

30 May 2018

Mr Alex Tay
Local Government Division
Department of Premier and Cabinet
GPO Box 123
HOBART 7001

lgd@dpac.tas.gov.au

Dear Alex

Local Government (General) Amendment Regulations 2018

Thank you for the opportunity to provide a submission on the *Local Government (General) Amendment Regulations 2018* (the Regulations).

The Local Government Association of Tasmania (LGAT) is incorporated under the *Local Government Act 1993*, our functions being:

- (a) to protect and represent the interests and rights of councils in Tasmania;
- (b) to promote an efficient and effective system of local government in Tasmania; and
- (c) to provide services to member councils, councillors and employees of councils.

The views and opinions expressed in this submission are representative of the Local Government sector, having been developed in consultation with member councils. LGAT fully supports councils who have made individual submissions to the consultation process and in turn, supports the content and opinions expressed within those submissions.

If you have any questions or would like further information, please do not hesitate to contact me at katrena.stephenson@lgat.tas.gov.au or via phone on (03) 6233 5966.

Yours sincerely



Katrena Stephenson
Chief Executive Officer

General Comments

A majority of councils did not provide LGAT with any comment on the Regulations, indicating a general level of satisfaction with what is proposed. To a large extent the previous consultation, undertaken in late 2017, provided the sector with the appropriate opportunity to shape the Regulations.

Those councils that did provide specific comment indicated general support for what the Regulations are seeking to achieve, however there were several specific issues that were raised and are contained in the following section.

Specific Comments

The following table provides specific feedback relating to sections of the Regulations:

Section	Comments / Concerns
21	<p>Feedback on the inclusion or removal of signage and posters from the Regulations was mixed.</p> <p>Several councillors were concerned with their removal from the Regulations, citing the potential for some candidates to be disadvantaged given that the advertising spend limit if utilised fully could allow for significantly more signs than currently prescribed. In the context where the spend limit is more than many can afford this might favour some candidates over others. Further it could also exacerbate the current issues experienced in some municipalities relating to signage disputes and complaints.</p> <p>However, others, including a majority of the General Managers, indicated support for their removal from the Regulations. Further they strongly suggested that electoral signs should also be removed from the Interim and Tasmanian Planning Scheme and be dealt with solely in the Electoral Act.</p>
22A (1) (a)	<p>Linked to the comments above, it was suggested the proposed \$10,000 spend limit is far beyond what most community members in rural remote councils could afford to spend and therefore it creates the risk of a wealthy individual to 'buy votes' if they are able to spend to full limit. It was suggested that the amount could be linked to the allowances which already consider council size. For example, a limit of 10% of Mayoral allowance.</p>
Part 3A	<p>A number of councils raised concerns over the threshold limit of \$50 for gifts and donations, as it relates to political donations. A number were unsure if the definition applies to political donations, and, more importantly, whether the Regulations apply to candidates who may not be councillors. Greater clarity needs to be provided on these issues, especially considering the local government elections are imminent and there must be a 'level playing field' for all candidates.</p>
29A	<p>One council indicated that the proposed \$50 trigger for gifts and donations was too low and would require capture of a lot of insignificant information. A minimum value of \$100 was suggested and this aligns with previous work LGAT has done with councils on this issue.</p>

29C	One council suggested that the timeframe for declaring gifts should be 7 days instead of the proposed at 14 days.
29D	The ability of the public to access the Gifts and Donations Register is not clear in 29D or clause S56B of the Local Government Act. Whilst the content is supported, access and availability must be clarified.
40	This inclusion was supported however, it was suggested that the term 'professional development' is defined and that the Local Government Division, in consultation with councils and other relevant stakeholders, develop a model professional development policy that provides clear guidance as to its requirement. It was further suggested that the Declaration of Office process be accompanied by the attestation of compliance with the Good Governance Guide for Local Government in Tasmania