

Department of Police, Fire and Emergency Management

OFFICE OF THE SECRETARY

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Our ref: A19/40113



27 February 2019

Ms Jenny Gale
Secretary, Department of Premier and Cabinet
Email: LGARReview@dpac.tas.gov.au

Dear Jenny

Review of Tasmania's Local Government Legislation

Thank you for the opportunity to comment on the *Review of Tasmania's Local Government Legislation*.

The Department of Police, Fire and Emergency Management does not have any comment in regard to the principal legislation regulating local government. However, my Department is frequently requested to review by-laws made under section 145 of the *Local Government Act 1993* and does have a suggestion in regard to them.

It is regularly observed that by-laws drafted by councils contain either police powers or offence provisions that are problematic. For example, it is common for offence provisions to be created that overlap existing provisions in primary legislation, making them unnecessary, or are framed too tightly and do not contain appropriate exemptions (e.g. a trespass-like provisions without a reasonable excuse exemption that would allow emergency services to enter a closed location). To address this, it is suggested the Local Government Division could develop model by-laws from which councils could borrow relevant provisions. Given the number of councils, and that each set of by-laws is required to be remade every 10 years, this would produce many efficiencies.

Should you require any clarification on these comments, please contact Inspector Luke Manhood at luke.manhood@dpfem.tas.gov.au or by phone on 6173 2154.

Yours sincerely

A handwritten signature in black ink, appearing to read "D. Hine".

D L Hine
SECRETARY