

Our Ref:

Enquiries: Angela Matthews

22 February 2019

Local Government Legislation Review  
Local Government Division  
GPO Box 123  
**HOBART TAS 7001**

[LGReview@dpac.tas.gov.au](mailto:LGReview@dpac.tas.gov.au)

Dear LG Legislation Review Steering Committee

Please find below comments from Break O'Day Council in relation to the Local Government Legislation Review.

Council has a fundamental belief that the legislation requires flexibility which general competency powers provide. Council would be concerned if the legislation was to become a lot more prescriptive. It needs to be flexible and we need to be able to work within what we have.

The following specific discussion points were raised by Council as matters for consideration or to possibly provoke some discussion:

- There could be some benefit in regards to making voting compulsory for Local Government elections to clear up confusion with voters. All voting would then be compulsory through all tiers of Government. We recognise that there is a fundamental difference in current polling processes, postal voting versus polling places
- Public notification provisions within a newspaper circulating within the area – Social media had not been thought of and the internet was in its infancy when the 1993 Act was prepared therefore we need to question this as there is a reduced reliance on traditional newspapers as an information source There should be some flexibility on the way Councils give notifications in the future. The extent of information in a public notice can be massive e.g. Notice of Making Rates & Charges; Declaration of Off Leash Areas under the Dog Control Act. We need to think

from the **mountains** to the **sea**



about how members of the community seek information today and potentially into the future.

- The provision of hard copies of various reports eg Annual Report to Directors, etc – could consideration be given to this to be hard or electronic versions – as long as an official copy is provided in some form to the appropriate person/department.
- Non-pecuniary conflicts of interest - Could there be consideration given for greater clarity around this as it is currently not legislated and monitored like pecuniary interests are.
- Could there be discussion around the way in which Councillors vote at meetings – if a Councillor votes against a recommendation (whether the decision is carried or lost), Councillors should give their reasons for voting against a recommendation. This is particularly important when acting as the Planning Authority you should only vote “no” in relation to planning or statutory/legislation requirements. From a legal perspective it is not required but it is good for transparency reasons. It is quite clear in the Planning Authority section that Council have to give reasons if they have voted against a recommendation and subsequently pass a motion to refuse which is contrary to the Planning Officers advice.

If you require any further information please do not hesitate to contact myself.

We look forward to considering the various discussion papers which will arise from this process.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'John Brown', written in a cursive style.

John Brown  
**GENERAL MANAGER**