

# Local Government (General) Regulations 2015 – key changes

## Information sheet

This information sheet is to provide a summary of the changes to the *Local Government (General) Regulations 2015* as of August 2018.

### Major changes

The *Local Government (General) Regulations 2015* have been amended as of 1 August 2018 to reflect issues that arose during the Targeted Review of the *Local Government Act 1993*, as well as to simplify some aspects of electoral advertising.

### Gifts and Donations Register

As of 1 August 2018, the *Local Government Act 1993* requires councils to have a gifts and donations register.

The amendments to the Regulations provide details of what is to be included by councillors when providing notice to the relevant general manager about a gift or donation received.

Gifts and donations can include:

- an item;
- a service;
- a loan of money;
- loan of property; or
- any other benefit.

A gift or donation valued at \$50 or more is required to be disclosed.

Currently, local government election candidates who are not current councillors are not required to disclose gifts and donations received.

The gift and donations registers are not currently required to be made public. However, councils should publish the register on the council's website to provide transparency.

### Electoral changes

The Regulations have been amended as follows:

- \$16,000 is the expenditure limit for electoral spending in the 2018-19 financial year, for candidates for Clarence City, Glenorchy City, Hobart City, Kingborough and Launceston City councils, based on a significant number of rateable properties in these municipalities.
- \$10,000 is the expenditure limit for electoral spending in the 2018-19 financial year, for candidates in all other municipal areas.
- These limits will be indexed by CPI each financial year.
- The Regulations no longer provide a separate amount for candidates running as mayor or deputy mayor.
- Removal of the limits on the size and number of posters. Candidates will need to comply with the relevant council planning scheme and other State legislation.
- Removal of the time or space limits in relation to newspaper or television advertising. Candidates are, however, subject to the expenditure limit.

As a result of amendments to the *Local Government Act 1993* that were proclaimed on 1 August 2018, paid advertising on the internet is now captured within the definition of electoral advertising. Candidates will need to include any paid advertising of this type in their electoral returns to the Tasmanian Electoral Office.

## Declaration of Office

The Declaration of Office has been amended so that, following the October 2018 election, all councillors will swear to engage in ongoing professional development and to abide by the principles of good governance.

The Local Government Division will be working with the sector to provide more guidance in relation to these aspects.

## Local Government Act Amendments

Part 3 of the *Local Government Amendment (Targeted Review) Act 2017* was not proclaimed at the time of Royal Assent:

- to allow for details of the gifts and donations register to be added to the Regulations; and
- for the local government sector to prepare for the introduction of model financial statements.

Section 44(a) and 45 of the Targeted Review Act was proclaimed on 1 August 2018 and amends the *Local Government Act 1993* by:

1. inserting “on the internet” within the definition of “electoral advertising” in section 3; and
2. inserting the new Part 5A to provide the head of power in relation to council gifts and donations register.

The remaining sections of Part 3 of the Targeted Review Act relating to model financial statements will be proclaimed at a later date following consultation with the sector and the Tasmanian Audit Office.

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