

Department of Premier and Cabinet

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Dr Katrena Stephenson
Chief Executive Officer
Local Government Association of Tasmania
GPO Box 1521
HOBART TAS 7001

Dear Dr Stephenson

I am writing to provide the Local Government Association of Tasmania (LGAT) with the opportunity to comment on the enclosed draft Local Government (General) Amendment Regulations 2018 (Amendment Regulations).

In November 2017, the Department of Premier and Cabinet's Local Government Division sought initial comment from the sector on proposed changes to the *Local Government (General) Regulations 2015*, following amendments brought about by the *Local Government Amendment (Targeted Review) Act 2017*.

The consultation supported the majority of proposed amendments, which have been drafted in response to sector feedback. The key amendments proposed are:

1. The introduction of a gifts and donations register as per the new Part 5A of the *Local Government Act 1993*.
2. Amendments to regulation 21 to remove the requirements prescribing poster size and number.
3. Amendments to regulation 22 to remove the restrictions in regard to limitations on television, radio and newspaper advertising.
4. Amendments to regulation 22 to remove two separate electoral expenditure limits, replacing these with a single expenditure limit of \$10,000 for a candidate, regardless of whether they are running for mayor or deputy mayor or councillor. This amount will be increased each year by CPI.
5. Amending the Declaration of Office such that elected members are required to engage in ongoing professional development and abide by the principles of good governance.

Amendments to regulation 21 and 22 – posters and television and radio

The draft Amendment Regulations include additional proposed amendments to regulation 21 and 22 to remove restrictions that are considered unnecessary. It is noted that these proposed changes are consistent with previous feedback from the sector.

The limits regarding radio and television have been removed, allowing candidates greater flexibility in terms of campaigning, provided that any spending is within the new expenditure limit of \$10,000.

The restrictions the Regulations currently impose in relation to poster size have been proposed as unnecessary, especially in light of planning schemes, which may conflict with the current regulation 21 and cause confusion for candidates.

General

The Amendment Regulations will be supported by detailed Guidelines and there may be consequential amendments to the *Local Government (Model Code of Conduct) Order 2016* as required, to ensure consistency across both instruments, particularly in relation to compliance matters. The sector will be consulted on any proposed amendment to the Model Code of Conduct, as part of the wider review of the Code of Conduct framework.

With local government elections to be held in October 2018, it is prudent that the amendments are finalised well in advance, so that persons nominating for election are fully aware of their obligations.

Please provide any comments on the draft Amendment Regulations in writing, either by email to lgd@dpac.tas.gov.au or post to:

Local Government Division
Department of Premier and Cabinet
GPO Box 123
HOBART TAS 7001

The submission must be received by close of business on **Friday 1 June 2018**. This date is based on commencing consultation on or before **26 April 2018** in accordance with the *Statewide Partnership Agreement on Communication and Consultation*, and to allow LGAT to seek the view of its members.

Important information to note

All submissions will be treated as public information and will be published on DPAC's website once consideration of the submissions has concluded. However, if you wish your submissions to be treated as confidential, whether in whole or in part, please note this in writing at the time of making your submissions, and clearly indicate which parts of your submission are confidential, and advise the reasons as to why.

Please note that your name, or the name of your organisation making a submission, will be disclosed unless you request otherwise. In the absence of a clear indication that a submission is intended to be treated as confidential (or parts of the submission), DPAC will treat the submission as public.

The Right to Information Act 2009 and confidentiality

By law, information provided to the Government may be provided to an applicant under the provisions of the *Right to Information Act 2009* (RTI). If you have indicated that you wish all or part of your submission to be treated as confidential, your statement detailing the reasons will be taken into account in determining whether or not to release the information in the event of an RTI application for assessed disclosure.

Should your organisation have any questions regarding the draft Amendment Regulations, please contact DPAC's Local Government Division by email at lgd@dpac.tas.gov.au or by telephone on 6232 7022.

Yours sincerely



Alex Tay
Director of Local Government