

## Frequently Asked Questions

### About the Discussion Paper

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#### What is the Discussion Paper?

The Discussion Paper (the Paper) is the first step in the Review process. It asks questions on the concept of local government, what it means to people and what it should do now and into the future. It seeks submissions from all interested parties in relation to these principles.

Submissions received at this step will inform the proposed policy positions that will be covered by a Directions Paper at Phase Two of the Review.

#### Can I provide comments without reading the Discussion Paper?

You are encouraged to read the Paper prior to providing your submission, in order to get an understanding of the purpose of the Review and the principles being discussed in this initial Paper, as well as which matters fall outside the scope of the Review.

Any additional comments or feedback can also be provided at any time, however comments that relate to matters within the scope of the Review will be prioritised.

#### Can I provide a submission only on parts of the Paper that are of interest to me?

All submissions are welcome and valued. You can make a submission on all areas of the Review, or only those of particular interest to you. The survey can either be completed in part or in full, depending on your preference.

#### Can I provide a submission on behalf of an organisation or business?

You are welcome to make a submission on behalf of an organisation or business, if you are authorised by that organisation or business to do so.

If you also wish to make a submission as an individual, this will need to be made separately.

## About the Review

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### What is the Local Government Act 1993?

The *Local Government Act 1993* (the Act) is the primary legislative instrument in the framework within which the local government sector in Tasmania operates. In summary, the Act:

- Establishes councils and provides a legal basis for council functions, powers and service delivery;
- Provides functions and powers for mayors, deputy mayors, councillors and general managers;
- Sets out the powers and obligations of councils, including planning and reporting requirements;
- outlines conditions for the election of councillors and the recruitment of general managers; and
- sets out the roles and associated powers of regulatory bodies, such as the Local Government Board and the Code of Conduct Panel.

In addition to provisions in other legislation, the framework includes subordinate legislation (regulations and orders) that sets out more detailed provisions for the sector.

The Act can be viewed on the [Tasmanian Legislation website](#).

### What is the purpose of the Local Government Legislation Review?

The current Act has been in place for 25 years, during which time the sector, and our society more broadly, have evolved. To keep pace with the environmental, societal, technological and economical changes that have occurred in Tasmania over the past quarter of a century, a number of amendments have been made to the Act, which is not a sustainable approach.

With this in mind, the Minister for Local Government, Hon. Peter Gutwein MP, announced a major review of the Act and associated legislation in June 2018. This Review is intended to deliver a contemporary legislative framework capable of supporting the sector over the coming decades.

### What is the scope of the Review? What will it cover and what is excluded?

The scope and objectives are set out in the Review's [Terms of Reference](#). It will be a major review, starting with the principles of the local government legislative framework: how it should be legally established and how councillors should be elected; how it should provide services to its community; and how it should be accountable to its community.

The focus of the Review is providing the best possible legal framework for local government. It has a broad scope that includes a wide range of local government issues including the collection of revenue, electoral provisions, powers and operations of statutory bodies, governance, and community engagement.

Some policy areas that have recently been comprehensively reviewed are outside the scope of the Review.

## The Review Scope

The Review will consider the following:

-  Appropriate legislation to support the transparent setting, levying, and collection of council revenue, rates and charges;
-  Local government electoral provisions, including options for enhancing both voter and candidate participation;
-  Provisions that support efficient and high-quality council operations and service delivery;
-  Performance monitoring, including financial sustainability, governance and other relevant reporting;
-  Council governance and decision-making practices, including options for community engagement, representation, and democratic participation;
-  Provisions that support public confidence in the integrity, transparency and accountability of local government; and
-  The roles, functions, powers and operation of statutory bodies that oversee local government compliance and reform.

The Review will **not** consider:

-  Council amalgamations, or changes to existing municipal boundaries.
-  The roles and functions of the State Government and local government; mayors, deputy mayors and councillors.
-  The suite of contemporary council planning and financial management arrangements; and the Code of Conduct framework.

## Who does this legislation and the broader Review affect?

Broadly speaking, the legislation impacts all Tasmanian ratepayers and residents, local government elected members and staff, the business community and State Government agencies.

## Who is responsible for the Review?

The Minister for Local Government, the Hon. Peter Gutwein MP, is ultimately responsible for the direction and delivery of the Review, as well as delivering any resulting draft legislative framework to Parliament.

The Review Steering Committee is responsible for overseeing the Review, ensuring its objectives are met and providing advice to the Minister for Local Government in relation to any aspect of the Review.

The Review Project Team is responsible for managing and completing the day-to-day tasks associated with the Review in accordance with set milestones, supporting the Steering Committee and any other advisory groups established under it throughout the Review, liaising with communities and key stakeholders, and developing draft legislation for the Minister for Local Government.

### What other legislation will be considered as part of this Review?

The Review will broadly consider how a legislative framework for the local government sector should look. However, the Review will also consider other legislation currently applicable to the sector and will identify efficiencies that can be made. These might include streamlining or consolidating provisions in other legislation, identifying outdated provisions that are no longer applicable, and making amendments to other Acts.

Examples of other legislation that may be considered or impacted by the Review are outlined in Factsheet 2 of the Discussion Paper.

### How long will the Review take?

The Review was formally announced in June 2018 and the final Terms of Reference were released on 22 November 2018, following a public consultation period. Consultation on the review commenced in December 2018 with the release of a Discussion Paper and an Expression of Interest process for the Review Reference Group. It is anticipated that draft legislation will be introduced to Parliament in mid-2020.



### Where can I find more information about the Local Government Sector in Tasmania?

The Discussion Paper includes a series of brief factsheets that provide contextual information about the governance and operations of councils in Tasmania.

The [Local Government Division's webpage](#) contains information about the local government sector and the role of the Division.

The [Local Government Association of Tasmania's website](#) is also a useful resource for anyone wishing to find out more about the roles and responsibilities of Tasmanian councils.

### How can I have my say on the Review?

The Review will be a collaborative, open process and each phase has been designed to allow for submissions from any interested parties. Submissions on the Discussion Paper can be provided using the survey available on the [Review webpage](#) and by email or post.

Public consultation forums will also be held around the State throughout the Review, which will provide an opportunity for members of the community to participate in the process, provide feedback and ask any questions.

Feedback can also be submitted to the Review Project Team by email, phone or post at any time.

### Questions and Comments

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