Discussion paper: remaking local government regulations

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# Part A: introduction and overview of regulations remake and consultation process

## Introduction

The [*Local Government (Meeting Procedures) Regulations 2015*](https://www.legislation.tas.gov.au/view/whole/html/inforce/current/sr-2015-038) (the Meeting Regulations) and the [*Local Government (General) Regulations 2015*](https://www.legislation.tas.gov.au/view/whole/html/inforce/current/sr-2015-037) (the General Regulations) are important parts of the local government legislative framework in Tasmania. The General and Meeting Regulations are made under the [*Local Government Act 1993*](https://www.legislation.tas.gov.au/view/html/inforce/current/act-1993-095)(the Act).

Regulations last for 10 years and are then required to be ‘rewritten’ (or remade). This requirement is set out under section 11(2) of the [*Subordinate Legislation Act 1992*](https://www.legislation.tas.gov.au/view/whole/html/inforce/current/act-1992-030). The current Meeting Regulations and General Regulations are due to expire in June 2025 and so need to be remade.

The process of remaking the regulations provides an opportunity for the Tasmanian Government to review them and seek feedback and input from councils, the community and other stakeholders to ensure the regulations remain up to date and relevant.

## Proposed changes to the regulations

It is proposed most provisions contained in the existing General Regulations and Meeting Regulations will be remade without change. In other words, they will stay the same. There are also proposed changes to the regulations aimed at improving transparency, accountability, inclusivity and fairness in councils.

These include:

* enhancing **transparency**, such as requiring ordinary council meetings be recorded and by updating requirements for disclosure of councillor interests
* promoting **accountability**, such as through updated reporting requirements
* encouraging **inclusivity**, such as by allowing councillors to attend meetings virtually or remotely where appropriate and improving community access to recorded meetings
* ensuring **fairness**, such as updating council categories that determine councillor allowances and ensuring consistency of approach to councillor leave arrangements.

These changes were previously identified through feedback from a range of review processes, including most recently the Future of Local Government Review. The proposed changes align with the broader aims of the [Local Government Priority Reform Program 2024-26](https://www.dpac.tas.gov.au/__data/assets/pdf_file/0021/405219/OLG-FLG-Priority-Reform-Program.pdf). Getting feedback on the proposed changes will help to make sure the regulations are fit for purpose.

## How to provide feedback and have your say

You can give feedback on the proposed changes through a range of options, including an online survey, email or by post.

Questions are in each section of this discussion paper to help you think about the proposed changes and to guide your feedback. A copy of the draft Local Government (Meeting Procedures) Regulations 2025 (Attachment 1) and Local Government (General) Regulations 2025 (Attachment 2) are also provided for you to review.

**Online survey**

Access the [online survey](https://forms.office.com/Pages/ResponsePage.aspx?id=Hytz6ho96Uu0i2zuJbigdFiyvlaxe3FEtxnd8Qt0dydUQ0RLRURaUTNZR1EyRDdPTFpIQjVSQzNCRC4u) on the [Office of Local Government website](https://aus01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.dpac.tas.gov.au%2Fdivisions%2Flocal_government%2Flegislation%2Fpublic-consultation-on-remake-of-local-government-general-regulations-2015-and-local-government-meeting-procedures-regulations-2025&data=05%7C02%7CDianna.Christine%40dpac.tas.gov.au%7Cc3b0d4293702458e0f3708dd4aee532f%7Cea732b1f3d1a4be9b48b6cee25b8a074%7C0%7C0%7C638749109642348976%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMiIsIkFOIjoiTWFpbCIsIldUIjoyfQ%3D%3D%7C0%7C%7C%7C&sdata=piMzAWdhHuyTc9IvNUzI0K%2F94MkJL4s7bycb3Rrk9Mo%3D&reserved=0).

**Email**

Send your feedback to LG.consultation@dpac.tas.gov.au.

Include in the subject line: Feedback on General Regulations and Meeting Regulations.

**Post**

Send your feedback to:

Subject: Feedback on General Regulations and Meeting Regulations

Office of Local Government
Department of Premier and Cabinet
PO Box 123
Tasmania 7001

In the absence of a clear indication that your submission is intended to be treated as confidential (or parts of your submission), it will be treated as public information.

It will be published on our website at [www.dpac.tas.gov.au](http://www.dpac.tas.gov.au) later in 2025 after the consultation has finished. Your name, or the name of your organisation giving feedback, and your feedback will be published. No other personal information will be published.

If you would like your submission to be treated as confidential, whether in whole or in part, please indicate this in writing at the time of making your submission. Clearly identify the parts of your submission you want to remain confidential and the reasons why. In this case, your submission will not be published to the extent of that request.

For more information contact localgovernment@dpac.tas.gov.au.

## Consultation period

The consultation period runs from **25 February 2025 until** **1 April 2025**.

**What happens after consultation?**

Once consultation closes, the Government will consider submissions and, if required, make changes to the draft regulations. Some of the proposed changes discussed in this paper may require changes to the *Local Government Act 1993* prior to their implementation, but the Government is interested in consulting on these matters now to ensure we have a holistic view of stakeholder perspectives. The remade regulations will then be finalised for approval by the Minister for Local Government, ready to commence in June 2025.

## Scope of this feedback process

Given the short timeframes available to remake both the General Regulations and Meeting Regulations, amendments to the regulations *will likely be limited to proposed changes as set out in this discussion paper and the draft regulations*. However, you are still welcome to provide your feedback about other provisions in these regulations. We will keep a record of these and consider them at a later date.

# Part B: proposed changes to the Local Government (Meeting Procedures) Regulations 2015

The way Tasmanian councils are required to hold their meetings is set out in the *Local Government (Meeting Procedures) Regulations 2015* (the Meeting Regulations). The Meeting Regulations are prescribed under the *Local Government Act 1993* (the Act) as follows:

* section 18(3) of the Act: ‘a meeting of a council is to be conducted in accordance with prescribed procedures’
* section 23(3) of the Act: ‘a meeting of a council committee is to be conducted in accordance with prescribed procedures’.

Many of the provisions remain unchanged in the proposed remade Meeting Regulations (refer to Attachment 1). The proposed changes to existing regulations and new regulations are outlined below.

|  |
| --- |
| **Snapshot of changes**1. Include new regulations to:
	* enable councillors to attend meetings remotely
	* provide greater flexibility for councillor leave
	* clarify requirements for recording interests in minutes
	* mandate the audio or audio-visual recording of council meetings.
2. Make the rules and procedures for questions and motions consistent, and easier to understand and manage.
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## Proposed changes

### Improve public access to council meetings

**Mandatory recordings of council meetings**

*Regulation 43 – Audio recording of meetings*

Currently the use of audio recordings for council meetings is optional. A change to this regulation proposes council meetings must be electronically recorded using either audio or audio-visual devices. This will:

* enhance transparency
* be more inclusive
* improve public access to council meetings.

This will also build public trust by:

* providing an accurate and accessible record of council decisions
* efficiently informing community members about council activities and decisions.

Mandatory use of audio or audio-visual electronic recording will provide a complete record of meetings that is more accessible to some people than written minutes. Recordings of meetings are also useful for resolving questions about the accuracy of written minutes or events that occurred during a meeting.

To support this change there will be other new regulations including:

* the chairperson will tell attendees at the start of the meeting that it is being recorded
* recordings will be publicly available for 12 months
* enabling recordings to be edited before they are published. This will enable councils to remove defamatory or offensive material
* protections for a council if it has technical difficulties and cannot record
* a transition period for councils to enable them to record.

##### **Questions**

**How can any possible operational or logistical matters be managed in relation to the recording of council meetings?**

**How long do you think councils should keep recordings of meetings and how long should they be published on council websites?**

**Changes to what is included in meeting minutes**

*Regulation 39 - Minutes*

The changes to meeting minutes aim to improve the transparency of council meetings and the accuracy of minutes for the community.

In addition to current requirements, meeting minutes will need to include:

* the name of councillors attending meetings remotely
* any questions asked without notice by a councillor and a summary of any answer given
* declarations of interest are to record the:
	+ name of the councillor
	+ nature of the interest
	+ the period in which the councillor left and returned to the meeting.

A change to the regulations will also allow councils to withhold questions from the agendas and minutes if they are defamatory, offensive or unlawful.

##### **Question**

**Do you have any concerns about the proposed changes to minutes?**

### Allow councillors to attend meetings remotely

*Regulation 46 – Participation in meetings by audio or visual link*

*Regulation 47 – Whole council meeting by audio link or audio visual link*

*Regulation 48 – Maximum attendance at meetings by audio link*

Changes that enable councillors to attend meetings remotely will support inclusivity and flexibility in councils. Currently, Tasmanian councils are restricted from allowing councillors to participate in meetings by any means other than in person, even in emergencies.

During the COVID-19 pandemic, the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* authorised remote attendance at council meetings. However, this was a temporary measure specific to the pandemic response. This is out of step with other Australian councils, all of which allow flexible attendance.

The Meeting Regulations will be amended to enable councils to meet remotely in limited circumstances, such as a natural disaster or public health emergency.

It is also proposed the chairperson of council can authorise individual councillors to attend meetings remotely due to limited circumstances. In these cases, where councillors are participating in a meeting remotely, they must be able to be fully engaged and provide their full attention to the meeting and provide assurances of the appropriate management of confidentiality where necessary. Circumstances that may prevent a councillor attending a meeting in person and are acceptable reasons for participating remotely include:

* ill health or incapacity
* caregiving responsibilities
* localised natural disasters or emergencies.

These provisions will be helpful in regional and remote areas where councillors may need to travel for specialist medical treatment or other critical reasons and can’t attend council meetings in person. It may also encourage people from diverse backgrounds to run for council by removing barriers. For example, people with caring responsibilities, that periodically inhibit travel to meetings, could attend a meeting remotely (with the clear expectation of undivided attention during meeting proceedings). It would also support business continuity in emergencies. Councillors attending remotely would still be counted as part of the quorum (a quorum is more than half of the elected councillors).

However, it is also recognised and critical that councillors must participate fully in meetings. Approval to attend remotely will not be provided if a councillor:

* is not able to provide their full attention to the council meeting
* cannot maintain the confidentiality of a closed meeting
* does not provide a suitable reason.

To balance remote and face-to-face participation in meetings, it is proposed councillors cannot utilise remote meeting provisions to attend more than one-third of meetings each year. This amendment will help to maintain current expectations around engagement with the council while still allowing for some flexibility.

#### **Questions**

**Do you agree with the limited circumstances in which a councillor can attend a meeting remotely?**

**Do you believe the circumstances in which remote attendance may be refused are sufficient?**

**Do you think there needs to be a restriction or cap on the number of meetings a councillor can attend remotely each year and, if so, what should this be?**

### Parental leave for councillors

*Regulation 51 – Parental leave*

The Meeting Regulations currently include a provision that enables a councillor to request a leave of absence. That leave is not restricted to specific conditions and is on approval of the council.

An additional provision to the regulations would allow councillors *a right* to take extended parental leave for up to six months. This includes for birth or adoption of a child as well as adopting or becoming a guardian. This leave would not require approval by the council.

Having parental leave will help councillors to take time off without risking their position.

Allowing remote meeting attendance and more options for councillor leave will:

* foster a more inclusive environment
* encourage greater participation from people with caregiving responsibilities or living in remote areas
* strengthen governance by having more people from different backgrounds
* promote continuity in council operations, even in challenging circumstances.

#### **Questions**

**Do you agree with the circumstances in which a councillor can have parental leave? Is there anything that should be removed or added?**

### Consistent rules and procedures for questions, motions and minutes

*Division 2 – Motions, Division 4 – Questions and Division 5 - Minutes*

The proposed changes will help people understand and comply with the Meeting Regulations by making sure there are similar and clear rules where possible. They will also help the chairperson to manage meetings.

The changes will clarify:

* Questions from both councillors and the public should be straightforward, concise and directly relevant to council activities.
* Questions should focus on asking for information, not making statements, and should include minimal background details.
* When and why questions and motions can be refused. For example, they should not be defamatory, unlawful or offensive and must relate to the activities or functions of the council.
* Who makes the decision to refuse a question or motion and when. For example, the general manager, in consultation with the mayor, can decide if a question on notice is to be refused before a meeting. The chairperson will decide if a question or motion is to be refused at a meeting.
* What needs to be recorded in the agenda and minutes if a question is refused because it is offensive, unlawful, defamatory, excessively personal or does not relate to council activities. In such cases, it is proposed the person’s name, the date the question was received and the reason for refusal is recorded rather than printing the original question.

These measures aim to:

* create a clearer process for handling questions, motions and minutes
* maintain respectful questions and motions during meetings
* ensure consistency across council meeting procedures.

#### **Questions**

**Do you think the suggested changes will provide clarity for people attending council meetings and asking questions?**

**Do you think the changes will help the chairperson manage questions and motions in meetings?**

# Part C: proposed changes to the Local Government (General) Regulations 2015

The current format of the General Regulations and most of the provisions will remain unchanged (refer to Attachment 2). The changes discussed below include one new provision and two amended provisions.

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| **Snapshot of changes**1. Introduce mandatory reporting of councillor training activities in council annual reports. This will enhance transparency and promote ongoing professional development.
2. Update and increase councillor allowances. The increase will provide a financial contribution to compensate for the lack of superannuation.
3. Introduce two new sets of questions related to 337 land information certificates.
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## Proposed changes

### Mandate the reporting of councillor training

*Subregulation 37(d)*

Under this proposal, councils must include in their annual reports details of core learning activities undertaken by each councillor. This will:

* improve transparency for the community
* reinforce the importance of ongoing training to increase councillor capability
* support good governance
* signal council commitment to providing councillors with the skills and knowledge needed to address complex challenges and serve their communities effectively.

This change was initiated at the December 2023 Premier’s Local Government Council meeting. The regulations will require councillors to publicly report on the completion of core learning and development activities as determined by the Director of Local Government. This will be documented in councils’ annual reports.

#### **Question**

**Are there other learning and development activities that should also be recorded publicly?**

### Updated councillor allowances

*Schedule 4 – Allowances for elected members*

Section 340A of the Act provides that councillors are entitled to an allowance as prescribed. They are prescribed in regulation 42 and schedule 4 of the General Regulations.

Tasmania’s 29 councils are varied, and allowances payable to councillors are set in a way to ensure good governance while balancing councils’ financial sustainability and the interests of the ratepayers. There are currently seven council categories based on the number of voters and revenue base for each council. Using this relatively simple methodology, allowances are set and aligned with council categories.

The base amount payable to councillors is specified in the General Regulations. These amounts are adjusted for inflation each November using an indexation process. The council categories were reviewed and updated in 2016. Consistent with the Government’s Priority Reform Program, a straightforward recalculation of allowances has been undertaken as part of the remaking of the Regulations, by reapplying the existing methodology (i.e. recalculating allowances on the basis of current numbers of voters and revenue basis) – this has seen three councils move up to the next category (Clarence City, Devonport City and Glamorgan-Spring Bay Councils.

Further to this, the matter of superannuation has been reviewed. In 2004, a 9% increase in allowances was provided to compensate for the lack of councillor superannuation. Australia’s superannuation guarantee is currently sitting at 11.5% and will increase to 12% in July 2025. Therefore, councillor allowances as proposed in the draft General Regulations have been adjusted to incorporate the equivalent of a 12% superannuation compensation component.

To ensure councillor allowances are fair and equitable in all respects however, the Government has also committed to a comprehensive review of councillor allowances and councillor numbers at a future date.

#### **Question**

**Do you have any comments about the updated councillor allowances?**

### 337 certificate questions

*Schedule 6 - Questions*

Under section 337 of the Act, a certificate is provided by general managers to people on request. The certificate may be requested by people buying, selling or developing land. The certificate is provided with answers to a number of prescribed questions from schedule 6 of the General Regulations.

These questions have been updated to include new questions as suggested by councils and the State Planning Office. These questions relate to:

* weed management (or invasive plant species) to ensure landowners are aware of significant weed issues on properties
* land that is subject to the ‘Major Projects’ provisions in the *Land Use Planning and Approvals Act 1993.*

#### **Questions**

**Are questions 56 and 57 on weed management necessary or appropriate? Why?**

**Is the set of questions (no. 21) on land subject to Major Projects necessary or appropriate? Why?**

**There are now a number of 337 questions, which in turn create a burden for councils. Could questions be simplified or would this lead to information not being provided?**

**An example of simplified questions are:**

* **‘Have approvals been granted under any relevant Act to perform plumbing work? Are they still in force and is the completion of any required work still outstanding?’**
* **‘Have any compliance actions (such as notices or orders) been served in relation to the land that are still outstanding?’**

**Attachments**

Attachment 1 – draft Local Government (Meeting Procedures) Regulations 2025

Attachment 2 – draft Local Government (General) Regulations 2025