

# ROLE OF ELECTED MEMBERS

INFORMATION SHEET  
July 08

## Local government

Local government in Tasmania is set up under the *Local Government Act 1993* (the Act). The Act authorises 29 councils, each with a prescribed municipal area, and elected councillors (or aldermen in the six city councils).

The broad functions of a council, as defined by the Act, include to:

- provide for the health, safety and welfare of the community
- represent and promote the interests of the community
- provide for the peace, order and good government of the municipality.

## Role of individual councillors (Section 28(1))

Councillor roles include, to:

- represent the community
- act in the best interests of the community
- facilitate council communication with the community
- participate in council activities
- undertake council authorised duties and responsibilities..

## Councillors also act collectively (Section 28(2))

In addition to the responsibilities as individual councillors, councillors act collectively as a council to:

- develop and monitor implementation of strategic plans and budgets
- determine and monitor the application of policies, plans and programs for the provision of services, the management of assets and the treatment of council employees
- facilitate and encourage planning and development of the municipal area in the best interests of the community
- appoint and monitor the performance of the general manager
- determine and review council resource allocation and expenditure
- monitor the way council services are provided.

## Councillors are not employers

Councillors are not responsible for employing council staff, other than the general manager. However, under section 28(2), councillors collectively determine and monitor application of policies, plans and budgets for the fair and equitable treatment of council employees.

Councillors must not direct or attempt to direct council employees or the works they do (Section 28 (3)). That is the role of the general manager.

### **Role of Mayor (Section 27)**

The office of mayor is an elected position.

The mayor's role includes being a leader of the community and chairperson and spokesperson of the council.

The mayor liaises with the general manager on council activities and council functions and powers. The mayor also oversees councillors in the performance of their functions and the exercise of their powers.

### **Role of Deputy Mayor (Section 27)**

The office of deputy mayor is also an elected position.

The deputy mayor is deputy chairperson of the council.

When the mayor is absent, the deputy mayor acts in his or her position and exercises their powers and performs their functions.

The deputy mayor must be appointed in writing by the mayor or council to act in the position of mayor.

### **Delegations (Section 22)**

A council may, in writing, delegate some of its powers to the general manager or a council committee, provided appropriate policies and procedures are in place.

For example, a council may delegate its powers in relation to:

- the collection postponement or remission of rates and charges
- the making of grants
- the provision of benefits.

However, there are a number of powers the council cannot delegate, including:

- borrowing money
- appointment of the general manager
- revision of budget or financial estimates
- making of by-laws
- making of rates and charges.

### **Immunity from Liability (Section 341)**

The Local Government Act provides that councillors, members of special committees or controlling authorities, administrators and council employees are not personally liable for honest acts or omissions done or made in:

- the exercise of a power
- the performance of a function under the Local Government Act or any other Act.

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