training facilitated by the prior notification.

3. Better quality public information at elections

This set of reforms is intended to improve the understanding by electors of the candidate field, including notation on the ballot where candidate nominations have been lodged by a registered political party and the publication of candidate information statements and relevant regulatory information provided by the Director of Local Government.

Reform 11: require that the TEC provides all people submitting a notice of nomination the opportunity to provide a candidate information statement (in an approved format, providing prescribed information) and the Tasmanian Electoral Commission is to publish candidate information through appropriate means.

The candidate information booklet mailed to electors by the Commissioner is an essential component of local government elections. It is the primary way electors become aware of the range of candidates, their reasons for seeking election, views and propositions.

This candidate information is presently not an element of the statutory scheme, despite being core to the electoral process. It is proposed this become part of the statutory elections framework and candidates be afforded a right to submit an information statement as part of the notice of nomination. While provision of the statement will be encouraged, it will not be mandatory. The returning officer will also be empowered to reject a statement that is offensive or could mislead electors, which is similar to the conditions for the name of a candidate or for registering a party name under the Electoral Act.

A head of power will be provided in the new Bill for making regulations, should it be necessary to prescribe specific information to be included in the request for a candidate information statement.[8]

A power will also be provided for potential regulations specifying the form in which the material is to be made available to electors. The Tasmanian Electoral Commission will be required, in the first instance, to provide the candidate information to electors in printed form and publish it on the Tasmanian Electoral Commission website. Providing the candidate and election information to households by unaddressed mail (letter drop) is more affordable than addressed mail (though the use of unaddressed mail will depend upon the model of future elections, as this is unsuitable for the delivery of ballot papers). In practice, this is consistent with the current delivery method of candidate information (that being mail).

[8] An analogous requirement can be found in the candidate information sheets in the New South Wales *Local Government Act 1993*.

Reform 12: provide that the Director of Local Government may provide a statement to be published by the Tasmanian Electoral Commission alongside the candidate information.

Provision will be made for the Director of Local Government to supply a statement to the Tasmanian Election Commission for publication alongside the candidate information statement. The purpose of that statement, in legislation, will be the provision of relevant public information as to matters of broad council performance.

The Director may use this power to inform electors (at a high level) as to where they may locate relevant council regulatory and performance information, for instance, published Code of Conduct Panel determinations, and the council performance data dashboard to be developed as a result of recommendations of the Future of Local Government Review.

The Commission will be provided a power to reject a statement where that statement would have an undue bearing on the considerations of candidates by electors, in the Commission's view, which will be final.

Reform 13: establish that nomination by a registered party is to be included in the information published by the Tasmanian Electoral Commission, and printed on the ballot paper, with the candidate's name to be printed alongside the name of the registered party.

This option is testing whether the Tasmanian Electoral Commission should be required to publish in the candidate information booklet and website information, and on the councillor, mayoral and deputy mayoral ballot papers a candidate has been nominated by a registered party.

This is proposed as a public information measure. Membership of a registered party will not compel prospective candidates to seek nomination by that party, as candidates can nominate individually. Rather, the measure is intended to provide a level of transparency as to when candidates have sought and gained party endorsement, with the party then able to assist in compiling nominator signatures (see Reform 5).

It is noted candidates can, and do, declare party endorsement using the existing non-statutory candidate statements. While a range of considerations are relevant to the general proposition of partisan involvement in local government, this is considered a matter the statutory framework must be fundamentally neutral to, and it is the case parties already involve themselves in the local government electoral process.

Acknowledging the potential for printing party names on the ballot paper, consideration may also be given to candidates to have printed names of affiliated groupings and/or the word 'Independent' on the ballot paper, as below.

Reform 14: provide for candidates whose nomination form is not lodged by a registered party to request to be identified with a group name.

It is acknowledged printing the names of registered parties may raise concerns about equity between candidates who are nominated independently and those nominated by a registered party.

Subject to further development and technical consultation, provision may be made for two or more candidates who are not nominated by a registered party to request to be identified next to a common group name in the candidate information booklet and on the councillor, mayoral and deputy mayoral ballot papers through their notice of nomination. For the avoidance of doubt, this will not be a system of local government only registered parties, separate to parties registered under the *Electoral Act 2004*.

The returning officer would be empowered to reject any request for a group name that appears obscene, offensive, frivolous or intended to mislead electors, including by confusion with the name of a registered party. These proposed provisions correspond to grounds for rejecting the proposed name of a registered party under section 47 of the *Electoral Act 2004*.

While local government candidates could seek to establish a registered party in the meaning of the *Electoral Act 2004*, this requires a party membership, an advertising period, and complex ongoing regulatory obligations. The named group as proposed has no continuing status beyond the polling period but does serve to improve transparency. The proposition does not entail the establishment of ranked groups on the ballot paper or 'above the line' voting.

As above regarding political parties, it is noted candidates can use the existing non-statutory candidate statements to establish affiliations between candidates. This proposal formalises these practices and is intended to improve the quality of public information and provide appropriate guardrails.

Candidates who are neither identified by reference to a group nor nominated by a registered party will be able to request the word 'Independent' be printed on the councillor, mayoral and deputy mayoral ballot papers, in the manner provided for Legislative Council candidates by section 77 of the *Electoral Act 2004*.

4. Strengthened donations disclosure and electoral advertising requirements

This set of reforms will provide integrated approach to the management of political donations and electoral expenditure, including advertising. It seeks to align requirements for Tasmanian local government and Legislative Council elections to the extent considered appropriate and practicable. Importantly, it introduces gifts and donations disclosure requirements for non-incumbent candidates for the first time. Proposed prohibitions on the publication of deceptive and misleading statements are aligned to the *Electoral Act 2004*.

Reform 15: corresponding to the Electoral Act Review Final Report and the amended section 197 of the *Electoral Act 2004*, introduce new prohibitions on the dissemination of misleading and deceptive statements.

The Electoral Act Review Final Report recommended the existing section 197 of the *Electoral Act 2004* be augmented to provide it is an offence to print, publish or distribute electoral matter that:

- contains incorrect or misleading information about whether a person is or is not a candidate or a member of/endorsed by a registered party
- uses the name or derivative of a name of a party in a way intended to or likely to mislead any elector
- could result in an elector casting an informal vote
- contains a statement (express or implied) to the effect that voting is not compulsory
- contains a statement intended or likely to mislead an elector that the material is an official communication from the Electoral Commission or Electoral Commissioner.

It is proposed the scope of the amended section 197 be applied in the new Local Government Electoral Bill. Notably, the *Local Government Act 1993* does not presently regulate the content of electoral matter (be that advertising or other communications) with provisions corresponding to the prior section 197, so the changes will represent substantial additional protections for local government elections. A definition of 'electoral matter' corresponding to the *Electoral Act 2004* will be introduced.

The Electoral Act Review derived these standards through a review of interstate and Australian Government electoral provisions, with particular reference to section 180 of the New South Wales *Electoral Act 2017*.

It is acknowledged the Tasmanian local government sector has sought increased regulation of false or defamatory statements during elections, citing an increase in adverse comment on social media. While this issue is real and concerning, it is not

considered feasible or desirable for the Electoral Commissioner or similar to adjudicate on the truthfulness of candidates' comments during local government elections beyond the framework above, which should guarantee the proper conduct of elections and regulate electoral disinformation. Beyond the issue of the resource impost placed upon the Tasmanian Electoral Commission, it is not considered appropriate that Tasmanian local government electoral legislation test the limits of what is a complex legal and constitutional matter.

To the extent that defamatory material is published during elections, it is noted candidates have the same recourse to civil litigation as do all members of the community.

Reform 16: remove the general restriction upon a person, without the consent of the candidate or intending candidate, printing, publishing or distributing any electoral advertising that contains the name, photograph or a likeness of a candidate or intending candidate at an election; other than 'how-to-vote' material intended to instruct an elector in the completion of their vote.

This reform was recommended through the Electoral Act Review Final Report in respect of Tasmanian parliamentary elections and has been recently supported by the House of Assembly in the Electoral Amendment Bill 2024. Restrictions that closely correspond to those in the *Electoral Act 2004* occur in the *Local Government Act 1993* in respect of local government elections.

It is acknowledged a range of views on this reform are likely to arise. However, the maintenance of the present restriction, with its wide application, could be viewed as inconsistent with the freedom of political communication. The application in practice of the present restrictions is also uncertain, as these are subject to exemptions at section 278(4)(b) regarding 'a broadcast by radio or television or by a repeat on the internet of any such broadcast'.

While this provision is proposed for repeal, the Local Government Electoral Bill will contain substantial and enhanced protections, including authorisation requirements that attribute electoral advertising to the candidate for whom benefit is intended, alongside continued limits on election expenditure. This is considered to achieve similar objectives to the repealed provision without so directly impinging on speech and expression.

Reform 17: clarify the definition of electoral advertising.

The definition of 'electoral advertising' will be strengthened to ensure it encompasses all paid communications in print, broadcast, internet and social media; but does not include general comment in broadcast, print and social media or otherwise on the internet. Electoral advertising will be defined to include (whether paid or unpaid) unsolicited calls (including automated calls) and direct unsolicited electronic messages and direct mail, including letterboxing.

The definition of electoral matter will include electoral advertising.

Reform 18: provide that only a candidate, intending candidate, or a person so nominated in the notice of nomination by a candidate, may incur electoral expenditure; and provide that expenditure by other persons to promote or procure the election of a candidate or intending candidate is an offence.

In the manner of the *Electoral Disclosure and Funding Act 2023* framework for Legislative Council elections, within provisions to commence 1 July 2025, only candidates, intending candidates and a natural person authorised in a candidate's notice of nomination may incur electoral expenditure.

Regulation 22 of the *Local Government (General) Regulations 2015* currently provides presently that 'a person must not purchase electoral advertising time or space in relation to the election of a candidate without the written authority of that candidate', and further: 'a candidate who authorises a person to conduct electoral advertising on his or her behalf relating to an election is taken to have personally undertaken that advertising'.

This means, in effect, only candidates and persons acting as their agents may purchase electoral advertising, and requires that be attributed in full to existing advertising expenditure limits.

However, the indirect nature of this mechanism is less than ideal. A straightforward requirement, made in the new Bill, that only intending candidates, candidates and persons nominated by candidates themselves may incur expenditure is more effective and easier to administer and enforce.

This mechanism also addresses the possibility of broadly unregulated third-party campaigning of a negative character in relation to candidates.

Section 278 of the *Local Government Act 1993* provides presently for a global offence provision regarding electoral advertising to promote or procure the election of a candidate other than in accordance with the regulations, and further provides a successful candidate convicted under that section by a court is to have their election voided in all but special circumstances. This latter provision will be retained.

Reform 19: institute authorisation requirements for electoral advertising and associated material.

Under this reform, electoral advertisements and associated material will require published authorisations, consistent with the requirements in the *Electoral Act 2004*. Authorisation may be by a candidate or intending candidate or a nominated person, identifying the candidate or intending candidate who has provided their endorsement for the advertising or material.

It will be an offence to cause to be published or transmitted electoral advertising without providing the authorisation particulars with the advertising.

These requirements will improve the transparency of elections and improve the integrity of the advertising returns system.

Reform 20: replace advertising expenditure limits with a general expenditure limit, with reference to the expenditure limit for Legislative Council elections under the *Electoral Disclosure and Funding Act 2023*.

Presently, a system providing for an electoral advertising expenditure limit is contained in the *Local Government (General) Regulations 2015*.

It is proposed this limit be expanded to cover election expenditure generally, with reference to the forms of expenditure in and out of scope, and the period, of regulation under the *Electoral Disclosure and Funding Act 2023* in respect of Legislative Council elections (noting those provisions are to commence 1 July 2025).

A general expenditure limit more flexibly (and appropriately) captures the range of campaigning activities open to candidates at contemporary elections.

Reform 21: require that a candidate is to report expenditure made on their behalf in their electoral expenditure return, in the same manner as personal expenditure. The present requirement to attribute, in full, to each candidate so featured the value of advertising featuring multiple candidates (for instance, multiple party candidates) will be retained.

These provisions, currently found in the *Local Government (General) Regulations 2015*, are to be retained and elevated to primary legislation. The effect of these is to attribute expenditure made on behalf of candidates (who must have authorised that expenditure) to individual candidates, to enable the effective regulation of electoral advertising and other campaign activities using individual candidate expenditure limits.

As present, the full value of advertising (or other activities) promoting multiple candidates (for instance, an advertisement depicting several candidates as members of a political party – including across municipal areas – or an advertisement promoting another group of candidates) is attributed to each individual candidate.

While further analysis will be required, the limits are proposed to be retained as at present, being an indexed amount which commenced at $16,000 for candidates in Hobart, Glenorchy, Clarence, Kingborough and Launceston, and $10,000 for remaining councils in 2018.

Reform 22: prohibit any person from incurring any expenditure for or on behalf of a registered party with a view to promoting or procuring the election of a candidate or intending candidate.

This provision occurs in the *Electoral Act 2004*, and in the *Electoral Disclosure and Funding Act 2023*, in respect of Legislative Council elections (with the latter provision commencing 1 July 2025).

This prohibition is meant to complement the above requirement that all electoral expenditure, including advertising, only be made by candidates or intending candidates themselves (or their nominees), which enables regulation and disclosure for individual candidates. It is considered appropriate to apply the same prohibition as stands for Legislative Council elections, given advertising (now to be general) expenditure limits are an existing feature of local government elections.

Reform 23: maintain the $50 threshold for the disclosure of gifts and benefits and extend this requirement from incumbent councillors to all candidates, who will be required to lodge two candidate donation returns with the Tasmanian Electoral Commission. The new Bill will also require the publication of initial donations disclosures on the Commission's website during the polling period and until the certificate of election.

Councillors are required to report gifts and donations of an 'item, service, loan of money, loan of property or any other benefit with a monetary value of $50 or more', or gifts and donations received from the same donor of an aggregate value of $50 or more. As an outcome of the Local Government Legislation Review, Government endorsed all 'electoral candidates will be required to declare gifts and donations received during the electoral period'.

There is no intention to revise the threshold for the disclosure of a gift or benefit in the development of the new Electoral Bill and it is not considered desirable a separate or higher threshold would apply to non-incumbent candidates or sitting councillors.

Councillors are required to provide the general manager notice of the receipt of a gift or benefit over the threshold within 14 days and this forms a register updated on at least a monthly basis and is available for inspection by the public, including on the council's website.

It is proposed that the proposition endorsed through the Local Government Legislation Review be strengthened to apply to gifts and benefits received for the purpose of a supporting an intending candidate's election from 30 days after the certificate of election of the last ordinary election for the council to 30 days after the certificate of election of the current election (the donations period). Victoria's *Local Government Act 2020* establishes an analogous donations period.

Candidates, whether successful or unsuccessful at the election, will be required to provide a donation return, at the same time candidates are required to provide their return in relation to electoral expenditure, being 45 days after the certificate of election. The return will need to be in a form approved by the Tasmanian Electoral Commission and a power will be provided for regulations to be made prescribing information that must be included in the donation return.

To further enhance transparency, it is proposed non-incumbent candidates will be required to lodge an initial donations return at the time they submit their notice of nomination, for the donations period until that date. In lieu of this requirement, councillors who are contesting the election will be able to certify on their return the gifts and benefits disclosed on the register maintained by the general manager are current at the time of their notice of nomination.

The Tasmanian Electoral Commission will be required to publish the initial donations disclosures on its website during the polling period and until the closing day. Subsequently, the final donations returns of successful candidates will be provided to the general manager and form the basis for the new council's gifts and benefits register.

Reform 24: provide that it is an offence for a person other than a candidate or intending candidate to accept a gift or benefit for the purpose of promoting or procuring the election of a candidate, or for the dominant purpose of influencing the way electors vote in an election; and that it is an offence to make a gift or donation to a person other than a candidate or intending candidate for this purpose.

This provision is intended to prohibit donations made to intermediaries which could otherwise obfuscate the origins and purpose of gifts or benefits intended to promote or procure the election of a candidate, or influence the outcomes of elections. These provisions, while far reaching, are proposed as an alternative to a system of requiring returns from third-party campaigners and agents, the complexity of which is considered to be incompatible with the conduct of local government elections. By restricting the receipt and making of donations to candidates and intending candidates themselves, the regulation of gift and benefits through the disclosures of individual candidates can be preserved.

Reform 25: provide that it is an offence for a councillor, intending candidate or candidate, at any time, to accept a donation for the purpose of promoting or procuring the election of a candidate or intending candidate at a local government election:

- over $50, including services or goods valued in kind, without recording the basic details of that donor
- over $50 in cash
- over $50 from a foreign donor.

These requirements are again derived from those in the *Electoral Disclosure and Funding Act 2023*, adjusted for the longstanding financial thresholds for disclosure for councillors. The provision of information collection requirements is intended to support the submission of complete donations disclosures by candidates at the time of nomination and following the certificate of elections.

Provision will be made, in the manner of the *Electoral Disclosure and Funding Act 2023*, for a person to return or dispose of a gift accepted improperly within a short period.

5. Other changes to support the integrity of elections

These additional reforms provide for the continued integrity of local government elections and adopt measures common to other jurisdictions and Tasmanian parliamentary elections. Sanctions for elections offences will be enhanced and the Tasmanian Electoral Commission provided with corresponding powers of investigation; and a legislated caretaker framework will embed the voluntary policy approach adopted by most councils at the 2022 elections. Consistent with the Local Government Legislation Review, elector polls are to be retained, but a larger section of the electorate will be required to petition for an elector poll to be held, reflecting their substantial costs.

Reform 26: provide that a local government election or by-election may not be held such that the polling period overlaps the date of a Tasmanian or Australian Government parliamentary election.

The Bill will provide expressly that a local government election may not coincide with a Tasmanian parliamentary election, of either house, or an election for the Parliament of Australia. As the timing of local government elections is fixed in legislation, with their closing on the last Tuesday in October (absent an order of the Governor) these elections coinciding is not likely, other than for a Legislative Council by-election. However, the making of an express provision removes any need for the Minister for Local Government to seek an order to this effect, as the impact on the community and the Tasmanian Electoral Commission of simultaneous elections (the latter in the case of a state election) is foreseeably unmanageable and would discourage participation and engagement at local council elections.

Reform 27: provide the Tasmanian Electoral Commission with powers of investigation.

Consistent with the outcomes of the Electoral Act Review and the amendments to the *Electoral Act 2004* contained within the *Electoral Matters (Miscellaneous Amendments) Act 2023*, powers of investigation – including powers to compel information and to use that information to prosecute an electoral offence – will be contained in the new Bill. The provisions will mirror those contained in the *Electoral Matters (Miscellaneous Amendments) Act 2023*.

Reform 28: alignment of electoral offences and sanctions with the Electoral Act.

Consideration will be given to aligning electoral offences between the new Bill and the Electoral Act, including enhancements contained in *Electoral Matters (Miscellaneous Amendments) Act 2023*. This includes the introduction of fault elements to the offence of electoral bribery and undue influence as presently established in the *Local Government Act 1993*, and consideration to alignment of

sanctions, including provision that some offences may be tried on indictment or in a court of summary jurisdiction, unlike the existing provision only for summary offences.

Alignment of offences will leverage the recent work of the Electoral Act Review and ensure the Tasmanian Electoral Commission, combined with its powers of investigation, will be able to better ensure the integrity of local government elections in Tasmania.

Reform 29: provide a statutory caretaker framework, applying from the notice of election to the date of the issue of the certificate of election for all elections other than by-elections and countbacks.

While caretaker conventions are non-statutory at state and Australian Government elections, local governments in Victoria, New South Wales, South Australia, and Queensland operate under statutory caretaker rules during their election period, with caretaker provisions legislated in Western Australia for future elections.

Most Tasmanian councils implemented caretaker provisions on a voluntary basis for the 2022 elections, and Government endorsed the introduction of a statutory local government caretaker framework as an outcome of the local government legislation review.

A caretaker period is intended to ensure councils do not make decisions to bind an incoming council inappropriately, and councils cannot use the resources of council to improperly influence the outcome of the elections in favour of incumbent councillors.

Councillors – particularly those not seeking or anticipating re-election – may not be incentivised to make decisions in the interest of the general community, including after the close of polls but prior to the issuance of the certificate of elections. As such, it is appropriate to the limit the matters subject to the decision of elected councils in this time, noting the provisions will only apply for approximately 10 weeks in each four-year local government term.

Reform 30: provide that during the caretaker period, prohibit a council from making any major policy or financial decisions, namely decisions:

- relating to the appointment, reappointment, remuneration or termination of a general manager, other than a decision in respect of the appointment of an acting general manager under section 61B
- committing the council to expenditure greater than one per cent of general and service rating and fees and charges revenue raised in the preceding financial year, or $100,000, whichever is the larger
- directing council resources in a manner intended, or likely to, influence voting at the election
- relating to a matter the council considers it could reasonably defer until after the election period, other than:
  - decisions relating to a matter the council is required to determine in that period under statute
  - decisions of a routine and operational nature.

The specific elements of the proposed caretaker framework correspond generally to interstate caretaker frameworks and are intended to enable effective operations of council through the electoral period.

As the Tasmanian Electoral Commission may not be positioned to investigate the activities of councils, these provisions may be inserted into the *Local Government Act 1993*, or otherwise formulated so the Director of Local Government would hold primary responsibility in respect of compliance.

For instance, in the event of a general manager vacancy during the period the provisions are in effect, council could only make an acting appointment as provided for by section 61B of the *Local Government Act 1993*, but could not substantively appoint a new general manager. A council could not decide to reappoint its general manager or to vary the terms of the appointment or remuneration.

Council decisions committing council to expenditure over one per cent of their own-source revenues from the preceding financial year (with an alternative threshold of $100,000 to provide flexibility to smaller councils) may not be made during the caretaker period. Matters endorsed by elected council previously and which are operationalised within the council organisation, may continue as usual (for instance, the execution of contracts for capital or maintenance works in accordance with councils' previously endorsed annual plans).

Councils will be prevented from directing council resources in a manner likely to influence voting at the election and will be generally required to defer matters which may be reasonably considered after the new council is in place, with the exception of matters of a routine and operational nature (for instance, the execution of works contracts as noted above) or matters councils must consider within the election

period under statute, including the determination of planning applications and other regulatory matters.

Reform 31: provide that during the caretaker period, it is an offence for a council to:

- publish any material in any format which promotes any candidate or group of candidates for election, or otherwise seeks to influence voters in the election
- publish material in relation to the election other than information to promote participation in the election and in relation to election process, or other material of a kind published by the Electoral Commissioner
- make resources available to the advantage of any candidate, which are not equally available to all candidates for election.

Broad restrictions are to apply to the publication of material by councils during the electoral period. These will properly ensure councils cannot leverage public resources to favour incumbent councillors. For instance, councils must refrain from publishing material, including through newsletters or social media posts, promoting initiatives or works completed by council which associates those works with incumbent councillors.

Councils will be permitted (and indeed should) publish material generally to encourage and facilitate participation in compulsory local government elections.

Similarly, councils would not be permitted to make resources available to the advantage of any candidate which are not equally available to all candidates. For instance, a council could not hold a candidate forum where an invitation to participate was not extended equally to every candidate.

Reform 32: provide that major policy or financial decisions of a council during the caretaker period are of no effect and provide that persons who incur loss or damage due to an ineffectual decision of a council, who acted in good faith, are entitled to recover compensation from the council.

Council compliance with the caretaker provisions relating to the making of decisions is enforced by providing that such decisions are of no effect at law. As a contractual counterparty who acted in good faith could be disadvantaged, it is to be provided that a party so disadvantaged may recover compensation from the council under the *Local Government Act 1993*.

Variations of this provision have been implemented in Victoria, South Australia and Queensland.

While the proposal may lead to public funds being expended on financial penalties in the future, it is considered that strong incentives towards compliance are in the broader public interest.

Consideration will be given to provision for a dispensation from the Minister or Director for a decision to be made in prescribed circumstances. Versions of this are provided for in New South Wales, South Australia and Queensland.

Reform 33: increase the proportion of electors signing a petition required to compel a council to hold an elector poll to 20 per cent; while restricting the matters about which an elector poll may be held to matters with a legitimate connection to the exercise of a council's functions or powers or to the incorporation of the council, as determined by the council.

This proposal is an endorsed outcome of the Local Government Legislation Review.

Presently, an elector poll can be compelled by a petition signed by the lesser of 1000 electors, or five per cent of electors; following from a public meeting which can be compelled by a petition signed by the same number of electors.

Under present provisions, issues which motivate in the order of two per cent of electors in the largest municipalities, or 40 people in the smallest, can lead to a general elector poll at substantial public expense.

Elector polls are advisory and do not bind the subsequent decision making of councils on any issue. For that reason, and despite appearances, they are not a direct democratic mechanism, but rather a means of establishing the sentiment of the community in a local government area on an issue.

Councils may, on their own initiative and without receiving a petition, hold elector polls, and this is not proposed to change.

Elector polls are expensive, especially when held out of cycle with local government elections. For example, the recent Clarence City Council poll, resulting from a public petition, was estimated to cost in the order of $200,000. Raising the threshold to compel an elector poll (or hold a public meeting) to 20 per cent of electors ensures that elector polls are only held (without the initiative of council) for issues which credibly motivate a large proportion of the community, and where the proposition has a clear prospect of gaining popular support. Similarly, placing some limitations around the matters upon which an elector poll may be held will avoid substantial public expenditure to test sentiment on matters remote to councils, noting elector polls are an inefficient and expensive means of testing the views of the public.

Discussion paper: remaking local government regulations

Contents

Part A: introduction and overview of Regulations remake and consultation process

Part B: proposed changes to the *Local Government (Meeting Procedures) Regulations 2015*

Part C: proposed changes to the *Local Government (General) Regulations 2015*

Part A: introduction and overview of regulations remake and consultation process

Introduction

The *Local Government (Meeting Procedures) Regulations 2015* (the Meeting Regulations) and the *Local Government (General) Regulations 2015* (the General Regulations) are important parts of the local government legislative framework in Tasmania. The General and Meeting Regulations are made under the *Local Government Act 1993* (the Act).

Regulations last for 10 years and are then required to be 'rewritten' (or remade). This requirement is set out under section 11(2) of the *Subordinate Legislation Act 1992*. The current Meeting Regulations and General Regulations are due to expire in June 2025 and so need to be remade.

The process of remaking the regulations provides an opportunity for the Tasmanian Government to review them and seek feedback and input from councils, the community and other stakeholders to ensure the regulations remain up to date and relevant.

Proposed changes to the regulations

It is proposed most provisions contained in the existing General Regulations and Meeting Regulations will be remade without change. In other words, they will stay the same. There are also proposed changes to the regulations aimed at improving transparency, accountability, inclusivity and fairness in councils.

Office of Local Government
Department of Premier and Cabinet

Tasmanian Government

These include:

- enhancing **transparency**, such as requiring ordinary council meetings be recorded and by updating requirements for disclosure of councillor interests
- promoting **accountability**, such as through updated reporting requirements
- encouraging **inclusivity**, such as by allowing councillors to attend meetings virtually or remotely where appropriate and improving community access to recorded meetings
- ensuring **fairness**, such as updating council categories that determine councillor allowances and ensuring consistency of approach to councillor leave arrangements.

These changes were previously identified through feedback from a range of review processes, including most recently the Future of Local Government Review. The proposed changes align with the broader aims of the Local Government Priority Reform Program 2024-26. Getting feedback on the proposed changes will help to make sure the regulations are fit for purpose.

How to provide feedback and have your say

You can give feedback on the proposed changes through a range of options, including an online survey, email or by post.

Questions are in each section of this discussion paper to help you think about the proposed changes and to guide your feedback. A copy of the draft Local Government (Meeting Procedures) Regulations 2025 (Attachment 1) and Local Government (General) Regulations 2025 (Attachment 2) are also provided for you to review.

Online survey

Access the online survey on the Office of Local Government website.

Email

Send your feedback to LG.consultation@dpac.tas.gov.au.

Include in the subject line: Feedback on General Regulations and Meeting Regulations.

Post

Send your feedback to:

Subject: Feedback on General Regulations and Meeting Regulations
Office of Local Government
Department of Premier and Cabinet
PO Box 123
Tasmania 7001

In the absence of a clear indication that your submission is intended to be treated as confidential (or parts of your submission), it will be treated as public information.

It will be published on our website at www.dpac.tas.gov.au later in 2025 after the consultation has finished. Your name, or the name of your organisation giving feedback, and your feedback will be published. No other personal information will be published.

If you would like your submission to be treated as confidential, whether in whole or in part, please indicate this in writing at the time of making your submission. Clearly identify the parts of your submission you want to remain confidential and the reasons why. In this case, your submission will not be published to the extent of that request.

For more information contact localgovernment@dpac.tas.gov.au.

Consultation period

The consultation period runs from **25 February 2025 until 1 April 2025**.

What happens after consultation?

Once consultation closes, the Government will consider submissions and, if required, make changes to the draft regulations. Some of the proposed changes discussed in this paper may require changes to the *Local Government Act 1993* prior to their implementation, but the Government is interested in consulting on these matters now to ensure we have a holistic view of stakeholder perspectives. The remade regulations will then be finalised for approval by the Minister for Local Government, ready to commence in June 2025.

Scope of this feedback process

Given the short timeframes available to remake both the General Regulations and Meeting Regulations, amendments to the regulations *will likely be limited to proposed changes as set out in this discussion paper and the draft regulations*. However, you are still welcome to provide your feedback about other provisions in these regulations. We will keep a record of these and consider them at a later date.

Part B: proposed changes to the Local Government (Meeting Procedures) Regulations 2015

The way Tasmanian councils are required to hold their meetings is set out in the *Local Government (Meeting Procedures) Regulations 2015* (the Meeting Regulations). The Meeting Regulations are prescribed under the *Local Government Act 1993* (the Act) as follows:

- section 18(3) of the Act: 'a meeting of a council is to be conducted in accordance with prescribed procedures'
- section 23(3) of the Act: 'a meeting of a council committee is to be conducted in accordance with prescribed procedures'.

Many of the provisions remain unchanged in the proposed remade Meeting Regulations (refer to Attachment 1). The proposed changes to existing regulations and new regulations are outlined below.

Snapshot of changes

1. Include new regulations to:
    - enable councillors to attend meetings remotely
    - provide greater flexibility for councillor leave
    - clarify requirements for recording interests in minutes
    - mandate the audio or audio-visual recording of council meetings.
2. Make the rules and procedures for questions and motions consistent, and easier to understand and manage.

Proposed changes

Improve public access to council meetings

Mandatory recordings of council meetings

Regulation 43 – Audio recording of meetings

Currently the use of audio recordings for council meetings is optional. A change to this regulation proposes council meetings must be electronically recorded using either audio or audio-visual devices. This will:

- enhance transparency
- be more inclusive
- improve public access to council meetings.

This will also build public trust by:

- providing an accurate and accessible record of council decisions
- efficiently informing community members about council activities and decisions.

Mandatory use of audio or audio-visual electronic recording will provide a complete record of meetings that is more accessible to some people than written minutes. Recordings of meetings are also useful for resolving questions about the accuracy of written minutes or events that occurred during a meeting.

To support this change there will be other new regulations including:

- the chairperson will tell attendees at the start of the meeting that it is being recorded
- recordings will be publicly available for 12 months
- enabling recordings to be edited before they are published. This will enable councils to remove defamatory or offensive material
- protections for a council if it has technical difficulties and cannot record
- a transition period for councils to enable them to record.

Questions

How can any possible operational or logistical matters be managed in relation to the recording of council meetings?

How long do you think councils should keep recordings of meetings and how long should they be published on council websites?

Changes to what is included in meeting minutes

Regulation 39 - Minutes

The changes to meeting minutes aim to improve the transparency of council meetings and the accuracy of minutes for the community.

In addition to current requirements, meeting minutes will need to include:

- the name of councillors attending meetings remotely
- any questions asked without notice by a councillor and a summary of any answer given
- declarations of interest are to record the:
    - name of the councillor
    - nature of the interest
    - the period in which the councillor left and returned to the meeting.

A change to the regulations will also allow councils to withhold questions from the agendas and minutes if they are defamatory, offensive or unlawful.

Question

Do you have any concerns about the proposed changes to minutes?

Allow councillors to attend meetings remotely

Regulation 46 – Participation in meetings by audio or visual link

Regulation 47 – Whole council meeting by audio link or audio visual link

Regulation 48 – Maximum attendance at meetings by audio link

Changes that enable councillors to attend meetings remotely will support inclusivity and flexibility in councils. Currently, Tasmanian councils are restricted from allowing councillors to participate in meetings by any means other than in person, even in emergencies.

During the COVID-19 pandemic, the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* authorised remote attendance at council meetings. However, this was a temporary measure specific to the pandemic response. This is out of step with other Australian councils, all of which allow flexible attendance.

The Meeting Regulations will be amended to enable councils to meet remotely in limited circumstances, such as a natural disaster or public health emergency.

It is also proposed the chairperson of council can authorise individual councillors to attend meetings remotely due to limited circumstances. In these cases, where councillors are participating in a meeting remotely, they must be able to be fully engaged and provide their full attention to the meeting and provide assurances of the appropriate management of confidentiality where necessary. Circumstances that may prevent a councillor attending a meeting in person and are acceptable reasons for participating remotely include:

- ill health or incapacity
- caregiving responsibilities
- localised natural disasters or emergencies.

These provisions will be helpful in regional and remote areas where councillors may need to travel for specialist medical treatment or other critical reasons and can't attend council meetings in person. It may also encourage people from diverse backgrounds to run for council by removing barriers. For example, people with caring responsibilities, that periodically inhibit travel to meetings, could attend a meeting remotely (with the clear expectation of undivided attention during meeting proceedings). It would also support business continuity in emergencies. Councillors attending remotely would still be counted as part of the quorum (a quorum is more than half of the elected councillors).

However, it is also recognised and critical that councillors must participate fully in meetings. Approval to attend remotely will not be provided if a councillor:

- is not able to provide their full attention to the council meeting
- cannot maintain the confidentiality of a closed meeting

- does not provide a suitable reason.

To balance remote and face-to-face participation in meetings, it is proposed councillors cannot utilise remote meeting provisions to attend more than one-third of meetings each year. This amendment will help to maintain current expectations around engagement with the council while still allowing for some flexibility.

Questions

Do you agree with the limited circumstances in which a councillor can attend a meeting remotely?

Do you believe the circumstances in which remote attendance may be refused are sufficient?

Do you think there needs to be a restriction or cap on the number of meetings a councillor can attend remotely each year and, if so, what should this be?

Parental leave for councillors

Regulation 51 – Parental leave

The Meeting Regulations currently include a provision that enables a councillor to request a leave of absence. That leave is not restricted to specific conditions and is on approval of the council.

An additional provision to the regulations would allow councillors *a right* to take extended parental leave for up to six months. This includes for birth or adoption of a child as well as adopting or becoming a guardian. This leave would not require approval by the council.

Having parental leave will help councillors to take time off without risking their position.

Allowing remote meeting attendance and more options for councillor leave will:

- foster a more inclusive environment
- encourage greater participation from people with caregiving responsibilities or living in remote areas
- strengthen governance by having more people from different backgrounds
- promote continuity in council operations, even in challenging circumstances.

Questions

Do you agree with the circumstances in which a councillor can have parental leave? Is there anything that should be removed or added?

Consistent rules and procedures for questions, motions and minutes

Division 2 – Motions, Division 4 – Questions and Division 5 - Minutes

The proposed changes will help people understand and comply with the Meeting Regulations by making sure there are similar and clear rules where possible. They will also help the chairperson to manage meetings.

The changes will clarify:

- Questions from both councillors and the public should be straightforward, concise and directly relevant to council activities.
- Questions should focus on asking for information, not making statements, and should include minimal background details.
- When and why questions and motions can be refused. For example, they should not be defamatory, unlawful or offensive and must relate to the activities or functions of the council.
- Who makes the decision to refuse a question or motion and when. For example, the general manager, in consultation with the mayor, can decide if a question on notice is to be refused before a meeting. The chairperson will decide if a question or motion is to be refused at a meeting.
- What needs to be recorded in the agenda and minutes if a question is refused because it is offensive, unlawful, defamatory, excessively personal or does not relate to council activities. In such cases, it is proposed the person's name, the date the question was received and the reason for refusal is recorded rather than printing the original question.

These measures aim to:

- create a clearer process for handling questions, motions and minutes
- maintain respectful questions and motions during meetings
- ensure consistency across council meeting procedures.

Questions

Do you think the suggested changes will provide clarity for people attending council meetings and asking questions?

Do you think the changes will help the chairperson manage questions and motions in meetings?

Part C: proposed changes to the Local Government (General) Regulations 2015

The current format of the General Regulations and most of the provisions will remain unchanged (refer to Attachment 2). The changes discussed below include one new provision and two amended provisions.

Snapshot of changes

1. Introduce mandatory reporting of councillor training activities in council annual reports. This will enhance transparency and promote ongoing professional development.
2. Update and increase councillor allowances. The increase will provide a financial contribution to compensate for the lack of superannuation.
3. Introduce two new sets of questions related to 337 land information certificates.

Proposed changes

Mandate the reporting of councillor training

Subregulation 37(d)

Under this proposal, councils must include in their annual reports details of core learning activities undertaken by each councillor. This will:

- improve transparency for the community
- reinforce the importance of ongoing training to increase councillor capability
- support good governance
- signal council commitment to providing councillors with the skills and knowledge needed to address complex challenges and serve their communities effectively.

This change was initiated at the December 2023 Premier's Local Government Council meeting. The regulations will require councillors to publicly report on the completion of core learning and development activities as determined by the Director of Local Government. This will be documented in councils' annual reports.

Question

Are there other learning and development activities that should also be recorded publicly?

Updated councillor allowances

Schedule 4 – Allowances for elected members

Section 340A of the Act provides that councillors are entitled to an allowance as prescribed. They are prescribed in regulation 42 and schedule 4 of the General Regulations.

Tasmania's 29 councils are varied, and allowances payable to councillors are set in a way to ensure good governance while balancing councils' financial sustainability and the interests of the ratepayers. There are currently seven council categories based on the number of voters and revenue base for each council. Using this relatively simple methodology, allowances are set and aligned with council categories.

The base amount payable to councillors is specified in the General Regulations. These amounts are adjusted for inflation each November using an indexation process. The council categories were reviewed and updated in 2016. Consistent with the Government's Priority Reform Program, a straightforward recalculation of allowances has been undertaken as part of the remaking of the Regulations, by reapplying the existing methodology (i.e. recalculating allowances on the basis of current numbers of voters and revenue basis) – this has seen three councils move up to the next category (Clarence City, Devonport City and Glamorgan-Spring Bay Councils.

Further to this, the matter of superannuation has been reviewed. In 2004, a 9% increase in allowances was provided to compensate for the lack of councillor superannuation. Australia's superannuation guarantee is currently sitting at 11.5% and will increase to 12% in July 2025. Therefore, councillor allowances as proposed in the draft General Regulations have been adjusted to incorporate the equivalent of a 12% superannuation compensation component.

To ensure councillor allowances are fair and equitable in all respects however, the Government has also committed to a comprehensive review of councillor allowances and councillor numbers at a future date.

Question

Do you have any comments about the updated councillor allowances?

337 certificate questions

Schedule 6 - Questions

Under section 337 of the Act, a certificate is provided by general managers to people on request. The certificate may be requested by people buying, selling or developing land. The certificate is provided with answers to a number of prescribed questions from schedule 6 of the General Regulations.

These questions have been updated to include new questions as suggested by councils and the State Planning Office. These questions relate to:

- weed management (or invasive plant species) to ensure landowners are aware of significant weed issues on properties
- land that is subject to the 'Major Projects' provisions in the *Land Use Planning and Approvals Act 1993.*

Questions

Are questions 56 and 57 on weed management necessary or appropriate? Why?

Is the set of questions (no. 21) on land subject to Major Projects necessary or appropriate? Why?

There are now a number of 337 questions, which in turn create a burden for councils. Could questions be simplified or would this lead to information not being provided?

An example of simplified questions are:

- **'Have approvals been granted under any relevant Act to perform plumbing work? Are they still in force and is the completion of any required work still outstanding?'**
- **'Have any compliance actions (such as notices or orders) been served in relation to the land that are still outstanding?'**

Attachments

Attachment 1 – draft Local Government (Meeting Procedures) Regulations 2025

Attachment 2 – draft Local Government (General) Regulations 2025

New Elections Bill

Testing ideas on the format of local government elections	
Idea	**GCC position**
The future format of local government elections in Tasmania – changes to voting format – in person (Scenario A) vs hybrid model (Scenario B) Scenario A: Move to universal attendance elections with a weeklong polling period, or a polling day, including an extended pre-poll period and postal voting for persons on the supplementary electoral roll. Telephone voting would be made available for electors with barriers to participation or who are intestate or overseas. Scenario B Provide for a 'hybrid' postal model where: • all electors are mailed a ballot and candidate information pamphlet • there is a minimum four week polling period, enabling the earlier return of postal votes	The Government has presented two scenarios to improve the sustainability of Tasmania's compulsory voting system. Council views Scenario B as the preferred option as it is the more flexible and accessible model. Council notes that the cost of conducting Local Government elections has increased over time and is expected to continue to do so, and Scenario B offers the more economical option. Council would like to see the four-week polling period could be shortened to two weeks to create urgency to vote and reduce risk of forgotten ballots papers. Council notes that this would impact those who need to continue to use the post to return their votes, and telephone voting may need to be bolstered. Scenario B would likely require some additional council staff resourcing to manage ballot collection as council offices would continue to be an 'issuing place', however it is proposed that the number of 'issuing places' in each LGA is to increase, so this may be mitigated. Staff resourcing to manage ballot reissuing would not likely increase as the ballot delivery method remains unchanged. The benefit of additional 'issuing places' may see a reduction in staff resourcing requirements.

• there are more issuing places in each municipality, to enable the hand return of ballots by electors until the close of polls • ballots may be returned to issuing places until the close of polls. Telephone voting would be made available for electors with barriers to participation or who are intestate or overseas.	
Reforming the franchise: should non-citizens enjoy a continuing entitlement to vote at local government elections? If this entitlement were to continue, it is proposed a person's ordinary place of residence must have been in Tasmania for the 12 months prior to making an application for enrolment (or otherwise must own property in Tasmania in a personal capacity). This would be, in effect, a 'non-citizens' electoral category.	Council does not support this idea. Council would like to see the eligibility to vote in Council elections aligned to the State and Federal requirements. Council notes that the proposed idea could be utilised in bad faith, with groups of community members being pressured into applying for voting status by a candidate.
Reforming the entitlement to nominate as councillor	Council supports this reform.

If an entitlement for non-citizens to vote is preserved, require that a person must appear on the House of Assembly electoral roll to be eligible to hold the office of councillor, in addition to appearing on that roll or the supplementary electoral roll at an address in the municipal area.	
Remove the direct election of the deputy mayor	Council does not support this reform. The current system works for the Glenorchy community. Around the table election of the deputy mayor can be over politized, could cause instability, and may not reflect the sentiment of the electorate as clearly as direct election.
Technical Reforms	
Reform 1: reduce prescription in the statutory framework to enable the Tasmanian Electoral Commission to approve the electoral process.	Council supports this reform.
Reform 2: enable the Tasmanian Electoral Commission to approve procedures for voting, including by telephone and electronic means, for interstate and overseas electors and electors with impediments to ordinary participation, or for other classes of person prescribed by regulation.	Council supports this reform.
Reform 3: legislate that the Tasmanian Electoral Commission is required to	Council supports this reform.

approve procedures in accordance with universal franchise principles, namely all electors, including electors with additional barriers to participation, are to be afforded an opportunity to vote in an independent, secret and verifiable manner.	
Reform 4: require the Electoral Commissioner to publish after each election a statement on the implementation of the accessibility principles, after information, including relevant statistics and initiatives undertaken to promote universal participation in the election.	Council supports this reform.
Reform 5: increase the number of elector signatures required to support a notice of nomination to the lesser of 30 or one per cent of the number of electors in the municipal area.	Council does not support this reform. This would create an unacceptable barrier to entry, in particular for new candidates. Council would prefer to see this remain at two signatures, or a compromise amount of 10 signatures.
Reform 6: move administration of the 'general managers' roll' from councils to the Tasmanian Electoral Commission, including administration of the process through which land occupier and corporate nominee (supplementary electoral roll) electors are to enrol.	Council strongly supports this reform.
Reform 7: provide a definition for the purposes of 'occupier' of land that establishes an occupier holds a	Council supports this reform.

leasehold interest or licence over land, and/or the person's ordinary place of residence is in the municipal area	
Reform 8: provide that a person seeking enrolment on the supplementary roll must complete a land occupier declaration and provide documentation of the leasehold or licence over land, or evidence of their period of residence in Tasmania to the satisfaction of the Commissioner.	Council supports this reform.
Reform 9: implement the 'one person, one vote' principle and require a nominee of a corporate landowner or occupier of land may nominate one natural person who is an officeholder of the company to be its nominee.	Council supports this reform.
Reform 10: provide that all intending candidates (other than incumbent councillors) must complete a prescribed program of pre-nomination training prior to their submission of a notice of nomination.	Council does not support this reform. This reform would create an unacceptable barrier to nomination for new candidates, particularly those without reliable internet access and CALD communities. If this reform were to be introduced, Council is keen to gain an understanding of what the training looks like, how it will be delivered, and who will bear the cost of delivery and monitoring training.
Reform 11: require that the TEC provides all people submitting a notice of nomination the opportunity to provide a candidate information statement (in an approved format, providing prescribed	Council supports this reform. Candidate statements should be mandatory as it is one of the only ways electors can gain basic information on all candidates prior to voting. Candidate information statements should also be made easily accessible online.

information) and the Tasmanian Electoral Commission is to publish candidate information through appropriate means.		
Reform 12: provide that the Director of Local Government may provide a statement to be published by the Tasmanian Electoral Commission alongside the candidate information.	Council supports this reform.	
Reform 13: establish that nomination by a registered party is to be included in the information published by the Tasmanian Electoral Commission, and printed on the ballot paper, with the candidate's name to be printed alongside the name of the registered party.	Council supports this reform.	
Reform 14: provide for candidates whose nomination form is not lodged by a registered party to request to be identified with a group name.	Council supports this reform.	
Reform 15: corresponding to the Electoral Act Review Final Report and the amended section 197 of the *Electoral Act 2004*, introduce new prohibitions on the dissemination of misleading and deceptive statements.	Council supports this reform.	
Reform 16: remove the general restriction upon a person, without the consent of the candidate or intending candidate, printing, publishing or distributing any electoral advertising that contains the		

name, photograph or a likeness of a candidate or intending candidate at an election; other than 'how-to-vote' material intended to instruct an elector in the completion of their vote.	
Reform 17: clarify the definition of electoral advertising.	Council supports this reform.
Reform 18: provide that only a candidate, intending candidate, or a person so nominated in the notice of nomination by a candidate, may incur electoral expenditure; and provide that expenditure by other persons to promote or procure the election of a candidate or intending candidate is an offence.	Council supports this reform.
Reform 19: institute authorisation requirements for electoral advertising and associated material.	Council supports this reform.
Reform 20: replace advertising expenditure limits with a general expenditure limit, with reference to the expenditure limit for Legislative Council elections under the *Electoral Disclosure and Funding Act 2023*.	Council supports this reform.
Reform 21: require that a candidate is to report expenditure made on their behalf in their electoral expenditure return, in the same manner as personal expenditure. The present requirement to attribute, in full, to each candidate so	Council supports this reform.

featured the value of advertising featuring multiple candidates (for instance, multiple party candidates) will be retained.	
Reform 22: prohibit any person from incurring any expenditure for or on behalf of a registered party with a view to promoting or procuring the election of a candidate or intending candidate.	Council supports this reform.
Reform 23: maintain the $50 threshold for the disclosure of gifts and benefits and extend this requirement from incumbent councillors to all candidates, who will be required to lodge two candidate donation returns with the Tasmanian Electoral Commission. The new Bill will also require the publication of initial donations disclosures on the Commission's website during the polling period and until the certificate of election.	Council supports this reform.
Reform 24: provide that it is an offence for a person other than a candidate or intending candidate to accept a gift or benefit for the purpose of promoting or procuring the election of a candidate, or for the dominant purpose of influencing the way electors vote in an election; and that it is an offence to make a gift or donation to a person other than a	Council supports this reform.

candidate or intending candidate for this purpose. • Reform 25: provide that it is an offence for a councillor, intending candidate or candidate, at any time, to accept a donation for the purpose of promoting or procuring the election of a candidate or intending candidate at a local government election: • over $50, including services or goods valued in kind, without recording the basic details of that donor • over $50 in cash • over $50 from a foreign donor.	Council supports this reform.
Reform 26: provide that a local government election or by-election may not be held such that the polling period overlaps the date of a Tasmanian or Australian Government parliamentary election.	Council supports this reform.
Reform 27: provide the Tasmanian Electoral Commission with powers of investigation.	Council supports this reform.

Reform 28: alignment of electoral offences and sanctions with the Electoral Act.	Council supports this reform.
Reform 29: provide a statutory caretaker framework, applying from the notice of election to the date of the issue of the certificate of election for all elections other than by-elections and countbacks.	Council supports this reform.
Reform 30: provide that during the caretaker period, prohibit a council from making any major policy or financial decisions, namely decisions: • relating to the appointment, reappointment, remuneration or termination of a general manager, other than a decision in respect of the appointment of an acting general manager under section 61B • committing the council to expenditure greater than one per cent of general and service rating and fees and charges revenue raised in the preceding financial year, or $100,000, whichever is the larger	Council supports this reform. Council's Election Care Taker Period Policy also provides that: 'During the Caretaker Period Aldermen will not submit notices of motion to Council or Council Committees pursuant to clause 16(5) of the Local Government (Meeting Procedures) Regulations 2015 (LGMPR). Additionally, Aldermen will not ask a question without notice at a Council meeting, pursuant to clause 29 LGMPR. During the Caretaker Period an Alderman may submit a question on notice to a Council meeting pursuant to clause 30 LGMPR.' This provision provides a more general protection for Council from inadvertently directing resources in a manner that is likely to influence voting at an election, reduces the risk of weaponised activity in the chamber, and still allows for effective dialogue between Council and the administration through the acting of Questions on Notice.

• directing council resources in a manner intended, or likely to, influence voting at the election • relating to a matter the council considers it could reasonably defer until after the election period, other than: ▪ decisions relating to a matter the council is required to determine in that period under statute decisions of a routine and operational nature.	
Reform 31: provide that during the caretaker period, it is an offence for a council to: • publish any material in any format which promotes any candidate or group of candidates for election, or otherwise seeks to influence voters in the election • publish material in relation to the election other than information to	Council supports this reform.

promote participation in the election and in relation to election process, or other material of a kind published by the Electoral Commissioner • make resources available to the advantage of any candidate, which are not equally available to all candidates for election.	
Reform 33: increase the proportion of electors signing a petition required to compel a council to hold an elector poll to 20 per cent; while restricting the matters about which an elector poll may be held to matters with a legitimate connection to the exercise of a council's functions or powers or to the incorporation of the council, as determined by the council.	Council supports this reform.

Consultation on the Local Government Regulations

Proposed changes to the Local Government (Meeting Procedures) Regulations 2015

Survey Question	Proposed Response
How can any possible operational or logistical matters be managed in relation to the recording of council meetings?	Utilise specialist streaming software to record and stream meetings concurrently. This could be a shared service/procurement opportunity. Ensure that Council chambers are equipped with sufficient microphone equipment to record the voices of Elected Members, staff, and members of the public when speaking.
How long do you think councils should keep recordings of meetings and how long should they be published on council websites?	At least one year on the website and should be kept in line with state records requirements for council records for ease of records management.
Do you have any concerns about the proposed changes to minutes?	To manage minutes efficiently, the requirement for *any questions asked without notice by a councillor and a summary of any answer given to be recorded* needs to be ringfenced to only include questions without notice asked during a 'questions without notice' agenda item. Clarifying questions asked during other agenda items should not be included. Recommend amending Regulation 8(2) to include a questions without notice item.
Do you agree with the limited circumstances in which a councillor can attend a meeting remotely?	Yes, however there needs to be a declaration process included to ensure adequate documentation exists in the event that an Elected Member is

	discovered to be attending online outside of the limited permissible circumstances.
Do you believe the circumstances in which remote attendance may be refused are sufficient?	Yes, however a reasonability test needs to be applied to: *Approval to attend remotely will not be provided if a councillor:* • *is not able to provide their full attention to the council meeting* As it is not reasonable for an Elected Member attending in person or online to give their full attention for 100% of the meeting. Elected Members leave and return to a meeting in person and are not monitored for attention. The same should be applied to those attending remotely. This may seem like common sense, however there is a risk of weaponisation of this provision. Suggest: *Approval to attend remotely will not be provided if a councillor:* • *is not able to provide* reasonable *attention to the council meeting*
Do you think there needs to be a restriction or cap on the number of meetings a councillor can attend remotely each year and, if so, what should this be?	Yes, no more than three in a row, and no more than six in a calendar year. Council should be provided with the option to approve a longer period of up six months for extreme circumstances such as undergoing serious health treatments.
Do you agree with the circumstances in which a councillor can have parental leave? Is there anything that should be removed or added?	In principle, yes. However, the restriction of the right to parental leave to spouses or de facto partners only should be reconsidered. Removal of this restriction would provide a framework which is more inclusive for parents who are not romantically involved or cohabitating but do share parenting responsibilities.

	Further, Council would like to see the introduction of a right to domestic violence leave and carers leave.
Do you think the suggested changes will provide clarity for people attending council meetings and asking questions?	Yes. The changes will be largely in line with the meeting rules currently utilised by Council.
Do you think the changes will help the chairperson manage questions and motions in meetings?	Yes.

Proposed changes to the Local Government (General) Regulations 2015

Are there other learning and development activities that should also be recorded publicly?	No.
Do you have any comments about the updated councillor allowances?	The interim approach appears reasonable until Government completes its comprehensive review of Elected Member numbers, allowances, and superannuation.
Are questions 56 and 57 on weed management necessary or appropriate? Why?	Council does not currently formally record invasive weed species against properties. In an instance where an enforcement order relating to an invasive species were to be issued on a property and remain outstanding, this would be picked up if the questions are simplified as proposed, under 'any compliance actions'.
Is the set of questions (no. 21) on land subject to Major Projects necessary or appropriate? Why?	Clarification is needed on the meaning of "land that is subject to the 'Major Projects' provisions in the *Land Use Planning and Approvals Act 1993*". For example: • When does it apply from and to?

	• Does it apply to making of a proposal for declaration of a project under s. 60C? • Does it apply to declaration of a major project under s. 60O? • Does it apply to amendments to a proposal including additional land under s. 60TG? • Does it apply when a request is refused under s. 60ZZO? • Does it apply when a permit comes into effect under s. 60ZZS? • Does it apply when a permit lapses under s. 60ZZT?
There are now a number of 337 questions, which in turn create a burden for councils. Could questions be simplified or would this lead to information not being provided? **An example of simplified questions are:** • **'Have approvals been granted under any relevant Act to perform plumbing work? Are they still in force and is the completion of any required work still outstanding?'** • **'Have any compliance actions (such as notices or orders) been served in relation to the land that are still outstanding?'**	Simplifying questions and modernising the language as proposed is supported. It is not envisioned that relevant information would be missed as the process for locating the information relevant for the answers would not change. The proposed change the language may also make the 337 document easier to read for community members as an added benefit.

DATE RECEIVED
25 FEB 2025
GLENORCHY CITY COUNCIL

Tasmanian Electoral Commission

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Sue Hickey
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Dear Sue Hickey

Local Government Association of Tasmania – 2025 General Management Committee election

The Tasmanian Electoral Commission has been asked to conduct the 2025 election of President and 6 members of the General Management Committee for a two-year term in accordance with the rules of the Local Government Association of Tasmania (LGAT) adopted at the AGM of the Association on 30 June 2021.

Nominations are now invited from LGAT members and must be received at my office by 12 noon Wednesday 7 May 2025.

Candidates will be notified of receipt of their nomination by this office.

Election timetable

Nominations open	Monday 24 February 2025
Nominations close	12 noon Wednesday 7 May 2025
Ballot material posted (if a ballot is required)	Monday 12 May 2025
Close of postal ballot	10:00 am Monday 14 July 2025
Declaration of the result	Thursday 25 July 2025

A nomination form and reply-paid envelope are enclosed.

If you would like further information or assistance, please call Nick Kakkos on 6208 8721.

Yours sincerely,

Nick Kakkos
RETURNING OFFICER

21 February 2025

Local Government Association Tasmania

RULES

These Rules were adopted at the Annual General Meeting of the Association on 25 July 2018

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PRELIMINARY

1. *THE LOCAL GOVERNMENT ASSOCIATION OF TASMANIA*

The Local Government Association of Tasmania is a body corporate in accordance with the Act.

2. *PURPOSE OF THE RULES*

The purposes of the Rules of the Association are to provide for:

(a) the management of the Association;

(b) the appointment of the General Management Committee;

(c) the membership of the Association;

(d) the imposition of fees and subscriptions; and

(e) such other matters concerning the operations of the Association as the Members in general meeting shall determine.

3. *INTERPRETATION AND DEFINITIONS*

(a) Headings inserted are for guidance purposes only and do not affect the interpretation of these Rules.

(b) Words importing the plural include the singular and vice versa.

(c) Words importing either gender shall include both genders.

(d) "Act" means the *Local Government Act* 1993 (Tas) or any amendment or substitution thereof.

(e) "ALGA" means the Australian Local Government Association;

(f) "Alter" in relation to these Rules includes:

(i) the insertion of a new Rule;

(ii) the insertion of a new Rule in substitution of an existing Rule;

(iii) the amendment of an existing Rule; and

(iv) the rescission of an existing Rule.

(g) "Annual General Meeting" means the meeting of the Association convened in accordance with Rule 11(a).

(h) "Association" means the Local Government Association of Tasmania.

(i) "Business Day" means a day on which banks are generally open for business in Tasmania (but does not include a Saturday, Sunday or public holiday).

(j) "Chair" means the person who chairs a meeting.

(k) "Chief Executive Officer" means the Chief Executive Officer of the Association appointed in accordance with these Rules.

(l) "Council" means a council established under section 18 of the Act.

(m) "Council Cost Index' means the annual index determined by the Association to reflect cost movements in council operations and the provision of services.

(n) "Council Election Year" means any year in which a Council Election is held.

(o) "Council Election" means an election held under Part 15 of the *Local Government Act* 1993 (Tas).

(p) "Electoral Commissioner of Tasmania" means the Electoral Commissioner appointed under Section 14(1) of the *Electoral Act* 2004 (Tas) and includes a person appointed pursuant to an Act substituted for the *Electoral Act* 2004 (Tas) who carries out functions the same as, or similar to, the functions of the Electoral Commissioner of Tasmania under the *Electoral Act 2004* (Tas) as at the date of these Rules.

(q) "General Management Committee" and "GMC" mean the General Management Committee elected in accordance with these Rules.

(r) "General Manager" means the person appointed as general manager of a Member in accordance with the Act.

(s) "General Meeting" means a meeting of the Association convened in accordance with Rule 11(b), other than the Association's Annual General Meeting.

(t) "LGAT ASSIST" means the Board established to provide Local Government employees with support and assistance in certain circumstances, and includes its successors and assigns.

(u) "Lord Mayor" means the Lord Mayor of the Hobart City Council.

(v) "Mayor" means the person appointed as mayor of a Member in accordance with the Act and includes, where relevant, the Lord Mayor.

(w) "Meeting of the Association" means:

(i) an Annual General Meeting;

(ii) a General Meeting; and

(iii) a Special General Meeting.

(x) "Member" means a member of the Association.

(y) "Mid Term Year" means each calendar year occurring two years after the holding of an Ordinary Election immediately following a Council Election Year.

(z) "Municipal area" has the same meaning as in the Act.

(aa) "Ordinary Election" means an election of members of the GMC pursuant to these Rules.

(bb) "Policy" means the principles adopted by the Association, from time to time, to further the objects of the Association as set out in Rule 4.

(cc) "Population" means the estimate for a municipal area taken closest to the proposed date of the Annual General Meeting in that year by the Australian Bureau of Statistics.

(dd) "Population category" shall mean a category outlined in Rule 18(b).

(ee) "President" means the President elected in accordance with these Rules.

(ff) "Returning Officer" means the person responsible for conducting an election under these Rules.

(gg) "Rules" means these Rules of the Association.

(hh) "Sector Matter" includes a subject matter, topic or item for discussion that does not relate to or concern the objects of the Association and, or in the alternative, the Association has little or no power to alter or affect.

(ii) "Special General Meeting" means a meeting of the Association convened in accordance with Rule 10.

(jj) "State Grants Commission" means the commission established under the *State Grants Commission Act* 1976 (Tas) and includes any body established pursuant to an Act substituted for the *State Grants Commission Act* 1976 (Tas), which body carries out functions the same as, or similar to, the functions of the State Grants Commission under the *State Grants Commission Act* 1976 (Tas) as at the date of these Rules.

(kk) "Subscriptions" mean the subscriptions raised and payable in accordance with these Rules and the Act.

(ll) "Sub-Committee" means a Sub-Committee appointed in accordance with these Rules.

(mm) "Voting Representative" means a representative of a Member lawfully appointed by the Member and notified to the Association in accordance with Rule 13(f).

PURPOSE AND MEMBERSHIP OF THE ASSOCIATION

4. *OBJECTS OF THE ASSOCIATION*

The objects of the Association are to:

(a) protect and represent the interests and rights of Councils in Tasmania;

(b) promote an efficient and effective system of local government in Tasmania; and

(c) provide services to Members, councillors and employees of Councils.

5. *POWERS OF THE ASSOCIATION*

The Association has the power to do anything necessary or convenient for the attainment of its objects.

6. *MEMBERSHIP OF THE ASSOCIATION*

(a) Membership of the Association is restricted to Councils.

(b) Where there is a merger or amalgamation of two or more Councils that are Members, the Council resulting from the merger or amalgamation shall continue to be a Member.

(c) A Council which is not a member of the Association shall be admitted as a member upon written application by that Council. Upon the Association receiving the application of such a Council, that Council shall be bound by these Rules.

(d) A Member may resign from the Association provided:

(i) that the Member provides written notice of its intention to resign, detailing reasons, addressed to the Chief Executive Officer; and

(ii) that such resignation does not take effect until the completion of the Association's financial year following the Association's financial year in which written notice of the intention to resign is provided; and

(iii) that until the period referred to in Rule 6(d)(ii) expires, the Member pays the Subscriptions as determined by the Association in accordance with these Rules; and

(iv) that the notice of intention to resign may be withdrawn at any time in writing by that Member.

(e) A Member which does not withdraw its notice of intention to resign as permitted by Rule 6(d)(iv) ceases to be a member of the Association at the completion of the period referred to in Rule 6(d)(ii).

(f) The Association may refuse to renew the membership of a Member which:

(i) has not paid any Subscriptions due and owing; or

(ii) fails to comply with, or contravenes, these Rules or any other rule of the Association.

(g) A refusal to renew membership under Rule 6(f) shall not take effect until:

(i) the Association has provided the Council with at least one month's written notice; and

(ii) the Association has provided an opportunity for the Council to respond to the written notice at a Meeting of the Association.

7. RECOGNITION OF OTHER LOCAL GOVERNMENT ORGANISATIONS

(a) The Association recognises that other Council interest and regional groups established throughout Tasmania assist with representing and protecting the rights and interests of Local Government within Tasmania.

(b) The Association, where appropriate, will work with such other interest and regional groups established throughout Tasmania.

MEETINGS

8. ANNUAL GENERAL MEETING

(a) The functions of the Annual General Meeting are to:

(i) receive the President's report;

(ii) confirm the minutes of the previous Annual General Meeting;

(iii) receive and adopt the financial statements for the preceding financial year;

(iv) (A) determine the President's honorarium for the forthcoming year;

(B) determine any honorarium to be paid to the Vice President for the forthcoming year;

(v) determine allowances, sitting fees and expenses for attendance by committee members at meetings of the General Management Committee and Sub-Committees for the forthcoming year;

(vi) receive the declaration of the poll for the election of the President and General Management Committee elected in accordance with these Rules;

(vii) adopt a budget for the forthcoming financial year;

(viii) set Subscriptions for the forthcoming financial year in accordance with these Rules;

(ix) receive reports from Association representatives; and

(x) consider any amendments to these Rules.

(b) Notice of the Annual General Meeting shall be given to all Members at least 28 days prior to the date of the Annual General Meeting.

9 GENERAL MEETINGS

(a) In addition to the Annual General Meeting, there may be General Meetings.

(b) General Meetings may be called:

(i) by the President; or

(ii) by the General Management Committee.

(c) The functions of General Meetings include:

(i) to formulate and ratify policy of the Association;

(ii) to consider extending the term of office of the General Management Committee, the President, or the Vice-President for such period as the General Meeting thinks fit; and

(iii) subject to Rule 12, to conduct other business.

(d) Notice of any General Meeting shall be given to all Members at least 14 days prior to the date of the General Meeting.

10 SPECIAL GENERAL MEETINGS

(a) In addition to the Annual General Meeting and General Meetings, there may be Special General Meetings.

(b) Special General Meetings may be called:

(i) by the President; or

(ii) by any 3 members of the General Management Committee acting together; or

(iii) by 3 or more of the Members in writing to the President stating the reasons for calling a Special General Meeting.

(c) Notice of any Special General Meeting shall be given to all Members at least 14 days prior to the date of the Special General Meeting.

(d) Subject to Rule 10(e), at any Special General Meeting, only business of which notice is given shall be transacted.

(e) The General Management Committee may notify the Members that, due to an emergency, amendments to these Rules will be considered at a Special General Meeting called pursuant to Rule 10(b).

CONDUCT OF MEETINGS

11 *WHEN AND WHERE MEETINGS OF THE ASSOCIATION ARE TO BE HELD*

(a) The Annual General Meeting of the Association is to be held, if possible, in July of each year.

(b) There shall be at least 3 General Meetings in addition to the Annual General Meeting, in every financial year of the Association.

(c) Meetings of the Association are to be held in a city or town in Tasmania as determined by the General Management Committee.

12 *BUSINESS OF MEETINGS OF THE ASSOCIATION*

(a) Subject to Rules 12(b) and (d), any Member may bring forward for discussion at a General Meeting any subject connected with the objects of the Association or pertaining to matters of common concern to Members, on giving to the Chief Executive Officer 35 days written notice of such intention.

(b) In March each year the Chief Executive Officer shall invite each Member to provide written notice to the Chief Executive Officer of items the Member wishes to include in the agenda of the General Meeting to be held immediately following the Annual General Meeting, such items to be received by the date determined by the Chief Executive Officer.

(c) Within 7 days of receipt of the same, the Chief Executive Officer is to provide to each member of the General Management Committee a copy of written notices the Chief Executive Officer receives pursuant to Rules 12(a) and (b) that the Chief Executive Officer believes (acting reasonably) the General Management Committee should consider pursuant to Rule 12(d).

(d) The General Management Committee may negotiate with a Member regarding the inclusion, or not, on the agenda of

(i) a subject matter sought to be discussed by a Member at a General Meeting in accordance with Rule 12(a); or

(ii) items sought by a Member in accordance with Rule 12(b) to be included in the agenda of a General Meeting.

if the subject matter or item:

(iii) does not advance or concern the objects of the Association;

(iv) has been considered at a General Meeting held in the period 12 months before the date of the notice from the Member;

(v) is considered by the General Management Committee to concern a Sector Matter; or

(vi) requires consideration by the Tasmanian Government and should be considered at the General Meeting to be held immediately following the Annual General Meeting.

(e) The Chief Executive Officer is to prepare an agenda for a Meeting of the Association and provide each Member with the agenda and any supporting documents at least 14 days before the Meeting of the Association (and 28 days before an Annual General Meeting), which agenda is to include the matters and items specified by the General Management Committee (taking into account the notices received pursuant to Rules 12(a) and (b), but subject to Rule 12(d)).

(f) Provided that the time limit in Rule 12(c) is complied with, the Chief Executive Officer may liaise with a Member in relation to a notice received pursuant to Rules 12(a) or (b) to, with the Member's consent, amend the notice so that its subject matter is connected with the objects of the Association and pertains to matters of common concern to Members.

(g) The Association is not required to do anything, including taking any action or adopting any procedure, in respect of a resolution passed at a Meeting of the Association that concerns or relates to a Sector Matter, unless the resolution provides otherwise.

13. WHO MAY ATTEND A MEETING OF THE ASSOCIATION

(a) Subject to Rule 13(f), each Member shall be entitled to send a Voting Representative to any Meeting of the Association, such Voting Representative exercising the number of votes determined according to Rule 16(a).

(b) In addition to the requirements set out in Rule 13(f), after each ordinary Council Election, the Chief Executive Officer shall request each Member to advise the name of its Voting Representative and the proxy for the Voting Representative for Meetings of the Association until the next ordinary Council Elections.

(c) Subject to Rule 13(f), Members may change their Voting Representative or proxy at any time by advising the Chief Executive Officer in writing of the Voting Representative prior to that representative taking his or her position at a Meeting of the Association.

(d) A list of Voting Representatives will be made available at the commencement of any Meeting of the Association.

(e) Members may send other elected members or Council officers as observers to any Meeting of the Association.

(f) Each Member must provide the Association with written notice of the details of the Voting Representative who was by a resolution of the Member lawfully appointed as the Voting Representative of the Member at a Meeting of the Association.

14. PROXIES AT MEETINGS

(a) Up to 1 hour prior to any Meeting of the Association, a Member may appoint another Member as its proxy.

(b) The form of the proxy is to be provided by the Chief Executive Officer and is to be signed by either the Mayor or General Manager of the Council appointing the proxy.

(c) The Chair of the meeting is not entitled to inquire as to whether the proxy has cast any vote in accordance with the wishes of the Member appointing the proxy.

(d) Proxies count for the purposes of voting and quorum at any meeting.

15. QUORUM AT MEETINGS

(a) At any Meeting of the Association, a majority of the Member Councils shall constitute a quorum.

(b) If a quorum is not present within one hour after the time appointed for the commencement of a Meeting of the Association, the meeting is to be adjourned to a time and date specified by the Chair.

16. VOTING AT MEETINGS

(a) Voting at any Meeting of the Association shall be upon the basis of each Voting Representative being provided with, immediately prior to the meeting, an electronic voting button or placard which is to be used for the purpose of voting at the meeting. The placard will be coloured according voting entitlement and the voting buttons will be coded according to voting entitlement:

Population of the Council Area	Number of votes entitled to be exercised by the Voting Representative	Colour placard to be raised by the Voting Representative when voting
Under 10,000	1	Red
10,000 – 19,999	2	White
20,000 – 39,999	3	Blue
40,000 and above	4	Green

(b) Electronic voting buttons will be the first choice for voting on all decisions, with placards only to be used if the technology fails.

(c) Voting buttons allow councils to vote for or against a motion or formally abstain from voting. An abstain is not to be taken as a negative vote.

(d) The Chair of the meeting shall be entitled to rely upon the electronic vote or the raising of a coloured placard as the recording of the vote for the Member and as evidence of the number of votes being cast.

(e) Except as provided in sub-rule (f), each question, matter or resolution shall be decided by a majority of the votes for a motion. If there is an equal number of votes upon any question, it shall be declared not carried.

(f)

(i) When a vote is being taken to amend a Policy of the Association, the resolution must be carried by a majority of the votes capable of being cast by Members present at the meeting.

(ii) When a vote is being taken for the Association to sign a protocol, memorandum of understanding or partnership agreement, the resolution must be carried by a majority of votes capable of being cast by Members and by a majority of Members, whether present at the meeting or not.

(iii) When a vote is being taken to amend these Rules of the Association, the resolution must be carried by at least two-thirds of the votes

capable of being cast by Members, whether present at the meeting or not.

(e) A Voting Representative or his or her proxy in the name of the Member is entitled to vote on any matter considered at a Meeting of the Association.

GENERAL MANAGEMENT COMMITTEE AND OTHER COMMITTEES

17. FUNCTION OF THE GENERAL MANAGEMENT COMMITTEE

(a) The functions of the General Management Committee include:

(i) appointing and reviewing the performance of the Chief Executive Officer of the Association;

(ii) determining Association Policy, with such policy to be ratified at a Meeting of the Association;

(iii) providing strategic direction to the Association in accordance with policies resolved by Meetings of the Association;

(iv) carrying out such delegations as may be made to it by Meetings of the Association;

(v) providing for the good management and administration of the Association;

(vi) ensuring that the accounts of the Association are:

(A) prepared in accordance with these Rules; and

(B) circulated to all Members not less than 28 days prior to the date of the Annual General Meeting;

(vii) investing the funds of the Association;

(viii) borrowing, raising or securing the payment of money in such manner as the General Management Committee may think fit;

(ix) taking or holding mortgages, liens, charges, and any other form of security to secure payment of the purchase price or any part thereof;

(x) making nominations to various statutory and other bodies related to the operations of Local Government;

(xi) nominating representatives to the Australian Local Government Association in accordance with Rule 30;

(xii) approving the appointment of the members of the Board of LGAT ASSIST;

(xiii) nominating Directors for appointment to the Board of Directors of Tasplan Ltd in accordance with the Constitution of Tasplan Ltd as amended from time to time.

(b) The General Management Committee may, by resolution, delegate with or without conditions any of its powers, functions or delegations other than this power of delegation, to an employee, contractor or other entity.

(c) The General Management Committee may determine by simple majority in its absolute discretion all matters relating to the setting up or operation of any Board or Committee to which it delegates any of its powers, duties or discretions.

18. COMPOSITION OF THE GENERAL MANAGEMENT COMMITTEE

(a) The General Management Committee shall consist of:

(i) the President;

(ii) provided the Hobart City Council is a current Member, the Lord Mayor of the Hobart City Council or his or her proxy; and

(iii) six members to be elected, as provided in Rule 18(b), from the three electoral districts set out in Rule 19.

(b) The 3 electoral districts referred to in Rule 19 shall elect 2 members as follows:

(i) one from a Member within the electoral district having a population of 20,000 or more; and

(ii) one from a Member within the electoral district having a population of less than 20,000.

(c) Where a member of the General Management Committee is subsequently elected President, a recount of votes for the Population category in the electoral district the President represented shall be held to fill the vacancy. If there are no votes to recount, the Council or Councils concerned shall fill the vacancy in accordance with Rule 20 in so far as practicable.

19. ELECTORAL DISTRICTS FOR THE PURPOSE OF ELECTING MEMBERS TO THE GENERAL MANAGEMENT COMMITTEE

The 3 electoral districts for the purposes of electing members to the General Management Committee are as follows:

(a) NORTH WEST & WEST COAST ELECTORAL DISTRICT comprising the Burnie City Council, the Devonport City Council, the Central Coast Council, the Circular Head Council, the King Island Council, the Waratah-Wynyard Council, the Kentish Council, the Latrobe Council, and the West Coast Council;

(b) NORTHERN ELECTORAL DISTRICT comprising the Launceston City Council, the Break O'Day Council, the Flinders Council, the Meander Valley Council, the West Tamar Council, the Dorset Council, the George Town Council, and the Northern Midlands Council; and

(c) SOUTHERN ELECTORAL DISTRICT comprising the Clarence City Council, the Glenorchy City Council, the Kingborough Council, the Brighton Council, the Glamorgan-Spring Bay Council, the Derwent Valley Council, the Southern Midlands Council, the Central Highlands Council, the Huon Valley Council, the Sorell Council, and the Tasman Council.

20. CONDUCT OF ELECTIONS FOR MEMBERSHIP TO THE GENERAL MANAGEMENT COMMITTEE

Elections for the General Management Committee shall be conducted in accordance with the following procedures:

(a) The Chief Executive Officer shall request the Electoral Commissioner of Tasmania to act as Returning Officer for the election unless otherwise determined by the General Management Committee.

(b) In the month of March:

(i) following a Council Election; and

(ii) in each Mid Term Year;

the Returning Officer shall request nominations for the General Management Committee from Members within the 3 electoral districts.

(c) Each Member is entitled to make only one nomination and if more than one is received all nominations from that Member will be null and void.

(d) In making a nomination, a Member is not restricted to nominating an elected member from its own Council provided that the nomination is for an elected member from a Member Council in the same electoral district and the same Population category as the nominating Member.

(e) Nominations:

(i) are to be submitted on a form approved and issued by the Returning Officer;

(ii) must be accompanied by a copy of a certified copy of the Resolution passed by the Member at a duly convened meeting of the Member that lawfully nominated the candidate for election to the General Management Committee; and

(iii) shall close on a date determined by the Returning Officer;

(f) Nominations cannot be withdrawn after the closing of nominations.

(g) If at the end of the time for nominations the number of candidates for any office:

(i) does not exceed the number then to be elected, those candidates shall be deemed to be duly elected; or

(ii) exceeds that number, a poll shall be conducted by postal ballot in accordance with these Rules.

(h) The Returning Officer shall prepare a postal ballot paper and material for each electoral district detailing nominations within each Population category. Candidates shall be listed on the ballot paper in alphabetical order.

(i) The postal voting material shall be posted by registered mail to the Mayor of each Member Council within 10 Business Days of the close of nominations. The Mayor shall complete the ballot paper according to the policy or practice of his or her Council.

(j) Each Member shall have one vote for both population categories within its electoral district.

(k) The ballot is to close at a date and time determined by the Returning Officer but at least seven (7) days prior to the Annual General Meeting of that year.

(l) Procedure for the conduct of the scrutiny shall comply as closely as practicable with that for the election of Mayors of Councils.

(m) Upon completion of the scrutiny, the Returning Officer shall declare the result of the election and provide written advice of the result including scrutiny details to each candidate and the Chief Executive Officer.

(n) Where more than 1 nomination is received for a Population category within an electoral district, the person polling second shall automatically be the proxy.

(o) If at the ordinary elections for the General Management Committee there is only one nomination for a Population category, or if the position of proxy for a Population category becomes vacant and there were no further nominations at the last General Management Committee elections from which to draw a proxy, the Chief Executive Officer is to call nominations from Members in the Population category and, if a ballot is necessary, conduct a ballot as soon as practicable.

21. TERM OF OFFICE

(a) Subject to Rule 21(c), members of the General Management Committee shall take up office at the conclusion of the Annual General Meeting at which his or her election is declared and shall hold office for a 2 year term concluding at the end of the relevant Annual General Meeting or as determined by the Annual General Meeting.

(b) The office of any member of the General Management Committee shall be vacated if that member:

(i) resigns by notice in writing addressed to the Chief Executive Officer;

(ii) is absent without leave for three consecutive meetings of the General Management Committee;

(iii) ceases to be a Councillor or Alderman; or

(iv) has not been lawfully nominated as a candidate for election to the General Management Committee in accordance with Rule 20.

(c) The term of office of the General Management Committee may be extended by any Meeting of the Association for such periods as it determines.

(d) A casual vacancy on the General Management Committee shall be filled as soon as practicable by the conduct of a by-election in accordance with Rule 20.

22. CALLING MEETINGS OF THE GENERAL MANAGEMENT COMMITTEE

(a) The General Management Committee shall determine the frequency, date, time and venue of its meetings.

(b) At least 7 days before the date of holding any meeting of the General Management Committee, notice of the time and place and of the business to be brought forward at the meeting shall be given to each Member by the Chief Executive Officer.

(c) Meetings of the General Management Committee may be held by telephone or other technology.

(d) A resolution signed by the majority of members of the General Management Committee or the written acceptance (including by email transmission) of a resolution by the majority of members of the General Management Committee shall be deemed to be a resolution made at a meeting of the General Management Committee.

23. QUORUM FOR AND VOTING AT GENERAL MANAGEMENT COMMITTEE

(a) At any meeting of the General Management Committee, no business shall be transacted unless:

(i) there is a majority of the General Management Committee present; and

(ii) there is at least one representative of a Member having a population of 20,000 or more; and

(iii) there is at least one representative of a Member having a population of less than 20,000.

(b) Each member of the General Management Committee shall have one vote.

24. WHO MAY ATTEND MEETINGS OF THE GENERAL MANAGEMENT COMMITTEE

Meetings of the General Management Committee may be attended by:

(a) any Councillor or Alderman from any Member Council; and

(b) such other persons as the Committee determines,

and, with the permission of the President, they may address the Committee.

25. PRESIDENT

(a) The President shall be a Councillor or Alderman of a Member Council.

(b) The functions of the President are to:

(i) chair Meetings of the Association and the General Management Committee;

(ii) be the spokesperson of the Association;

(iii) provide leadership and direction in furthering the objects of the Association.

(c) The President has the power to delegate any of his or her functions to other members of the General Management Committee.

(d) At any Meeting of the Association and of the General Management Committee at which the President is present, he or she:

(i) has no deliberative vote on any question at a Meeting of the Association by virtue of being in the chair, but may exercise the vote or votes of a Member as the Voting Representative;

(ii) in the case of equality of votes on any matter, does not have a casting vote.

26. ELECTION OF PRESIDENT

Elections for the President shall be conducted in accordance with the following procedures:

(a) The Chief Executive Officer shall request the Electoral Commissioner of Tasmania to act as Returning Officer for the election unless otherwise determined by the General Management Committee.

(b) The Returning Officer shall request nominations for the office of President at the following times:

(i) in the month of March following a Council Election;

(ii) in the month of March in each Mid Term Year;

(iii) where a President vacates the office of President pursuant to Rule 27(b);

(iv) where the President gives advance notice that he or she intends to resign or cease to be a Councillor or Alderman pursuant to Rule 27(c).

(c) Each Member is entitled to make only one nomination and if more than one is received all nominations from that Member will be null and void.

(d) Nominations for the office of President:

(i) shall be submitted on a form approved and issued by the Returning Officer;

(ii) must be accompanied by a copy of a certified copy of the resolution passed by the Member at a duty convened meeting of the Member that lawfully nominated the candidate for election as the President; and

(iii) shall close on the date determined by the Returning Officer.

(e) Nominations cannot be withdrawn after the close of nominations.

(f) If upon the close of nominations:

(i) only one nomination has been received, that candidate shall be deemed duly elected; or

(ii) more than one nomination has been received, a poll shall be conducted by postal ballot in accordance with these Rules.

(g) The Returning Officer shall prepare a postal ballot paper and material. Candidates shall be listed on the ballot paper in alphabetical order.

(h) The postal voting material shall be posted by registered mail to the Mayor of each Member within 10 working days of the close of nominations.

(i) Each Member is entitled to one vote.

(j) The Mayor shall complete the ballot paper according to the policy or practice of his or her Council.

(k) Subject to Rule 26(l) the ballot is to close at a date and time determined by the Returning Officer but at least seven (7) days prior to the Annual General Meeting of that year.

(l) If an election is called pursuant to Rule 27(b) or 27(c), the ballot shall close at a date determined by the Returning Officer.

(m) Procedure for the conduct of the scrutiny shall comply as closely as practicable with that for the election of Mayors of Councils.

(n) Upon completion of the scrutiny, the Returning Officer shall declare the result of the election and provide written advice of the result including scrutiny details to each candidate and the Chief Executive Officer.

27. TERM OF OFFICE OF PRESIDENT

(a) Subject to Rule 27(d), the President shall take up office at the conclusion of the Annual General Meeting following his or her election and shall hold office for a two year term concluding at the end of the relevant Annual General Meeting.

(b) The office of the President shall be vacated if the President:

(i) resigns by notice in writing addressed to the Chief Executive Officer;

(ii) is absent without leave for three consecutive meetings of the General Management Committee;

(iii) ceases to be a Councillor or Alderman; or

(iv) has not been lawfully nominated as a candidate for election as President in accordance with Rule 26,

and if the office of President becomes vacant more than twelve months before the next Annual General Meeting where a President is due to take up office in accordance with Rule 27(a), then Rule 27(g) applies.

(c) If the President gives notice in writing to the Chief Executive Officer that he or she:

(i) intends to resign as President; or

(ii) intends to cease being a Councillor or Alderman,

and if the office of President becomes vacant more than six months before the next AGM where a President is due to take up office in accordance with Rule 27(a), a new President shall be elected in accordance with the procedures in Rule 26.

(d) Where a President is elected in an election held by operation of Rule 27(b) or 27(c), they shall take up office at the time of declaration of their election or at the date the office of President is vacated, whichever is later.

(e) If the office of President becomes vacant within six months of the next Annual General Meeting where a President is due to take up office in accordance with Rule 27(a), the Vice President shall assume office as President until a new President is elected at that Annual General Meeting in accordance with Rule 26.

(f) The term of office of the President may be extended by any Meeting of the Association for such periods as it determines.

28 VICE PRESIDENT

(a) At its first meeting following the Annual General Meeting, the General Management Committee shall elect one of its members to be the Vice President of the Association.

(b) Where the President is absent or ill, the Vice President shall be the acting President.

(c) If the term of office of the General Management Committee is extended under Rule 21(c) the term of office of the Vice-President shall be extended for the same period of time as that of the General Management Committee.

(d) If, on any count, 2 or more candidates for Vice President have an equal number of votes, the President is to decide which of them is to be elected by the drawing or casting of lots in the manner prescribed in Rule 29(b).

29. DRAWING OR CASTING OF LOTS

(a) If, in an election or appointment under these Rules, 2 or more candidates have an equal number of votes and if applicable, the Returning Officer is unable or not otherwise empowered to resolve which candidate is to be elected or appointed, a drawing or casting of lots in the manner prescribed in Rule 29(b) is to apply.

(b) To draw or cast lots, the Returning Officer (or President in the appointment of the Vice President) is to –

(i) make out, in respect of each candidate to be included in the draw, a slip bearing that candidate's name; and

(ii) place each slip in a non-transparent container sufficiently large to allow them to move about freely when shaken or rotated; and

(iii) shake or rotate the container and permit any other person present who wishes to do so to shake or rotate the container; and

(iv) take out of the container one of the enclosed slips; and

(v) record the name of the candidate which appeared on that slip.

(c) The candidate elected or appointed is the candidate whose name is first recorded in accordance with Rule 29(b)(v).

30. AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION

(a) The President and the Vice President shall be the Tasmanian delegates to the Annual General Meeting of the ALGA unless otherwise determined by a Meeting of the Association.

(b) The President and the Vice President shall be the Tasmanian delegates to the Executive of the ALGA unless otherwise determined by the General Management Committee

(c) Due to the absence or incapacity of the President or Vice President, the General Management Committee may nominate alternate delegates to the Executive of the ALGA.

31. SUB-COMMITTEES

(a) The General Management Committee or a Meeting of the Association may appoint Sub-committees as required.

(b) The composition of Sub-committees shall:

(i) include a member of the General Management Committee who shall be the Chair of the Sub-committee;

(ii) as far as possible, comprise such elected members and employees from Members as the General Management Committee determines as being appropriate;

(iii) be representative of the diversities of the composition of the Association, taking into account population categories, specific interest groups within Member Councils, and regional diversities; and

(iv) contain such employees of Members who may be appropriate in assisting with consideration of the specific issue being examined by the Sub-committee.

(c) A Sub-committee shall:

(i) carry out such delegations as may be given to it by a Meeting of the Association, in which case the Sub-committee need only report back to General Meetings upon progress of the matter; or

(ii) investigate and report upon the specific issue to a Meeting of the Association; and

(iii) act in accordance with policies established by a Meeting of the Association.

(d) At any meeting of a Sub-committee, no business shall be transacted unless there is a majority of the Sub-committee present.

RULES FOR CONDUCT OF DEBATE

The rules of procedure for the conduct of debates at Meetings of the Association and within Sub-committees and the General Management Committee shall be as follows:

32. AUTHORITY OF THE CHAIR

(a) The Chair shall be heard without interruption.

(b) The Chair may call any representative to order whenever, in the opinion of the Chair, the necessity arises to do so.

(c) The ruling of the Chair on all questions of order or the proper conduct of the meeting shall be final.

33. ORDER OF BUSINESS

(a) At every meeting, the first business shall be the confirmation of the minutes of the previous meeting, and no discussion shall be permitted in relation to those minutes except as to their accuracy as a record of proceedings.

(b) The order of business at any meeting shall be as in the notice of the meeting, but such order may be altered by resolution to that effect.

34. DEBATE OF MOTIONS

(a) A motion shall not be debated until it has been seconded.

(b) When a motion has been proposed and seconded, it shall become subject to the control of the meeting, and shall not be withdrawn without the consent of the meeting.

(c) Nothing shall prevent either a Meeting of the Association or the General Management Committee from dealing with any issue "in committee" and making only its conclusions public.

35. AMENDMENT OF MOTIONS

(a) When a motion has been proposed and seconded, a Member may move an amendment, but such amendment shall not be debated until it has been seconded.

(b) A second or subsequent amendment shall not be considered until the previous amendment has been dealt with.

(c) If an amendment has been carried, the motion as amended shall become the motion before the meeting, whereupon any further amendment upon such motion may be moved.

(d) If an amendment, whether on the original motion or on an amended motion, is lost, a further amendment to the motion before the meeting may be moved.

36. SPEAKING TO MOTIONS

(a) A Member who has moved any motion or amendment, other than a motion for adjournment of the debate, shall be deemed to have spoken thereon; but any Member who has seconded any motion or amendment, without any further observation than that they second the same, may speak once on every such motion or amendment.

(b) Subject to these Rules, every Member, other than the mover of the original motion, shall have the right to speak once upon such motion, and once upon every amendment moved thereto.

(c) Except with the consent of the meeting, a Member shall not speak more than once on any motion unless misunderstood or misrepresented, in which case the speaker shall be permitted to explain, without adding any further observations than may be necessary for the purpose of such explanation.

(d) Except with the consent of the meeting, a speaker shall not speak for more than 3 minutes at any one time, except that the mover of the original motion in their opening speech may speak for 5 minutes.

(e) At the discretion of the Chair, when a motion or amendment has been moved and seconded, further speech in support of such motion shall not be heard until someone shall have spoken in oposition to such motion, and thereafter speakers shall only be entitled to speak for or against the motion in rotation PROVIDED that in any case where the same motion has been submitted by more than one Member, a representative from each Member so submitting the motion shall be entitled to be heard.

(f) Every speaker shall confine his or her remarks to the matter under consideration.

(g) The Chair may call the attention of the meeting to continued irrelevance or tedious repetition on the part of any speaker, and may direct the speaker to discontinue.

(h) No speaker shall make personal reflections on or impute improper motives to any other speaker.

(i) If 2 or more representatives rise to speak at the same time, the Chair shall decide which shall be first heard.

(j) A Member shall be represented by the Voting Representative, unless an observer has been introduced to the Chair for that debate.

37. POINTS OF ORDER

(a) Any representative who considers that any other representative is out of order may call the attention of the Chair thereto.

(b) Upon a question being raised, the representative called to order shall immediately resume his or her seat unless explicitly permitted to offer an explanation, retraction or apology, in which case the representative may explain, retract or apologise for the matter or remark alleged to have been out of order; and if such explanation, retraction or apology is deemed satisfactory, no further discussion on the question of order shall be permitted.

38. CLOSURE OF DEBATE

(a) The closure of a debate may be obtained by a motion, according to the evident sense of the meeting, "that the question be now put", and discussion shall not ensue thereon.

39. HOW QUESTIONS ARE TO BE PUT

(a) The Chair shall put to the meeting all questions on which it is necessary that a vote be taken, first in the affirmative and then in the negative and Voting Representatives shall vote:

(i) at a Meeting of the Association, by voting cards identifying their voting entitlements in accordance with these Rules; or

(ii) at meetings, other than a Meeting of the Association, by show of hands,

and the Chair shall declare the result to the meeting.

(b) The Chair may put any question as often as is necessary to enable the Chair to form an opinion as to the result of the voting, or the Chair may appoint tellers to count the number of votes for and against the question, and to announce the result to the meeting.

(c) Alternative methods of putting the question are permissible if deemed appropriate by the Chair.

40. SUSPENSION OF RULES

Any one or more of the rules of procedure for debate may be suspended by resolution at any Meeting of the Association PROVIDED that there shall be a distinct statement in every such resolution of the purpose and duration of the suspension, and that for every matter for which suspension is required there shall be a separate resolution.

(a) In addition to Rule 40(a), the rules of procedure for debate will be automatically suspended:

(i) whilst the meeting is being addressed by a guest speaker in respect of a subject matter not the subject of a motion at the meeting and during questioning of the guest speaker; and

(ii) during any discussion in respect of a subject matter not the subject of a motion at the meeting and determined by the Chair to not require the rules of procedure for debate to apply.

41. VALIDITY OF PROCEEDINGS

Business conducted at any meeting at which a quorum is present is valid notwithstanding:

(a) that there is some defect in the appointment of any representative present at that meeting; or

(b) that there is an informality or irregularity in the proceedings to which attention is not called at the time, provided that such want of formality or irregularity does not materially affect the results of such proceedings.

EMPLOYEES

42. CHIEF EXECUTIVE OFFICER

(a) The Chief Executive Officer has the following powers and functions:

(i) to provide advice to Members, Meetings of the Association, the General Management Committee and any Sub-committees;

(ii) to co-ordinate the development of objectives, policies and programs for consideration by Meetings of the Association or the General Management Committee;

(iii) to prepare strategic and operational plans for the Association;

(iv) to manage the resources of the Association;

(v) to establish and maintain human resource policies and procedures;

(vi) to appoint employees of the Association in accordance with approved organisational structures and policies, to allocate duties to employees, and to suspend or dismiss employees; and

(vii) to sign contracts on behalf of the Association.

(b) The Chief Executive Officer shall be responsible to the General Management Committee.

43. EMPLOYEES

The employees of the Association shall be responsible to the Chief Executive Officer.

FINANCES

44. FINANCIAL YEAR

The financial year of the Association shall commence on the 1st day of July and end on the 30th day of June in the following year.

45. SUBSCRIPTIONS

(a) Every Member shall pay such annual subscriptions as are set and determined in accordance with these Rules.

(i) Each Council will pay an equal share as a flat fee, with the total to be equal to 40% of the Associations total annual subscriptions, as determined by the budget adopted at the Annual General Meeting.

(ii) Each Council will be placed within the appropriate population category as reported by the ABS annually. Each Council will pay an equal share of the category's percentage, with the total to be equal to 30% of the Associations total annual subscriptions, as determined by the budget adopted at the Annual General Meeting.

(iii) Each Council will be placed within the appropriate total assessed revenue category, as reported in the Annual Report of the State Grants Commission. Each Council will pay an equal share of the category's percentage, with the total to be equal to 30% of the Associations total annual subscriptions, as determined by the budget adopted at the Annual General Meeting.

(iv) At the absolute discretion of the General Management Committee, rounding up or down of the percentages referred to in Rule 45(b)(ii) and 45(b)(iii) may occur in the development of the budget for approval at the Annual General Meeting.

(v) The category parameters for Assessed Revenue are to be adjusted in line with the annual Council Cost Index as set by the Association.

(b) The subscriptions formula as set out above and the average percent payable by each category shall apply as of 1 July 2018.

(c) The annual subscription is due and payable at the office of the Association on the first day of July in the financial year to which it relates. The subscription must be paid within one month after a written notice specifying the amount payable has been delivered or sent by post to the General Manager of the Member.

Population Categories

Population	Category number	Percentage
<1000	1	0
1,000 to 4,999	2	0.5
5,000 to 9,999	3	2.5
10,000 to 14,999	4	3.0
15,000 to 24,999	5	4.5
25,000 to 34,999	6	5.5
35,000 to 54,999	7	6.6
55,000+	8	7.6

Revenue categories

Revenue range		Category number	Percentage
$0.00	$4,999,999.00	1	0.8
$5,000,000.00	$7,999,999.00	2	2.0
$8,000,000.00	$9,999,999.00	3	2.5
$10,000,000.00	$14,999,999.00	4	3.5
$15,000,000.00	$24,999,999.00	5	4.8
$25,000,000.00	$34,999,999.00	6	5.8
$35,000,000.00	$59,999,999.00	7	6.8
$60,000,000.00	and above	8	7.0

46. ACCOUNTS

The General Management Committee shall ensure that the accounts of the Association comply with relevant requirements prescribed in the Act and are in accordance with relevant current accounting standards.

47. SITTING FEES AND EXPENSES

(a) Members of the General Management Committee and members of Sub-committees shall be entitled to any allowance or sitting fee determined.

(b) Members of the General Management Committee and members of Sub-committees shall be reimbursed for reasonable expenses incurred in carrying out the duties of office in relation to telephone rental, telephone calls, travelling and care of any child of the member by a licensed carer.

MISCELLANEOUS

48. IMMUNITY PROVISION

A Member, an employee of a Member, an elected representative of a Member and an employee of the Association is not personally liable for an honest act or omission done or made in the exercise or purported exercise of a power or in the performance or purported performance of a function of the Association either under these Rules, the Act or any other Act (whether State or Commonwealth) or Regulations.

49. LEGAL OPINIONS

(a) Where the General Management Committee, on its own behalf or following a submission from a Member, believes that an issue has major ramifications for Local Government within the State of Tasmania, then the General Management Committee may request an opinion upon the matter from any legal advisers of the Association.

(b) A copy of a legal opinion so obtained by the General Management Committee shall be forwarded to every Member.

(c) The cost of the opinion and its distribution to every Member shall be met from the general funds of the Association.

50. NOMINATIONS TO OUTSIDE BODIES

(a) Where the Association is requested to make nominations to any body, then the General Management Committee is empowered to nominate such persons as it believes have the requisite knowledge, qualifications, or experience required for the office.

(b) Where any Act or Regulation states that an Alderman, Councillor, or an employee of a Council, Local Government regional authority or an employee of the Association cannot be a representative upon the subject body, then the General Management Committee shall nominate such persons as it believes have the requisite knowledge, qualifications, or experience required for the office.

51. COMMON SEAL OF THE ASSOCIATION

(a) The Chief Executive Officer shall have the custody of the Common Seal.

(b) The Common Seal shall not be attached to any document without an express order of the General Management Committee, unless to authenticate any document, or to comply with the provisions of any rule directing that such seal shall be attached to any document.

(c) In every case where the Seal has been ordered to be attached to any document, such document shall also be signed by the President (or, in the case of the absence or illness of the President, by the Vice President and one member of the General Management Committee) and countersigned by the Chief Executive Officer.

52. NOTICES AND COMMUNICATIONS

Any notice or other communication under these Rules shall be in writing and shall be delivered by post or by facsimile or email transmission to a party at the address, facsimile number or email address as the party may from time to time notify to the Association. All notices and communications under these Rules (unless otherwise specified) shall be effective only upon receipt.

53. LGAT ASSIST

The General Management Committee is responsible for the management and operation of the monies of the Association identified as LGAT ASSIST, which responsibility will be fulfilled by the General Management Committee:

(a) approving appointments to the Board of LGAT ASSIST;

(b) approving the rules to be adopted by LGAT ASSIST;

(c) approving interest rates in accordance with the rules to be adopted by LGAT ASSIST; and

(d) other than the matters set out in (a) to (c) above, delegating its powers, duties and discretions in respect of the management and operation of the monies of the Association identified as LGAT ASSIST to the Board of LGAT ASSIST.

54. WINDING UP

Upon the winding up and dissolution of the Association, any property that remains after the satisfaction of its debts and liabilities shall be given and transferred to Member Councils in equal shares.

COUNCIL POLICY

COMMITTEE NOMINATIONS AND APPOINTMENTS

GLENORCHY CITY COUNCIL

PURPOSE

This policy sets out the procedures which Council will follow when making nominations and appointments to Committees and External Bodies.

The policy aims to ensure that nominations and appointments are fair, democratic, and transparent.

SCOPE

This policy applies to all nominations and appointments to Committees and External Bodies, other than the appointment of independent persons to Council's Audit Panel (the procedure for which is as set out in the Audit Panel Charter).

RELATED DOCUMENTS

- Committees Policy
- Media & Communications Policy
- Social Media Policy

STATUTORY REQUIREMENTS

Section 20 of the *Local Government Act 1993* (the Act) provides that one of the functions of a Council is to represent and promote the interests of the community.

Section 23 of the Act provides that Council may establish council Committees to assist it in carrying out its functions under the Act or any other Act, and that a Committee consists of councillors appointed by the Council.

Section 24 of the Act provides that a council may establish special Committees, which consist of such persons appointed by the Council as the Council considers appropriate.

Acts	*Local Government Act 1993* (Tas)
Regulations	*Local Government (Meeting Procedures) Regulations 2015*
Australian/International Standards	*N/A*

GLENORCHY CITY COUNCIL

September 2023

DEFINITIONS

Ballot means a ballot conducted in accordance with Part 3 of this Policy.

Chair means the person chairing a council meeting in accordance with the Regulations.

Committee means any Committee or other body established by Council over which Council has control, whether comprised of Elected Member, independent person, or both and includes, but not limited to:

(a) A Council Committee

(b) A Special Committee

(c) An Internal Committee

(d) An Audit Panel established under Section 85 of the Act.

Council Committee means Committees established by a Council resolution made under section 23 of the Act. Council Committees assist Council in carrying out its functions under the Act or any other Act. Council Committees are constituted by Elected Member only.

Council Election means an election held under Part 15 of the Act.

Council Meeting means an ordinary council meeting or special council meeting, unless expressly specified otherwise.

External Body means Committees or other bodies that are established and administered by an external organisation to which representatives of Council have been appointed and with which Council has a formal and ongoing relationship.

Internal Committee means Committees or other bodies established by Council over which Council has control. An Internal Committees is formed to oversee and implement a project, plan, strategy, or event. Internal Committees may be working groups, steering groups, organising Committees, taskforces, and other groups. Internal Committees can be constituted by Elected Members, Council staff and external representatives.

General Manager means the General Manager of Council, or delegate.

Regulations means the Local Government (Meeting Procedures) Regulations 2015.

Special Committee means Committees established by a Council resolution made under section 24 of the Act. A Special Committee is established to oversee or implement a project, plan, strategy, or event. Special Committees can be constituted by anyone, including Elected Members.

GLENORCHY CITY COUNCIL

September 2023

POLICY STATEMENT

From time to time, Council is required to appoint Elected Members and independent persons to Committees and External Bodies.

PART 1 – NOMINATIONS AND APPOINTMENTS OF ELECTED MEMBERS

Appointments Following Council Election

Council will appoint and re-appoint (and, where necessary, nominate or re-nominate) Elected Members to Committees and External Bodies at the first ordinary meeting of council following a council election (or at a special meeting of Council if a special meeting for that purpose is called).

Procedure

1. Where it is necessary to appoint Elected Members to Committees (including as a result of a casual vacancy), the General Manager will circulate a notice to Elected Members which—

   (a) notifies Elected Members that appointments, re-appointments, and nominations for appointment to Committees and External Bodies are to be made at the relevant meeting, and

   (b) lists the appointments and nominations to be made, and, for each, identifies—

      i) the Committee or External Body

      ii) the position available (including, for an External Body, whether Council will be making a nomination only)

      iii) the nature of the duties to be undertaken

      iv) the proposed term of the appointment

      v) whether the position is to be held ex-officio by the Mayor or Deputy Mayor, and

      vi) any other information the General Manager considers relevant.

   (c) requests that Elected Members submit nominations for the available positions one (1) week before the next council meeting.

2. The notice is to be circulated to all Elected Members by email no later than five days before nominations close (or as soon as practicable if it is not possible to circulate the notice five days before nominations close), and

3. Nominations may contain a statement in support of the nomination, to a maximum of 150 words.

4. Nominations may be for a position or a proxy position.

5. The General Manager will present a report to Council for consideration at the relevant council meeting which will contain, for each available position a list of the nominations received, and the documentation provided in support of each.

6. Where the number of nominees for a position does not exceed the number of positions available, the Council will determine the appointment in accordance with its ordinary meeting procedures.

7. If the number of nominees for a position exceeds the number of positions available—

   (a) a ballot will be held to select the appointee or appointees (or nominees for a position on an External Body, if applicable), and

   (b) once the result of the ballot is determined, the chair will call for the appointment to be confirmed in accordance with Council's ordinary meeting procedures.

8. Where Council's nominee for a position on an External Body is required to be confirmed by the External Body, the General Manager is to write to the External Body advising it of Council's decision.

9. For the avoidance of doubt, where a Committee detail sheet that has previously been adopted by Council provides for a position to be held ex officio by the Mayor or the Deputy Mayor, the appointment of the Mayor or Deputy Mayor to that position is automatic, and no other Elected Members are entitled to nominate for that position.

PART 2 – NOMINATIONS AND APPOINTMENTS OF INDEPENDENT PERSONS OR SUBJECT MATTER EXPERTS

Procedure

1. Where there is a vacancy for the position of an independent person or subject matter expert on a Committee or External Body, the General Manager is to circulate a notice calling for expressions of interest for appointment, containing the information specified in clause 2(1)(b)—

2. The notice is to be circulated by—

   (a) publishing the notice on Council's website

   (b) sending an email to all Council staff, and

   (c) if the General Manager considers it necessary, publishing the notice in a local newspaper.

3. The General Manager must circulate the notice under 3(1) no later than five days before nominations close (or as soon as practicable if it is not possible to circulate the notice five days before nominations close).

4. Following the receipt of nominations, the appointment of the independent person is to be determined in accordance with the procedure set out in the Committee's Terms of Reference.

5. For nominations or appointments to External Bodies, or if no procedure is specified in the Committee detail sheet, the General Manager will assess each nomination on its merits and will make a recommendation to

Council seeking Council's endorsement and nomination or appointment (as applicable) of the preferred nominee.

PART 3 – BALLOTS

Application

Where the provisions of this policy require that a ballot is held, the ballot is to be conducted in accordance with this part.

Rules for Ballots

1. When a ballot is required under this policy, the chair of the council meeting will call a ballot.
2. Ballots are to be secret unless Council resolves otherwise.
3. Votes are to be cast on ballot papers distributed to Elected Members by the General Manager. Ballot papers may be distributed either prior to or at the relevant council meeting.
4. Elected Members are to place completed ballot papers in a ballot box which is to be visible to all attendees of the Council meeting during the process of casting the ballots.
5. The ballot box must not be opened until all Elected Members who intend to vote have cast their votes.
6. Votes will be counted by a Council officer nominated by the General Manager, with another Council officer acting as a scrutineer.
7. Where there are—
   (a) two or more candidates for a single position, the candidate with the most votes will be the appointee, or
   (b) more than two candidates for multiple positions (for example, two member spots on a council Committee), the successful candidates will be the candidates with the most votes, in descending order until the number of positions have been filled. For example, if there are 2 positions and 4 candidates, the successful candidates will be those with the highest and second highest number of votes.
8. The officer who counts the votes will advise the chair of the council meeting by writing the name of the successful candidate/s on a piece of paper and delivering it to the chair.
9. In the event of a tie, the chair (at their discretion) may determine the winner by:
   (a) the toss of a coin (conducted by the chair), or
   (b) a further ballot, in which the only candidates are those which were tied in the first ballot.
10. All ballot papers and other ballot material are to be destroyed as soon as practicable after the conclusion of the ballot.

Proxies

1. Where proxy positions for Committees or External Bodies are available, unsuccessful candidates will be offered the position of proxy in the order in which they placed in the ballot.

2. Where a proxy is required but there are not sufficient candidates for a proxy after positions have been filled, or if all unsuccessful candidates decline the proxy appointment, the chair may call for nominations for proxy positions.

3. Where the chair has called for nominations in accordance with subclause (2), the selection of the nominees is to be determined in accordance with Council's ordinary meeting procedures.

MISCELLANEOUS

Vacation of Positions on Leaving Office

An Elected Member's appointment to a Committee or External Body will cease immediately upon the person ceasing, for any reason, to be an Elected Member.

Nominations Need not be Personal

To avoid any doubt, a person may nominate another person for a position the subject of this policy, and the nomination need not be made by the person seeking nomination.

Refusal of Nominations or Appointments

1. An Elected Member or independent person may refuse any nomination or appointment made under this policy, including nomination or appointment as a proxy.

2. Council may refuse to appoint or nominate a person (including an Elected Member) to a position if it considers that the person is not suitably qualified for or is otherwise unable to provide satisfactory representation on the Committee or External Body.

Inconsistency with Meeting Procedures Regulations

If a provision of this policy is inconsistent with the Regulations, the Regulations will prevail to the extent of the inconsistency.

Attendance and Performance

If an Elected Member's attendance record at Committee or External Body meetings is unsatisfactory, or if Council receives notification from a Committee or External Body that the Elected Member is not properly discharging the duties required of the position, Council may resolve to withdraw the Elected Member's appointment and appoint another Elected Member as a replacement.

GLENORCHY CITY COUNCIL

September 2023

BACKGROUND

Council has established and maintains control over multiple Committees, special Committees, working groups, steering Committees, task forces and other bodies to assist in discharging its role and functions. Council is also, required to appoint (or nominate) representatives to External Bodies.

In making any nomination or appointment, Council must ensure that the process for determining appointees and nominees is fair, democratic, and transparent.

DOCUMENT CONTROL

Version:	3.0	**Adopted**	25 September 2023	**Commencement Date**	26 September 2023
Minutes Reference	Council Meeting, 25 September 2023 (Item 9)			**Review Period**	4 Years from adoption
Previous Versions:	v 1.0 adopted 19 December 2016 (Council meeting, Item 17) 2.0 adopted 19 December 2022 (Council meeting, item 8)				
Responsible Directorate	General Manager		**Controller:**	Executive Manager Stakeholder Engagement	
ECM Document No.:	Policies by Directorate				

Emma Watkins

From: Tony McMullen
Sent: Tuesday, 18 March 2025 11:26 AM
To: All Elected Members
Cc: All Directors; Emma Watkins; Christine Lane; Mel Burk; Mandy Henderson
Subject: Call for Nominations: LGAT General Management Committee
Attachments: Invitation to Nominate.pdf; Committee-Nominations-and-Appointments-Policy-2024-.pdf; LGAT General Management Committee Details.pdf; Nomination Form LAGT GMC.pdf

Importance: High

Dear Elected Members,

Every two years, the Local Government Association of Tasmania (LGAT) holds elections for the positions of President and Membership of its General Management Committee (GMC). The GMC is essentially the Board of LGAT and also participates in meetings of the Premiers' Local Government Council (PLGC) – the peak stakeholder engagement body between the State government and local government. These positions are elected from elected members in local government. Elections are carried out by the Tasmanian Electoral Commission.

The Tasmanian Electoral Commissioner has now invited nominations for LGAT President of LGAT and for membership of the GMC.

We will bring a report to the 31 March Council Meeting to enable Council to formally decide whether it wants to make nominations for each of the roles.

Council is entitled (but not obliged) to make one nomination for each of the roles of LGAT President and GMC Member representing the three Southern District Councils with a population of 20, 000 or more (Glenorchy, Clarence, and Kingborough).

If Council wishes to nominate a candidate for President, it is not obliged to nominate the same person.

To facilitate this process, Council uses the Committee Nominations and Appointments Policy.

Please find attached:

- Nomination form
- Nominations and Appointments Policy
- LGAT GMC Details Sheet
- TEC Invitation to Nominate

Please submit your nomination using the nomination form attached.

One nominee will be elected through a secret ballot process. The Lord Mayor of Hobart has an ex officio position on the GMC.

The closing date and time for nominations is **6.00pm Tuesday 25 March 2025**.

Please forward your nomination to Executive Assistant to the Mayor, Mel Burk Melanie.Burk@gcc.tas.gov.au and Coordinator Executive & Strategy Emma Watkins emma.watkins@gcc.tas.gov.au, or return a hard copy in person to either Mel or Emma.

The nominees for positions will be considered at the March Council meeting. If more than one nomination is received, a secret ballot process will be conducted in accordance with the Policy.

We will then advise the Tasmanian Electoral Commission of Council's nominations (if any).

The Electoral Commission will then prepared ballot papers and Council will consider these and decide its vote for its preferred candidates for LGAT President and GMC member representing the three Southern District Councils with a population of 20, 000 or more at a later Council meeting – likely to be the May or June Council meeting.

Results will be declared by the Tasmanian Electoral Commission on 25 July 2025.

Kind regards
Tony

TONY McMULLEN
Chief Executive Officer

GLENORCHY CITY COUNCIL

(03) 6216 6767 | **www.gcc.tas.gov.au**
tony.mcmullen@gcc.tas.gov.au | 374 Main Road, Glenorchy

We acknowledge the muwinina people as the traditional owners of this land. We recognise the Tasmanian Aboriginal people as the original owners and continuing custodians of the land and waters of this island, lutruwita. We pay our respect to Aboriginal Elders, past and present. We commit to working in a way that welcomes and respects all Aboriginal and Torres Strait Islander people.

Tasmanian Electoral Commission

Local Government Association Tasmania

Local Government Association of Tasmania
Nomination Form

Nomination of a candidate for election of President or Committee Member of the General Management Committee, Local Government Association of Tasmania.

Nominations are invited and must be lodged, posted, or emailed to be received by the Returning Officer at the address shown below **before 12 noon on Wednesday 7 May 2025.** This nomination must be accompanied by a copy of the Resolution passed by the Council that lawfully nominated the candidate for election. Candidates will be notified of receipt of the nominations by this office.

It is the responsibility of the candidate to ensure that the nomination form is received by the Returning Officer before the close of nominations. Late nominations cannot be accepted.

Each member is entitled to:

- nominate one elected Councillor of a Member Council for the position of President of the Local Government Association of Tasmania: and
- nominate one elected Councillor of a Member Council for the position of Committee Member of the General Management Committee. Members can only nominate a Councillor within their own electoral district and population category.

Candidate

Family Name:	*Given names:*	*Member Council:*
Position of: ☐ *President* ☐ *Committee Member*		
Postal address:	*Email address:*	
Given names for ballot paper: (if different from above)	*Contact phone numbers:*	
I accept the nomination as a candidate for election to the position shown above.		
Signature. . . . . *Date*.		

Nominator

Name of Member Council:
Hereby nominates the above-named candidate for election.
Name of person authorised to lodge nomination behalf of Member Council:
. . . . . *Contact mobile number:* . . . . .
Endorsed at council meeting held on: ***This nomination must be accompanied by a copy of the Resolution passed by the Council that lawfully nominated the candidate for election.***
Date. . . . .
Signature of authorised person . . . . . *Date*. . . . .

The address for lodgement at the Tasmanian Electoral Commission is:
Level 3, TasWater Building, 169 Main Road, MOONAH TAS 7009 **Phone**: (03) 6208 8721
Postal Address: PO Box 307, MOONAH TAS 7009
Email: nominations@tec.tas.gov.au
PTO

Electoral Districts

(for the purpose of electing members to the General Management Committee)

NORTH WEST AND WEST COAST ELECTORAL DISTRICT

Members within the electoral district having a population less than 20,000 – ***one position***	Members within the electoral district having a population of 20,000 or more – ***one position***
Circular Head Council	Burnie City Council
Kentish Council	Central Coast Council
King Island Council	Devonport City Council
Latrobe Council	
Waratah-Wynyard Council	
West Coast Council	

NORTHERN ELECTORAL DISTRICT

Members within the electoral district having a population less than 20,000 – ***one position***	Members within the electoral district having a population of 20,000 or more – ***one position***
Break O'Day Council	Launceston City Council
Dorset Council	Meander Valley Council
Flinders Council	West Tamar Council
George Town Council	
Northern Midlands Council	

SOUTHERN ELECTORAL DISTRICT

Members within the electoral district having a population less than 20,000 – ***one position***	Members within the electoral district having a population of 20,000 or more – ***one position***
Brighton Council	Clarence City Council
Central Highlands Council	Glenorchy City Council
Derwent Valley Council	Kingborough Council
Glamorgan-Spring Bay Council	
Huon Valley Council	
Sorell Council	
Southern Midlands Council	
Tasman Council	