

# AGENDA – ORDINARY MEETING 10 APRIL 2017



## LATE AGENDA ITEM

### GOV 11 REVIEW OF THE LOCAL GOVERNMENT ACT

*Responsible Officer:* Des Jennings, General Manager

*Report prepared by:* Amanda Bond, Regulatory & Community Services Manager

#### 1 PURPOSE OF REPORT

The purpose of this report is to seek Council's position regarding proposed amendments to the *Local Government Act 1993*.

#### 2 INTRODUCTION/BACKGROUND

LGAT are seeking feedback from Councils by 1 May 2017 regarding amendments to the *Local Government Act 1993*. Attached to this report is the report presented at the General Meeting of the Local Government Association of Tasmania on 7 April 2017 which gives a more comprehensive background to the proposed amendments.

#### 3 STRATEGIC PLAN 2017-2027

The Strategic Plan 2017-2027 provides the guidelines within which Council operates.

- Lead –
  - Best Business Practice & ComplianceCore Strategies:
  - ♦ Council complies with all Government legislation

#### 4 POLICY IMPLICATIONS

The *Local Government Act 1993* is the core legislation binding Councils. It is important for Council to have input to proposed amendments.

#### 5 STATUTORY REQUIREMENTS

*Local Government Act 1993*

#### 6 FINANCIAL IMPLICATIONS

Not applicable at this stage.

#### 7 RISK ISSUES

If Council does not provide its input changes may be made to the legislation which are contrary to the interests of Council.

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### 8 CONSULTATION WITH STATE GOVERNMENT

The State Government are seeking Council's position on the proposed changes to the Act.

### 9 COMMUNITY CONSULTATION

Not applicable.

### 10 OPTIONS FOR COUNCIL TO CONSIDER

Council is to discuss the proposed changes to the *Local Government Act 1993* and consider its position with regard to the same.

### 11 OFFICER'S COMMENTS/CONCLUSION

The key issues as identified in the report in the Local Government Association of Tasmania General Meeting Agenda are:

- 1 The introduction of powers to make Ministerial Orders to expand and clarify matters in relation to the function of the Mayor, functions of councillors, appointment and performance monitoring of the General Managers, functions of the General Manager, and liaison between Mayors and General Managers. There are no draft orders at this stage and it should be noted that they must be developed in consultation with the sector.
- 2 The role of the Mayor has been expanded.
- 3 There are detailed provisions in relation to gifts and benefits. These were not part of the original consultation or the Steering Committee report but appear to align with the requirements of State Government.
- 4 There is clarification that qualified advice must be provided in writing.
- 5 Model Financial Statements are introduced with a transitional period.
- 6 The scope of the Local Government Board review has been broadened to include matters such as governance and performance.
- 7 The Director would be provided the power to issue Performance Improvement Directions following an investigation possibly preventing the need for a Board of Inquiry or LG Board Review.
- 8 The Minister would have the power to suspend individual councillors prior to or during a Board of Inquiry Process. Individual councillors (as opposed to the whole council only) may be dismissed following a Board of Inquiry process.
- 9 Election timeframes have been increased to allow for longer postal delivery times.
- 10 Electoral advertising is to include internet based advertising.
- 11 Minor boundary adjustments can be made without a LG review process.

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### 12 ATTACHMENTS

- 12.1 LGAT report including table of amendments, correspondence from Department of Premier and Cabinet, and Draft Amendment.

#### RECOMMENDATION 1

Council discuss this matter.

#### RECOMMENDATION 2

Council give consideration to the proposed changes and give the following direction:...

#### DECISION

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