

1 April 2025

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

Via Email: LG.consultation@dpac.tas.gov.au

Dear Sir/Madam,

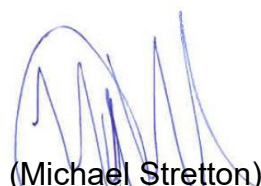
FEEDBACK ON GENERAL REGULATIONS AND MEETING REGULATIONS

The City of Hobart welcomes the opportunity to respond to the discussion paper in relation to the remaking of the *Local Government (General) Regulations 2015* and *Local Government (Meeting Procedures) Regulations 2015*.

The enclosed submission was endorsed by the Council at its meeting held on 31 March 2025 and provides a response to the proposed changes.

Once again, I thank you for the opportunity to contribute to this important work.

Yours sincerely,



(Michael Stretton)
CHIEF EXECUTIVE OFFICER

Remaking of the Local Government Regulations - City of Hobart Submission

| Reform Summary | Comment |
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| Improve public access to council meetings | |
| <p><i>Regulation 43 – Audio recording of meetings</i></p> <ul style="list-style-type: none"> 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. <p>To support this change there will be other new regulations including:</p> <ul style="list-style-type: none"> 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 | <p>Support. The Council currently live streams and records its Council and Planning Authority meetings and therefore, would already comply with this provision.</p> <p>It is important that the legislation makes allowances for technical problems, which will occur infrequently from time to time to prevent a council from recording a meeting.</p> |



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| <p>Question</p> <p>How can any possible operational or logistical matters be managed in relation to the recording of council meetings</p> | <p>There is a technological continuum from live streaming/recording of meetings down to simply recording and publishing a recording of a council meeting.</p> <p>If the minimum requirement is for a council to record and then publish the recording of a council meeting, then all councils will be able to provide the necessary technology to comply. It would be more difficult if the minimum level was live streaming/recording as this does require a more sophisticated (and more expensive) suite of technology.</p> |
| <p>Question</p> <p>How long do you think councils should keep recordings of meetings and how long should they be published on council website?</p> | <p>It is suggested that recordings should simply be maintained on the website for as long as the minutes themselves are published. Why does there need to be a limit?</p> |
| <p>Changes to what is included in meeting minutes</p> <p><i>Regulation 39 - Minutes</i></p> <p>In addition to current requirements, meeting minutes will need to include:</p> <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> ○ name of the councillor ○ nature of the interest ○ the period in which the councillor left and returned to the meeting. <p>A change to the regulations will also allow councils to withhold questions from the agendas and minutes if they are defamatory, offensive or unlawful</p> | <p>Support.</p> <p>The proposed changes make sense and the ability to allow councils to withhold questions from the agendas and minutes if they are defamatory, offensive or unlawful provides an added layer of protection for councils.</p> |

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| <p>Question Do you have any concerns about the proposed changes to minutes?</p> | <p>No.</p> |
| <p>Allow councillors to attend meetings remotely</p> <ul style="list-style-type: none"> • 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 including <ul style="list-style-type: none"> ○ ill health or incapacity ○ caregiving responsibilities ○ localised natural disasters or emergencies <p>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 some flexibility</p> | <p>In respect to the proposal to allow Elected Members to attend meetings remotely the following comments are offered:</p> <ul style="list-style-type: none"> ○ The change to enable elected members to participate in council and committee meetings remotely should be included in the current reform process. ○ The range of circumstances are reasonable, however, work commitments should also be added. For instance, if an Elected Member is at a conference they should not be excluded from participating at a meeting should they chose to do so. ○ The one-third limit is reasonable. |
| <p>Question Do you agree with the limited circumstances in which a councillor can attend a meeting remotely?</p> | <p>Refer above.</p> |
| <p>Question Do you believe the circumstances in which remote attendance may be refused are sufficient?</p> | <p>Refer above.</p> |
| <p>Question 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?</p> | <p>Refer above.</p> |

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| <p>Parental leave for councillors</p> <p><i>Regulation 51 – Parental leave</i></p> <ul style="list-style-type: none"> • 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 | <p>Support.</p> <p>The proposed parental leave additions for Elected Members are consistent with contemporary best practice for organisations.</p> |
| <p>Question</p> <p>Do you agree with the circumstances in which a councillor can have parental leave? Is there anything that should be removed or added?</p> | <p>Refer above.</p> |

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| <p>Consistent rules and procedures for questions, motions and minutes</p> <ul style="list-style-type: none"> • 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. | <p>Support.</p> <p>The proposed changes will provide greater clarity and consistency for dealing with questions, motions and minutes.</p> <p>The changes strengthen the existing provisions relating to offensive, unlawful and/or defamatory matters, however, they provide additional controls relating to questions and/or motions being either excessively personal or not related to council activities, would add further protections for councils.</p> |
| <p>Question</p> <p>Do you think the suggested changes will provide clarity for people attending council meetings and asking questions?</p> | <p>Not really. People generally are not well versed in meeting procedures when they attend council meetings and as such, they rely upon guidance from the Chair.</p> |

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| Question Do you think the changes will help the chairperson manage questions and Motions in meetings | Yes, this change would provide the Chair to manage questions during a meeting. |
| Mandate the reporting of councillor training | |
| Councils must include in their annual reports details of core learning activities undertaken by each councillor. This will be documented in councils' annual reports. | Support. The amendment would provide for greater transparency. |
| Question Are there other learning and development activities that should also be recorded publicly? | It is considered that the focus should be on the core learning activities as determined by the Director of Local Government. |
| Updated councillor allowances | |
| 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. | Support. The allowances paid to Tasmanian elected members are not sufficient to reflect the level of work and commitment that must be committed to the role. Accordingly, the increase to reflect the superannuation guarantee is reasonable. The proposed comprehensive review of councillor allowances should be fast-tracked. |
| Question Do you have any comments about the updated councillor allowance? | Refer above. |

| 337 Certificate questions | |
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| New questions are proposed for a 337 Certificate relating to weed management and land that is subject to the major projects provisions of the <i>Land Use Planning and Approvals Act 1993</i> . | Support. 337 Certificates need to be updated to reflect legislative changes which warrant being brought to the attention of land purchasers. |
| Questions Are questions 56 and 57 on weed management necessary or appropriate? Why? | Yes. It's important that landowners are aware if a property is impacted by a declared weed(s). |
| Is the set of questions (no. 21) on land subject to Major Projects necessary or appropriate? Why? | Yes. Major Projects is a relatively new legislative provision and it's important that any prospective purchaser is aware of a Major Project being proposed on any subject land. |
| 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? | Yes. The 337 Certificate should be subjected to a regular review by suitably qualified professionals to ensure that it is as efficient and effective as it can be. |

