

| No. in Consultation Draft Bill | Draft Legislation Clauses  | Comments   |
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|                                | <b>PART 2: Local Government Act 1993 Amended</b>   |            |
| 4                              | <p><b>Section 3 amended (Interpretation)</b><br/> Section 3 of the Principal Act is amended as follows:</p> <ul style="list-style-type: none"> <li>(a) by inserting the following definition after the definition of community: community engagement strategy, in relation to a council, means the community engagement strategy established for that council under section 70DA(1);</li> <li>(b) by inserting the following definition after the definition of legal practitioner: local government charter means a local government charter issued by the Minister, and in force, under section 20;</li> <li>(c) by inserting the following definition after the definition of scrutineer: serious councillor misconduct – see section 28ZR;</li> <li>(d) by inserting the following definition after the definition of Tasmanian Electoral Commission: temporary advisor means a person appointed to be a temporary advisor to a council under section 214Q;</li> </ul> | Supported. |
| 5                              | <p><b>Section 20 substituted</b></p> <p>Section 20 of the Principal Act is repealed and the following sections are substituted:</p> <p>19A. Role of council<br/> (1) The role of a council is to support and improve the wellbeing of the community by –</p>   | Supported. |

| No. in Consultation Draft Bill | Draft Legislation Clauses   | Comments |
|--------------------------------|---|----------|
|                                | <p>(a) harnessing and building on the unique strengths and capabilities of the community; and</p> <p>(b) providing infrastructure and services that, to be effective, require local approaches; and</p> <p>(c) representing and advocating for the specific needs and interests of the community in regional, statewide and national decision making;</p> <p>(d) promoting the social, economic and environmental sustainability of the community, including but not limited to by mitigating and planning for climate change impacts.</p> <p>(2) In performing its role, a council may –</p> <p>(a) perform any duties or functions or exercise any powers conferred on a council by or under this Act or any other Act; and</p> <p>(b) perform any other functions that the council determines are necessary to enable the council to perform its role.</p> <p>(3) A council may do anything necessary or convenient to perform its role either within or outside its municipal area.</p> <p>(4) A council may transfer to a single authority or a joint authority –</p> <p>(a) any of its assets and liabilities on any condition it determines; or</p> <p>(b) any of its employees.</p> |          |

| No. in Consultation Draft Bill | Draft Legislation Clauses   | Comments   |
|--------------------------------|---|--|
|                                | <p>(5) A council may –</p> <p>(a) acquire, hold, dispose of and otherwise deal with property; and</p> <p>(b) sue and be sued in its corporate name.</p>   |  |
| <p><b>5 (cont.)</b></p>        | <p>20. Local government charter</p> <p>(1) The Minister, by order, may issue a local government charter.</p> <p>(2) A charter issued under subsection (1) must be consistent with this Act and is to –</p> <p>(a) provide clarity and specific guidance to support councils in performing their role; and</p> <p>(b) specify the core functions of councils, and the principles and practices to guide when and how councils should seek to undertake functions outside those core functions; and</p> <p>(c) specify principles to be followed by Councils in relation to –</p> <p>(i) good governance; and</p> <p>(ii) financial management; and</p> <p>(iii) community engagement; and</p> <p>(iv) collaboration and coordination with other councils on matters of shared interest or regional issues; and</p> <p>(d) specify the principles and processes by which the Tasmanian government will support councils to perform their role, including in connection with consultation and engagement between the</p> | <p>Council’s view is that as the proposed local government charter has to be updated every 5 years, it may end up having a cyclic review based on the opinions of the government of the day which is not conducive to good governance at a local government level.</p> <p>Council strongly feels that any detail specifying core functions of councils, principles to be followed in relation to good governance, financial management, community engagement, collaboration and coordination with other councils, and the type of support able to be provided to councils by the State Government should be embedded into the Act.</p> |

| No. in Consultation Draft Bill | Draft Legislation Clauses  | Comments |
|--------------------------------|--|----------|
|                                | <p>Tasmanian government and local government; and<br/> (e) contain such other matters as may be prescribed.</p> <p>(3) Councils are to have regard to any charter issued by the Minister under this section when performing their role.</p> <p>(4) The Minister is to ensure that any charter issued under this section is reviewed at least once in each 5-year period.</p> <p>(5) The Minister may amend, revoke, or revoke and substitute an order under this section.</p> <p>(6) Before making, amending or revoking and substituting an order, the Minister must consult with –<br/> (a) councils; and<br/> (b) the Local Government Association of Tasmania; and<br/> (c) the public – as to the matters that the Minister is considering including in the order, the amended order or the substitute order.</p> <p>(7) Section 47(3), (3A), (4), (5), (6) and (7) of the Acts Interpretation Act 1931 applies to an order under this section as if the order were regulations within the meaning of that Act.</p> |          |

| No. in Consultation Draft Bill | Draft Legislation Clauses  | Comments   |
|--------------------------------|--|--|
|                                | <p>(8) An order under this section is subordinate legislation for the purposes of the Subordinate Legislation Act 1992.</p> <p>(9) An order under this section may be combined with an order under one or more of the following sections:</p> <p>(a) section 27A;<br/> (b) section 28AA;<br/> (c) section 62A;<br/> (d) section 62B.</p> |  |
| 6                              | <p><b>Section 27A amended (Order relating to Mayor's functions)</b></p> <p>Section 27A(4) of the Principal Act is amended by inserting before paragraph (a) the following paragraph:</p> <p>(aa) section 20;</p>   | Not supported as the ability to create a charter should not be included as it stands and details should be embedded in the Act.                          |
| 7                              | <p><b>Section 28AA amended (Order relating to functions of councillors)</b></p> <p>Section 28AA(4) of the Principal Act is amended by inserting before paragraph (a) the following paragraph:</p> <p>(aa) section 20;</p>  | Not supported as the ability to create a charter should not be included as it stands and details should be embedded in the Act.                          |
| 8                              | <p><b>Sections 28AB and 28AC inserted</b></p> <p>After section 28AA of the Principal Act, the following sections are inserted in Division 3:</p>   | Council does not support mandatory learning however is broadly supportive of training courses and professional development being offered to councillors. |

| No. in Consultation Draft Bill | Draft Legislation Clauses  | Comments |
|--------------------------------|--|----------|
|                                | <p>28AB. Mandatory core learning and development activities for councillors</p> <p>(1) The Director is to approve for the purposes of this Act a course of mandatory core learning and development activities for councillors.</p> <p>(2) A course of mandatory core learning and development activities approved under subsection (1) is to consist of learning and development activities that relate to the roles and responsibilities of councils and councillors.</p> <p>(3) The Director is to, within 28 days of approving a course of mandatory core learning and development activities under subsection (1) –</p> <p>(a) ensure that notice of the approval is issued to each council; and</p> <p>(b) cause a copy of the course of mandatory core learning and development activities to be published on a website maintained by or on behalf of the Department.</p> <p>(4) The regulations may prescribe requirements for the learning and development activities required under this section.</p> <p>(5) A councillor must complete the course of learning and development activities approved by</p> |          |

| No. in Consultation Draft Bill | Draft Legislation Clauses   | Comments   |
|--------------------------------|---|------------|
|                                | <p>the Director under subsection (1) within 12 months after the election of the councillor.</p> <p>(6) The Director may extend the period referred to in subsection (5) if satisfied that it would be appropriate in the circumstances.</p> <p>(7) The Director may only approve a course of mandatory core learning and development activities under subsection (1) if the Director has consulted with the Local Government Association of Tasmania as to the suitability of the course for councillors.</p> |            |
| 8 (cont.)                      | <p><b>28AC. Policy for continuing professional development</b></p> <p>(1) A council must adopt a policy in relation to the continuing professional development of councillors (<i>a continuing professional development policy</i>) within 6 months after an ordinary election.</p> <p>(2) A continuing professional development policy for a council is to –</p> <p>(a) be prepared by the general manager for the council; and</p>  | Supported. |

| No. in Consultation Draft Bill | Draft Legislation Clauses   | Comments   |
|--------------------------------|---|------------|
|                                | <p>(b) relate to matters relevant to councillors' roles and responsibilities under this or any other Act; and</p> <p>(c) have regard to the professional development needs of councillors; and</p> <p>(d) include an estimate of the expenditure to be spent in a financial year by the council in implementing the policy.</p>   |            |
| 9                              | <p><b>Section 28ZA amended (Initial assessment of code of conduct complaint)</b></p> <p>Section 28ZA of the Principal Act is amended as follows:</p> <p>(a) by omitting from subsection (1)(f) "Panel." and substituting "Panel;"</p> <p>(b) by inserting the following paragraphs after paragraph (f) in subsection (1):</p> <p style="padding-left: 40px;">(g) refer the whole complaint to the Director under section 28ZBA;</p> <p style="padding-left: 40px;">(h) refer part of the complaint to the Director under section 28ZBA.</p> <p>(c) by omitting from subsection (3)(b)(iii) "Officer." and substituting "Officer; and";</p> <p>(d) by inserting the following paragraph after paragraph (b) in subsection (3):</p> | Supported. |

| No. in Consultation Draft Bill | Draft Legislation Clauses  | Comments   |
|--------------------------------|--|--|
|                                | <p>(c) if the initial assessor has referred the whole or part of the complaint to the Director, is to –</p> <p>(i) notify the councillor against whom the complaint is made, in writing, of the result of the initial assessment and the reasons for it; and</p> <p>(ii) provide a copy of the complaint to that councillor; and</p> <p>(iii) provide the Director with a copy of the initial assessment of the complaint and all documentation and other evidence on which the initial assessment was based.</p>                                  |  |
| 10                             | <p><b>Section 28ZBA inserted</b></p> <p>After section 28ZB of the Principal Act, the following section is inserted in Subdivision 3:</p> <p><b>28ZBA. Referral of code of conduct complaint on initial assessment to Director</b></p> <p>The initial assessor for a code of conduct complaint, on an initial assessment, may refer a code of conduct complaint, or part of it, to the Director if the initial assessor reasonably considers that the complaint includes conduct that is capable of amounting to serious councillor misconduct.</p> | Supported.   |
| 11                             | <p><b>Section 28ZFA inserted</b></p>   | Council had a divergence of views, some Councillors were broadly supportive, some believed that adding any |

| No. in Consultation Draft Bill | Draft Legislation Clauses   | Comments  |
|--------------------------------|---|---|
|                                | <p>After section 28ZF of the Principal Act, the following section is inserted in Subdivision 3:</p> <p><b>28ZFA. Investigation of multiple code of conduct complaints after convening of investigating Panel</b></p> <p>(1) This section applies if the Executive Officer has convened an investigating Panel under section 28L to conduct an investigation into a code of conduct complaint (<i>the initial complaint</i>) and the Code of Conduct Panel receives another code of conduct complaint (<i>the additional complaint</i>) that –</p> <p>(a) is against the same councillor or different councillors of the same council; and</p> <p>(b) relates to the same contravention of the code of conduct.</p> <p>(2) If the initial assessor for the code of conduct complaint determines that the whole or part of the additional complaint is to be investigated and determined by the Code of Conduct Panel, the assessor may make a recommendation to the Executive Officer, as part of the initial assessment of the additional complaint, that the additional complaint be investigated and determined by the investigating Panel convened to investigate the initial complaint.</p> | <p>additional Code of Conduct Complaints to an existing panel heightened the possibility of a perceived bias against the Councillor who is subjected to the complaints.</p> |

| No. in Consultation Draft Bill | Draft Legislation Clauses  | Comments          |
|--------------------------------|--|-------------------|
|                                | <p>(3) If an initial assessor for a number of code of conduct complaints makes a recommendation to the Executive Officer under subsection (2), the Executive Officer may provide a copy of the additional complaint to each member of the investigating Panel convened to investigate the initial complaint.</p> <p>(4) The investigating Panel convened to conduct the investigation of the initial complaint may, if it has not completed the investigation, conduct a joint investigation into the initial complaint and the additional complaint.</p>  |                   |
| 12                             | <p><b>Section 28ZK amended (Notification of determination of code of conduct complaint)</b></p> <p>Section 28ZK of the Principal Act is amended as follows:</p> <p>(a) by omitting subsections (6) and (7);</p> <p>(b) by omitting subsection (9);</p> <p>(c) by inserting in subsection (10)(a)(ii) “, the Director” after “Officer”;</p> <p>(d) by omitting from subsection (10)(b) “paragraph (a)(ii); and” and substituting “paragraph (a)(ii).”;</p> <p>(e) by omitting paragraph (c) from subsection (10);</p> <p>(f) by omitting subsection (11) and substituting the following subsection:</p> | Broadly supported |

| No. in Consultation Draft Bill | Draft Legislation Clauses  | Comments   |
|--------------------------------|--|--|
|                                | <p>(11) Subsection (10) does not apply to the disclosure of a document, report or information if at the time of the disclosure –</p> <p>(a) the initial assessor has dismissed the code of conduct complaint to which the document, report or information relates; or</p> <p>(b) the determination report relating to the document, report or information, has been provided to persons as required under subsection (2).</p>  |  |
| 13                             | <p><b>Part 3, Division 3B inserted</b></p> <p>After section 28ZP of the Principal Act, the following Division is inserted in Part 3:</p> <p><b><i>Division 3B – Serious councillor misconduct</i></b><br/> <b><i>Subdivision 1 – Preliminary</i></b><br/> <b>28ZQ. Interpretation</b><br/> In this Division –<br/> <b><i>code of conduct referral</i></b> means the referral of a code of conduct complaint from an initial assessor to the Director under section 28ZBA;<br/> <b><i>decision-maker</i></b> includes the following persons:<br/> (a) an initial assessor;<br/> (b) the Director;<br/> (c) the Tasmanian Civil and Administrative Tribunal.</p> | <p>Council is broadly supportive of this change however thought that “serious councillor misconduct” was not going to be limited only to a serious breach of the Code of Conduct. Council would be supportive of the broadening of this clause to cover serious misconduct by a councillor outside of their role as an elected member if it had a serious adverse impact on the community.</p> |
| 13                             | <b>28ZR. Serious councillor misconduct</b>   | Supported.   |

| No. in Consultation Draft Bill | Draft Legislation Clauses  | Comments |
|--------------------------------|--|----------|
|                                | <p>(1) For the purposes of this Act, <b>serious councillor misconduct</b> means conduct, or an attempt to engage in conduct, by a councillor that is or involves a serious or significant contravention of the code of conduct.</p> <p>(2) For the purposes of subsection (1), a decision-maker is to have regard to the following when determining whether conduct, or an attempt to engage in conduct, by a councillor constitutes a serious or significant contravention of the code of conduct:</p> <ul style="list-style-type: none"> <li>(a) whether the conduct is unlawful;</li> <li>(b) the extent of any actual or potential harm or risk, caused as a consequence of the conduct, to an individual, the council or public safety;</li> <li>(c) the degree to which the conduct impacts negatively on the ability of the relevant council to perform its functions under this or any other Act;</li> <li>(d) whether the conduct involves – <ul style="list-style-type: none"> <li>(i) deliberate and intentional misuse of council resources, information, or authority, for personal gain; or</li> <li>(ii) undue influence or detriment to the council, community or a community member;</li> </ul> </li> </ul> |          |

| No. in Consultation Draft Bill | Draft Legislation Clauses   | Comments |
|--------------------------------|---|----------|
|                                | <p>(e) the nature and extent of any material benefit or detriment derived by the councillor or others as a result of the conduct;</p> <p>(f) whether the conduct is part of a repeated pattern of contraventions or involves collusion with others, and the councillor's role in such collusion;</p> <p>(g) such other public interest considerations that the relevant decision-maker thinks relevant;</p> <p>(h) such other matters or considerations as are specified in guidelines issued by the Minister under section 28ZS.</p> <p><b>28ZS. Ministerial guidelines in relation to serious councillor misconduct</b></p> <p>(1) The Minister is to, by order, issue guidelines consistent with this Act that specify matters, and considerations, that are to be taken into account by decision-makers when determining whether conduct, or an attempt to engage in conduct, by a councillor constitutes a serious or significant contravention of the code of conduct.</p> <p>(2) The Minister by order may amend, revoke, or revoke and substitute any guidelines made under this section.</p> |          |

| No. in Consultation Draft Bill | Draft Legislation Clauses   | Comments   |
|--------------------------------|---|------------|
|                                | <p>(3) Before making, amending or revoking and substituting an order, the Minister must consult with councils as to the matters that the Minister is considering including in the order, the amended order or the substitute order.</p> <p>(4) Section 47(3), (3A), (4), (5), (6) and (7) of the <i>Acts Interpretation Act 1931</i> applies to an order under this section as if the order were regulations within the meaning of that Act.</p> <p>(5) An order under this section is subordinate legislation for the purposes of the <i>Subordinate Legislation Act 1992</i>.</p> |            |
| 13                             | <p><b><i>Subdivision 2 – Assessment of serious councillor misconduct</i></b></p> <p>28ZT. Assessment of serious councillor misconduct</p> <p>(1) If the Director receives a code of conduct referral from an initial assessor in respect of the conduct of a councillor, the Director must carry out an assessment into that conduct to determine whether an investigation by the Director into the conduct is necessary or appropriate.</p> <p>(2) After carrying out an assessment, the Director may –</p>  | Supported. |

| No. in Consultation Draft Bill | Draft Legislation Clauses  | Comments |
|--------------------------------|--|----------|
|                                | <p>(a) if the Director determines that the conduct of the councillor is capable of amounting to serious councillor misconduct, determine that the Director will conduct an investigation into that conduct; or</p> <p>(b) refuse to conduct an investigation into the conduct; or</p> <p>(c) refer the matter to another person or authority.</p> <p>(3) If the Director makes a determination under subsection (2)(a) –</p> <p>(a) the complaint is taken to be a complaint made to the Director under section 339E and ceases to be a code of conduct complaint; and</p> <p>(b) the Director is to proceed under that section and section 339EA in relation to the complaint.</p> <p>(4) If the Director refuses under subsection (2)(b) to commence an investigation into a councillor’s conduct, the Director must refer the complaint back to the initial assessor for the code of conduct complaint.</p> <p>(5) If the Director does not make a decision under subsection (2) within 28 days of receiving a code of conduct referral, the Director is to notify the initial assessor and the complainant that the matter is still under consideration.</p> |          |

| No. in Consultation Draft Bill | Draft Legislation Clauses  | Comments |
|--------------------------------|--|----------|
|                                | <p><b>28ZU. Determination of Director following investigation of code of conduct referral</b></p> <p>(1) After completing an investigation into a councillor's conduct following a code of conduct referral, the Director may do any of the following:</p> <ul style="list-style-type: none"> <li>(a) make an application to the Tasmanian Civil and Administrative Tribunal under section 28ZW;</li> <li>(b) refer the matter back to the initial assessor;</li> <li>(c) refer the matter to any other person or authority;</li> <li>(d) dismiss the complaint.</li> </ul> <p>(2) A complaint that has been referred back to an initial assessor under subsection (1)(b) is taken to be a code of conduct complaint and ceases to be a complaint to the Director under section 339E.</p> <p><b>27ZV. Referral of complaints back to initial assessor</b></p> <p>(1) If a complaint is referred back to an initial assessor under section 28ZT or 28ZU –</p> <ul style="list-style-type: none"> <li>(a) the Director must provide reasons to the initial assessor for the referral; and</li> </ul> |          |

| No. in Consultation Draft Bill | Draft Legislation Clauses  | Comments   |
|--------------------------------|--|------------|
|                                | <p>(b) the initial assessor is to proceed under section 28ZA in relation to that complaint within 14 days of the referral of the matter.</p> <p>(2) On doing a further initial assessment under section 28ZA as required by subsection (2) –</p> <p>(a) the initial assessor is to comply with section 28ZA as if doing a first initial assessment; and</p> <p>(b) if the initial assessor determined on the original initial assessment to investigate a part of the code of conduct complaint and had notified the councillor against whom the complaint was made of that determination, the initial assessor is to notify the councillor of the result of the further initial assessment in addition to any other notice that the initial assessor is required to provide under section 28ZA.</p> |            |
| 13                             | <p><b><i>Subdivision 3 – Tribunal</i></b></p> <p><b>28ZW. Application to the Tasmanian Civil and Administrative Tribunal</b></p> <p>(1) If, following an investigation under section 339EA, the Director considers that the conduct of a councillor amounts to serious councillor misconduct, the Director may make an application to the Tasmanian Civil and Administrative Tribunal for a decision in relation to the matter.</p>  | Supported. |

| No. in Consultation Draft Bill | Draft Legislation Clauses  | Comments |
|--------------------------------|--|----------|
|                                | <p>(2) An application –</p> <p>(a) is to be made in writing; and</p> <p>(b) is to specify the particulars upon which the application is based; and</p> <p>(c) is to specify the orders sought and the grounds for seeking those orders; and</p> <p>(d) is to be lodged with the Registrar, within the meaning of the <i>Tasmanian Civil and Administrative Tribunal Act 2020</i>.</p> <p>(3) The Director must, as soon as reasonably practicable after making an application under this section in respect of the conduct of a councillor, give a copy of that application to the councillor.</p> <p>(4) Unless otherwise specified in this Act, the provisions of the <i>Tasmanian Civil and Administrative Tribunal Act 2020</i> apply in relation to an application made to the Tasmanian Civil and Administrative Tribunal under this section.</p> <p>(5) At the hearing of an application under this Subdivision, a party to the application may be represented by an Australian legal practitioner.</p> |          |

| No. in Consultation Draft Bill | Draft Legislation Clauses   | Comments |
|--------------------------------|---|----------|
|                                | <p><b>28ZX. Orders of the Tasmanian Civil and Administrative Tribunal</b></p> <p>(1) If, after hearing an application under this Division in respect of a councillor, the Tasmanian Civil and Administrative Tribunal determines that a councillor has engaged in serious councillor misconduct, the Tribunal may make a finding of serious misconduct against the councillor and may make an order doing any one or more of the following:</p> <p>(a) cautioning or reprimanding the councillor;</p> <p>(b) requiring the councillor to apologise to the complainant or other person affected by the contravention of the code of conduct, in the manner and form specified by the Tribunal;</p> <p>(c) requiring the councillor to participate in counselling or undertake a training course;</p> <p>(d) prohibiting the councillor from nominating as a candidate at any ordinary election or by-election for a period not exceeding 7 years;</p> <p>(e) dismissing the councillor from office;</p> <p>(f) suspending the councillor from office for a period of not less than 3 months but not more than 6 months;</p> <p>(g) imposing on the councillor a fine not exceeding an amount equivalent to 50 penalty units.</p> |          |

| No. in Consultation Draft Bill | Draft Legislation Clauses  | Comments |
|--------------------------------|--|----------|
|                                | <p>(2) If the Tasmanian Civil and Administrative Tribunal makes a finding of serious misconduct against a councillor, it may make an order that all or any of the costs of proceedings be paid by the councillor and in making such order must take into account the nature and the severity of the misconduct.</p> <p>(3) If, after hearing an application under this Division in respect of a councillor, the Tasmanian Civil and Administrative Tribunal determines that the councillor has not engaged in serious councillor misconduct but has contravened the code of conduct, the Tribunal may make a finding against the councillor and may make an order doing any one or more of the following:</p> <ul style="list-style-type: none"> <li>(a) cautioning or reprimanding the councillor;</li> <li>(b) requiring the councillor to apologise to the complainant or other person affected by the contravention of the code of conduct, in the manner and form specified by the Tribunal;</li> <li>(c) requiring the councillor to attend counselling or a training course;</li> <li>(d) suspending the councillor from office for a period not exceeding 3 months.</li> </ul> <p>(4) If the Tasmanian Civil and Administrative Tribunal makes a finding against a councillor under subsection (3), the Tribunal may</p> |          |

| No. in Consultation Draft Bill | Draft Legislation Clauses   | Comments   |
|--------------------------------|---|--|
|                                | <p>decline to make an order under that subsection if satisfied that it is not reasonable in the circumstances to make such an order.</p> <p>(5) A person who contravenes an order under subsection (1) or (3) is guilty of an offence. Penalty: Fine not exceeding 50 penalty units.</p> <p>(6) For the avoidance of doubt, the making of an order by the Tasmanian Civil and Administrative Tribunal under this section is within the original jurisdiction of the Tribunal.</p> |  |
| 14                             | <p><b>Section 62 amended (Functions and powers of general manager)</b></p> <p>Section 62(1) of the Principal Act is amended by inserting after paragraph (h) the following paragraph:</p> <p>(ha) to develop and maintain a workplace development strategy that addresses the immediate and long-term human resourcing requirements of the council;</p>   | <p>Supported with the request that the definition for “general manager” be updated to include “chief executive officer” as well. This will ensure that the terms general manager and chief executive officer are able to be used interchangeably by councils with no legislative issues.</p> |
| 15                             | <p><b>Section 62A amended (Order relating to general manager’s functions generally)</b></p> <p>Section 62A(4) of the Principal Act is amended by inserting before paragraph (a) the following paragraph:</p> <p>(aa) section 20;</p>  | <p>See previous comments regarding section 20.</p>   |

| <b>No. in Consultation Draft Bill</b> | <b>Draft Legislation Clauses</b>   | <b>Comments</b>   |
|---------------------------------------|--|---|
| 16                                    | <p><b>Section 62B amended (Order relating to general manager’s function to liaise with mayor)</b></p> <p>Section 62B(4) of the Principal Act is amended by inserting before paragraph (a) the following paragraph:</p> <p>(aa) section 20;</p>   | See previous comments regarding section 20.   |
| 17                                    | <p><b>Section 66 amended (Strategic plan)</b></p> <p>Section 66 of the Principal Act is amended by omitting subsection (3) and substituting the following subsections:</p> <p>(2A) A strategic plan for a municipal area is to identify community wellbeing priorities and specify strategies for achieving outcomes in relation to those priorities.</p> <p>(3) In preparing a proposed strategic plan, a council is to –</p> <p>(a) consult with the community in its municipal area and any authorities and bodies it considers appropriate; and</p> <p>(b) have regard to the local government charter, if any.</p> <p>(3A) A council is to undertake any consultation under subsection (3)(a) in accordance with the council’s community engagement strategy.</p> | Council seeks clarity on the definition of “wellbeing”. There are concerns regarding the overall strategic plan of council being overtaken by a nebulous conception of “wellbeing”. |
| 18                                    | <b>Section 70DA inserted</b>   | Broadly supported.  |

| No. in Consultation Draft Bill | Draft Legislation Clauses  | Comments   |
|--------------------------------|--|------------|
|                                | <p>After section 70D of the Principal Act, the following section is inserted in Division 2:</p> <p>70DA. Community engagement strategy</p> <p>(1) A council must establish and implement a strategy for engagement with the community when developing the council’s plans, policies and programs and for the purpose of determining its major activities.</p> <p>(2) A council is to consult with the community and any authorities and bodies it considers appropriate when preparing a proposed community engagement strategy or reviewing an established community engagement strategy.</p> <p>(3) A community engagement strategy is to contain –</p> <p>(a) strategies to ensure that the community is informed about, and has reasonable opportunity to contribute to, the decisions, activities and services of the council; and</p> <p>(b) principles and procedures that council will follow when engaging and consulting with the community; and</p> <p>(c) such other matters as may be prescribed.</p> |            |
| 19                             | <b>Section 70E amended (Review of plans, strategies and policies)</b>  | Supported. |

| No. in Consultation Draft Bill | Draft Legislation Clauses   | Comments   |
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|                                | <p>Section 70E(1) of the Principal Act is amended as follows:</p> <p>(a) by omitting from paragraph (f) “policy.” and substituting “policy; and”;</p> <p>(b) by inserting the following paragraph after paragraph (f):</p> <p>(g) community engagement strategy.</p>  |            |
| 20                             | <p><b>Section 70F amended (Orders determining minimum contents of plans, &amp;c., and classes of assets)</b></p> <p>Section 70F of the Principal Act is amended as follows:</p> <p>(a) by omitting from subsection (1)(e) “policy.” and substituting “policy; or”;</p> <p>(b) by inserting the following paragraphs after paragraph (e) in subsection (1):</p> <p style="padding-left: 40px;">(f) a community engagement strategy; or</p> <p style="padding-left: 40px;">(g) a continuing professional development policy;</p> <p style="padding-left: 40px;">or</p> <p style="padding-left: 40px;">(h) a workplace development strategy.</p> <p>(c) by inserting the following subsection after subsection (2):</p> <p style="padding-left: 40px;">(2A) In an order under subsection (1), the Minister may also specify requirements in relation to the preparation, development, consultation, review, contents and publication of all or any of the plans,</p> | Supported. |

| No. in Consultation Draft Bill | Draft Legislation Clauses   | Comments  |
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|                                | strategies or policies referred to in that subsection.  |           |
| 21                             | <p><b>Sections 84A and 84B inserted</b></p> <p>After section 84 of the Principal Act, the following sections are inserted in Division 3:</p> <p><b>84A. Council performance reporting</b></p> <p>(1) The Minister may, by order, specify performance reporting requirements that are to apply in relation to councils.</p> <p>(2) In an order under subsection (1), the Minister may specify –</p> <p>(a) the frequency and manner of performance reporting by councils to the Minister; and</p> <p>(b) the scope and types of performance indicators and metrics that are to be used; and</p> <p>(c) the methodologies and protocols for the measurement, reporting and presentation of performance data.</p> <p>(3) A council must comply with any performance reporting requirements specified in an order under this section.</p> | Supported |

| No. in Consultation Draft Bill | Draft Legislation Clauses  | Comments   |
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|                                | <p>(4) The Minister is to consult with councils as to the matters to be included in an order under this section.</p> <p><b>84B. Internal audit</b></p> <p>(1) The Minister may, by order, specify requirements that are to apply to councils in relation to the conduct of internal audits.</p> <p>(2) The Minister is to consult with councils as to the matters to be included in an order under this section.</p> <p>(3) A council must conduct any internal audits in accordance with the requirements specified in an order under this section.</p> |  |
| 22                             | <p><b>Section 122A inserted</b></p> <p>After section 122 of the Principal Act, the following section is inserted in Division 9:</p> <p><b>122A. Order specifying information in rates notices</b></p> <p>(1) The Minister, by order, may specify the information that, in addition to the information required under section 122(1), is to be included by the general manager in a rates notice.</p>   | <p>Council notes that this was not listed as a priority in the Future of Local Government Review and Councillors have concerns regarding the type of information that a Minister may direct to be included in a rates notice as well as the relative difficulty for council staff to update notices.</p> |

| No. in Consultation Draft Bill | Draft Legislation Clauses   | Comments  |
|--------------------------------|---|---|
|                                | (2) The Minister is to consult with councils as to the matters to be included in an order under this section.   |   |
| 23                             | <p><b>Section 214L amended (Recommendation for issuing performance improvement direction)</b></p> <p>Section 214L of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:</p> <p>(2) Without limiting the situations in which the Director may make a recommendation under subsection (1), the Director may make a recommendation under that subsection if, in the Director’s opinion, the council or councillor has failed to comply with a statutory requirement under this or any other Act or under subordinate legislation made under this or any other Act.</p> | Council is broadly supportive but notes that the words “or any other Act” should be removed from the end of the proposed clause, limiting this to the Local Government Act 1993 only. |
| 24                             | <p><b>Section 214O amended (Consequences of failing to comply with performance improvement direction)</b></p> <p>Section 214O(1) of the Principal Act is amended by inserting after paragraph (a) the following paragraph:</p> <p>(ab) appoint a temporary advisor to the council for such period as the Minister determines;</p>   | Supported.  |
| 25                             | <b>Part 12C inserted</b>  | Note that there are 2 subsections 214P (3) in the consultation draft (amended here to correctly note  |

| No. in Consultation Draft Bill | Draft Legislation Clauses   | Comments   |
|--------------------------------|---|--|
|                                | <p>After section 214O of the Principal Act, the following Part is inserted:</p> <p><b>PART 12C – TEMPORARY ADVISORS</b></p> <p><b>214P. Recommendation to appoint temporary advisor</b></p> <p>(1) The Director may recommend to the Minister that the Minister appoint a temporary advisor to a council to assist in addressing emerging governance or operational issues at the council.</p> <p>(2) Without limiting the situations in which the Director may make a recommendation under subsection (1), the Director may make a recommendation under that subsection if –</p> <p>(a) in the Director’s opinion –</p> <p>(i) the council has failed to comply with a statutory requirement under this or any other Act or under subordinate legislation made under this or any other Act; or</p> <p>(ii) there is evidence that suggests emerging governance or operational deficiencies at the council that, if not addressed, have the potential to negatively impact the effective delivery of the council’s functions and services to the community; or</p> <p>(b) the council has requested the appointment of a temporary advisor.</p> | <p>subsections 214P (1) through to (5), as opposed to (1), (2), (3), (3), (4))</p> <p>Supported.</p> |

| No. in Consultation Draft Bill | Draft Legislation Clauses  | Comments |
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|                                | <p>(3) For the purposes of subsection (2)(a)(ii), evidence of emerging governance or operational deficiencies may include, but is not limited to –</p> <ul style="list-style-type: none"> <li>(a) ongoing or unresolved conflicts among councillors or between councillors and council staff that disrupt effective decision-making; and</li> <li>(b) governance practices that risk undermining transparency, accountability or compliance with the principles of sound and prudent management necessary to deliver the council’s functions; and</li> <li>(c) financial management practices that indicate potential risks to the council’s financial sustainability; and</li> <li>(d) credible complaints, reports or other information that suggests systemic operational challenges.</li> </ul> <p>(4) A recommendation under subsection (1) must include –</p> <ul style="list-style-type: none"> <li>(a) the grounds for the recommendation; and</li> <li>(b) a summary of the evidence or observations, such as complaints, reports, or patterns of conduct, on which the recommendations are based.</li> </ul> |          |

| No. in Consultation Draft Bill | Draft Legislation Clauses   | Comments |
|--------------------------------|---|----------|
|                                | <p>(5) On receipt of a recommendation of the Director made under subsection (1), the Minister may –</p> <p>(a) issue to the council a direction to appoint a temporary advisor; or</p> <p>(b) refuse to issue such a direction.</p> <p><b>214Q. Appointment of temporary advisors</b></p> <p>(1) A temporary advisor is to be appointed by the Minister on such terms and conditions as determined by the Minister.</p> <p>(2) The costs of a temporary advisor are to be met by the council in respect of which the temporary advisor is appointed.</p> <p><b>214R. Functions and powers of temporary advisors</b></p> <p>(1) A temporary advisor has the following functions in respect of a council:</p> <p>(a) to monitor the council’s governance processes and matters;</p> <p>(b) to advise the council about governance improvements that the council should make;</p> <p>(c) to provide general assistance and advice to the council on good governance practices;</p> |          |

| No. in Consultation Draft Bill | Draft Legislation Clauses  | Comments |
|--------------------------------|--|----------|
|                                | <p>(d) such functions as are specified in the temporary advisor's instrument of appointment;</p> <p>(e) such other functions as may be conferred on the temporary advisor under this Act or any other Act.</p> <p>(2) A temporary advisor has the power to do all things necessary or convenient to be done in connection with, or incidental to, the performance of the functions of a temporary advisor.</p> <p>(3) For the purposes of this Act and without limiting subsection (2), a temporary advisor may –</p> <p>(a) enter and remain on council premises to perform any function or exercise any power under this Act; and</p> <p>(b) attend meetings of a council or council committee, including meetings that are closed to the public; and</p> <p>(c) require records and documents relating to the council's governance processes and matters to be provided to the temporary advisor.</p> <p>(4) If a temporary advisor is appointed to a council, the council, councillors and members of the staff of the council are</p> |          |

| No. in Consultation Draft Bill | Draft Legislation Clauses   | Comments   |
|--------------------------------|---|------------|
|                                | <p>required to co-operate with the temporary advisor and to provide any information or assistance that the temporary advisor reasonably requires to exercise the temporary advisor's functions.</p> <p>(5) A person must not obstruct or hinder a temporary advisor in the exercise of a power or the performance of a function under this Act.</p> <p>Penalty: Fine not exceeding 50 penalty units.</p> <p><b>214S. Report by temporary advisor</b></p> <p>(1) A temporary advisor is to submit a final report to the Minister by the day specified in the temporary advisor's appointment.</p> <p>(2) The final report is to include the following:</p> <ul style="list-style-type: none"> <li>(a) any findings made by the temporary advisor in respect of the council;</li> <li>(b) details of any action that the temporary advisor recommends be taken, and the reasons for that action;</li> <li>(c) if the temporary advisor does not recommend that any action be taken, the reasons for that recommendation.</li> </ul> |            |
| 26                             | <b>Section 338AA amended (Director may require information, &amp;c., for purposes of investigation)</b>   | Supported. |

| No. in Consultation Draft Bill | Draft Legislation Clauses  | Comments  |
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|                                | Section 338AA(1) of the Principal Act is amended by inserting “carrying out an assessment under section 28ZT or” after “purposes of”.  |   |
| 27                             | <p><b>Section 338A amended (Disclosure of information)</b></p> <p>Section 338A of the Principal Act is amended as follows:</p> <p>(a) by inserting the following subsections after subsection (1):</p> <p>(1A) Except as required, or allowed, by this Act, another Act or any other law, a councillor attending a closed meeting of either the council or a council committee through the use of electronic means of communication must take reasonable steps to ensure that the meeting cannot be viewed or heard by another person (<i>the unauthorised person</i>).</p> <p>Penalty: Fine not exceeding 50 penalty units.</p> <p>(1B) Subsection (1A) does not apply if a majority of councillors present at the meeting agree to the unauthorised person being able to view or hear the meeting.</p> <p>(1C) For the purposes of subsection (1A), reasonable steps by a councillor includes, but is not limited, to the councillor –</p> | Council overall has concerns regarding potential security breaches inherent in allowing remote access to meetings unless under extreme circumstances. |

| No. in Consultation Draft Bill | Draft Legislation Clauses   | Comments   |
|--------------------------------|---|------------|
|                                | <p>(a) attending the meeting –</p> <p>(i) from a private and secure location where other persons cannot listen in to the meeting or otherwise access the meeting discussion; and</p> <p>(ii) through the use of prescribed secure communication technology and prescribed secure audio technology, if any; and</p> <p>(iii) in accordance with any prescribed requirements or procedures; and</p> <p>(b) ensuring that no audio or audiovisual recording of the meeting, or any part of it, is made, and that no transcript is produced from any such recording</p> <p>(b) by inserting in subsection (2) “or (1A)” after “subsection (1)”;</p> <p>(c) by inserting the following after subsection (4):</p> <p>(5) Except as required, or allowed, by this Act, another Act or any other law, a temporary advisor must not disclose information acquired as such an advisor on the condition that it be kept confidential.</p> <p>Penalty: Fine not exceeding 50 penalty units.</p> |            |
| 28                             | <b>Section 339 amended (Improper use of information)</b>  | Supported. |

| No. in Consultation Draft Bill | Draft Legislation Clauses  | Comments   |
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|                                | Section 339(2A) of the Principal Act is amended by inserting “or any investigation by the Director under this Act” after “investigation”.  |            |
| 29                             | <p><b>Section 339EA amended (Investigations of complaints and other matters)</b></p> <p>Section 339EA(4) of the Principal Act is amended by inserting “the carrying out of an assessment under section 28ZT,” after “from”.</p>  | Supported. |
| 30                             | <p><b>Section 341 amended (Immunity from liability)</b></p> <p>Section 341 of the Principal Act is amended as follows:</p> <p>(a) by inserting the following paragraph after paragraph (d) in subsection (1):</p> <p style="padding-left: 40px;">(da) a temporary advisor; or</p> <p>(b) by inserting in subsection (3) “a temporary advisor,” after “Panel,”.</p> | Supported. |
|                                | <b>PART 3: Tasmanian Civil and Administrative Tribunal Act 2020 Amended</b>  |            |
| 32                             | <p><b>Schedule 2 amended (General Division)</b></p> <p>Schedule 2 to the Principal Act is amended as follows:</p> <p>(a) by omitting paragraph (f) from clause 2 of Part 5 and substituting the following paragraph:</p> <p style="padding-left: 40px;">(f) sections 28ZJ, 28ZP, 28ZW and 28ZX of the <i>Local Government Act 1993</i>;</p>                        | Supported. |

| No. in Consultation Draft Bill | Draft Legislation Clauses   | Comments |
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|                                | (b) by inserting in clause 3(m) of Part 8 “, 28ZW, 28ZX” after “28ZP”.  |          |
|                                | <b>PART 4: Repeal of Act</b>  |          |
| 33                             | <b>Repeal of Act</b><br>This Act is repealed on the first anniversary of the day on which the last uncommenced provision of this Act commenced. |          |