

**CLAUSE NOTES****Local Government Amendment (Targeted Reform) Bill 2026**

## PART 1 – PRELIMINARY

Clause 1 **Short title**

This clause provides for the short title of the Amendment Act: *Local Government Amendment (Targeted Reform) Act 2026*.

Clause 2 **Commencement**

This clause is the commencement provision, which provides for the *Local Government Amendment (Targeted Reform) Act 2026* to come into operation on a day or days to be proclaimed.

## PART 2 – LOCAL GOVERNMENT ACT 1993 AMENDED

Clause 3 **Principal Act**

This clause provides for the title of the Principal Act: the *Local Government Act 1993*.

Clause 4 **Section 3 amended (Interpretation)**

This clause inserts new definitions into the Principal Act for terms relied upon in subsequent amendments, specifically “community engagement strategy”, “local government charter”, “serious councillor misconduct”, and “temporary advisor”.

The clause also amends the definition of “councillor” by removing references to “alderman”. This standardises the title of elected members across all councils, removing the historical naming distinction used by city councils.

Additionally, the clause substitutes the definition of “general manager” to add the phrase “(however described)”. This reflects modern sector practice by providing councils with the flexibility to use alternative titles, such as Chief Executive Officer, while ensuring they remain captured by the statutory definition.

Clause 5 **Section 16 amended (Municipal areas)**

This clause amends references to columns within schedule 3 to reflect changes to column numbering

Clause 6 **Section 17 amended (Electoral districts)**

This clause amends references to columns within schedule 3 to reflect changes to column numbering

Clause 7 **Section 18 amended (Establishment of councils)**

This clause amends references to columns within schedule 3 to reflect changes to column numbering

Clause 8 **Section 20 substituted**

This clause repeals the existing section 20, which currently sets out the overarching functions and general powers of a council, and substitutes it with new sections 19A and 20.

**19A. Role of council**

New section 19A establishes that the fundamental role of a council is to support and improve community wellbeing. It specifies the methods for performing this role. The new role statement was developed and recommended by the Future of Local Government Review.

Subsection 19A(2) clarifies a council's operational scope, providing that a council may perform its statutory duties as well as any other functions it determines are reasonably necessary to enable it to perform its role. The inclusion of "reasonably" ensures a council's decision to take on additional functions is objectively defensible. Subsections 19A(3) through (5) carry over a council's existing operational flexibility, structural powers, and corporate capacity.

**20. Local government charter**

New section 20 establishes a framework for the Minister to issue a local government charter. The charter is an instrument of subordinate legislation that must be developed in consultation with councils, the Local Government Association of Tasmania, and the public, and must be reviewed at least every five years.

The charter will provide specific guidance to support councils in performing their role under section 19A, and councils will be statutorily required to have regard to it. The charter must specify principles and practices to guide councils when considering undertaking functions that are not directly related to, or that extend beyond, performing the role. This preserves a council's operational flexibility while ensuring appropriate scrutiny before a council assumes "provider of last resort" responsibilities.

The charter must also contain guiding principles for good governance, financial management, community engagement, and regional collaboration, alongside establishing the processes by which the Tasmanian Government will support local government.

Clause 9 **Section 25 amended (Constitution of council)**

This clause amends section 25 of the Principal Act by omitting subsection (2), which currently allows persons elected to a city council to be known as aldermen. This amendment operates in conjunction with the updated definition of “councillor” established in section 3.

Clause 10 **Section 27A amended (Order relating to Mayor’s functions)**

This clause amends section 27A of the Principal Act to allow an order relating to a mayor’s functions to be combined with an order issuing a local government charter under section 20. This is intended to clarify that various requirements relating to orders may be consolidated and integrated into a single instrument (the charter), if that is convenient and appropriate.

Clause 11 **Section 28AA amended (Order relating to functions of councillors)**

This clause amends section 28AA of the Principal Act to allow an order relating to the functions of councillors to be combined with an order issuing a local government charter under section 20.

Clause 12 **Sections 28AB and 28AC inserted**

This clause inserts new sections 28AB and 28AC into the Principal Act to establish mandatory training and ongoing professional development frameworks for councillors.

**28AB. Mandatory core learning and development activities for councillors**

New section 28AB requires the Director to approve a Course of learning and development relating to the roles and responsibilities of councils and councillors. The Director may only approve these courses after consulting with the Local Government Association of Tasmania as to their suitability. Once approved, the Director must notify councils and publish the courses within 28 days.

Section 28AB also imposes a statutory obligation on councillors to complete the required training within 12 months of their election, subject to any extension granted by the Director.

The clause provides the Director with the flexibility to prescribe different mandatory learning and development requirements for first-time and returning councillors.

**28AC. Policy for continuing professional development**

New section 28AC requires a council to adopt a continuing professional development policy within 6 months after an ordinary election. This policy must be prepared by the general manager, have regard to the ongoing

professional development needs of councillors in performing their statutory roles and responsibilities, and include an estimate of the expenditure required to implement the policy in a given financial year.

Clause 13 **Part 3, Division 3AAA inserted**

***Division 3AAA – Councillor allowances and numbers***

**28JAA. Allowances**

This section is the existing section 340A of the Act, which is repealed and moved to sit within a broader allowances and numbers division.

**28JAB. Review of councillor allowances and numbers**

Subsection (1)

Requires the Minister to undertake a review of councillor allowances and councillor numbers for all councils. A review must be taken within 12 to 6 months before the notice of an ordinary election.

Subsection (2)

Requires a review to be conducted in accordance with the review methodology established in this Bill as a new section 4 of the *Local Government Act 1993* – including determination of an aggregate score for each council, which in turn determines a councillor allowance category and councillor allowance band.

Subsection (3)

Allows the Minister to, in accordance with the outcomes of a review under subsection (2), recommend the Governor amend schedule 3 by order, to adjust the councillor numbers category and thus councillor numbers of a council.

**28JAC. Requests for reduction of councillor numbers**

Subsection (1)

Provides an application pathway for councils who are in the lowest category of councillor numbers

Subsection (2)

Establishes the requirements for an application, including demonstration that a council has resolved, by absolute majority, to apply to reduce the number of councillors elected to five.

Subsection (3)

Allows the Minister to, in accordance with an application under subsection (2), recommend the Governor, adjust the number of councillors to be elected to a council who has applied under this section to five, reflected in schedule 3.

Subsection (4)

Ensures that a council with five councillors will continue to have five councillors unless they progress a councillor numbers category as a result of a statutory review, or they apply to revert back to seven.

Subsection (5)

Establishes application requirements for a reversion to 7 councillors. These mirror subsection (2), with an additional requirement that an application for reversion cannot be made for two terms of council after reducing councillors to five.

**Section 28JAD. Order to amend Schedule 3**

Provides an overarching power for the Governor to make an order to adjust councillor number categories and numbers in schedule 3, in accordance with any Ministerial recommendations made under 28JAB or 28AC. This section also provides for an order under this part to contain transitional or savings provisions, and to take effect despite any provisions of the Act.

Clause 14 **Section 28ZA amended (Initial assessment of code of conduct complaint)**

Section 28ZA of the Principal Act presently establishes the process, available outcomes, and timeframes for the initial assessment of a code of conduct complaint.

This clause amends subsection (1) to establish a new escalation pathway by allowing an initial assessor to refer the whole, or part, of a code of conduct complaint to the Director. This provides a mechanism to escalate complaints that may involve serious councillor misconduct, as provided for by the new section 28ZBA.

Clause 15 **Section 28ZBA inserted**

**28ZBA. Referral of code of conduct complaint on initial assessment to Director**

This clause establishes the substantive mechanism and legal threshold for referring a complaint of serious councillor misconduct to the Director.

The new section dictates that an initial assessor may only exercise the referral option provided in section 28ZA if they reasonably consider the

complaint involves conduct capable of amounting to serious councillor misconduct. The meaning of serious councillor misconduct and its substantive framework is provided in new division 3B.

Clause 16 **Sections 28ZHA and 28ZHB inserted**

This clause inserts two new sections into Subdivision 3 of the Principal Act to establish new referral and escalation pathways for an investigating Panel during a code of conduct investigation to mirror referrals that may currently happen at the initial assessment phase of a code of conduct complaint. The rationale being that information or evidence may come to the attention of the investigating Panel in the course of an investigation which indicates referral to other authorities may be warranted and appropriate.

**28ZHA. Referral of code of conduct complaint to Director**

This new section establishes a mechanism for an investigating Panel to refer the whole, or part, of a code of conduct complaint to the Director. The Panel may exercise this power at any time if it reasonably considers that the complaint involves conduct capable of amounting to serious councillor misconduct.

**28ZHB. Referral of code of conduct complaint to other persons or authorities**

This new section establishes a pathway for an investigating Panel to refer a complaint, or part of a complaint, to another appropriate person or authority. Referral is presently only possible at the initial assessment stage. This referral can be made at any time during an investigation if the Panel reasonably considers an offence may have been committed, or if the matter would be more appropriately dealt with by that other body.

The section outlines the procedural mechanics for this external referral pathway, requiring the receiving authority to notify the Panel of its acceptance or refusal within 28 days. If the referral is accepted (or deemed accepted if no notification is provided), the referred matter ceases to be a code of conduct complaint. If the referral is refused, the investigating Panel is empowered to continue its investigation. These procedures are commensurate with those that apply for referrals made at the initial assessment stage.

Clause 17 **Section 28ZK amended (Notification of determination of code of conduct complaint)**

This clause brings forward the point at which confidentiality surrounding a code of conduct complaint ceases.

The clause removes the statutory delay that previously required a determination report to remain confidential while an appeal was pending. This ensures an appeal no longer prevents the report from being made public.

Additionally, the clause updates the general confidentiality provisions in subsections (10) and (11). It establishes that confidentiality now immediately ceases once an initial assessor dismisses a complaint, or as soon as a determination report is provided to the relevant parties, removing the previous requirement to wait until the matter is tabled at a council meeting.

Clause 18 **Part 3, Division 3B inserted**

***Division 3B – Serious councillor misconduct***

This clause establishes a comprehensive new framework for identifying, investigating, and penalising serious councillor misconduct.

***Subdivision 1 – Preliminary***

**28ZQ. Interpretation**

This new section includes definitions relied upon within Division 3B. It establishes a range of decision-makers involved within the framework.

**28ZR. Serious councillor misconduct**

This subdivision establishes the threshold for “serious councillor misconduct,” defining it as a serious or significant contravention of the local government code of conduct.

To ensure this threshold is applied consistently by all decision-makers (initial assessors, investigating Panels, the Director of Local Government, and the Tribunal), the legislation provides a mandatory set of criteria that must be considered.

**28ZS. Ministerial guidelines in relation to serious councillor misconduct**

The Minister is required to issue via order formal guidelines, following sector consultation, to further assist decision-makers in navigating this new threshold.

***Subdivision 2 – Assessment of serious councillor misconduct***

This subdivision creates a formal statutory escalation and investigation pathway that applies in relation to referrals received by the Director of Local Government from investigating Panels and initial assessors.

**28ZT. Assessment of serious councillor misconduct**

The new section prescribes the process for the Director when assessing whether to conduct an investigation into conduct referred by an initial assessor or an investigating Panel.

If the Director determines to conduct an investigation, the code of conduct complaint referred to the Director is taken to be a complaint made to the Director under section 339E. The section also establishes the procedure if the Director determines not to conduct an investigation into the conduct referred by an initial assessor or investigating Panel.

Referral to the Director by an initial assessor or investigating Panel is enabled via sections 28ZA, 28ZBA and 28ZHA.

#### **28ZU. Determination of Director following investigation of councillor conduct**

Upon concluding an investigation, the Director is provided with several options: they may dismiss the complaint, refer it to another relevant authority (such as police or the Integrity Commission), refer it back to the initial assessor or the investigation Panel (with formal reasons provided), or, if the evidence supports a finding of serious misconduct, apply for a decision in relation to the matter from the Tasmanian Civil and Administrative Tribunal (TASCAT).

#### **28ZV. Referral of complaints back to initial assessor or investigating Panel**

This section establishes and clarifies the procedures that apply when the Director, following an assessment or investigation, refers the matter back to the initial assessor or the investigating Panel, and the arrangements that apply when the initial assessor conducts a further initial assessment or the investigating Panel continues its investigation.

### ***Subdivision 3 – Tribunal***

#### **28ZW. Application to the Tasmanian Civil and Administrative Tribunal**

TASCAT is the final arbiter for serious councillor misconduct applications brought by the Director. This clause sets out the procedural rules for these hearings, including the right to legal representation.

It should be noted that the Director is empowered to apply for a decision from TASCAT following an investigation under section 339EA whether or not the conduct that was the subject of that investigation was originally a code of conduct complaint. That is, it makes clear that 'serious councillor misconduct' complaints may originate from the Code of Conduct process,

but may also be brought about via any investigation by the Director of Local Government under section 339EA.

### **28ZX. Orders of the Tasmanian Civil and Administrative Tribunal**

If TASCAT finds that a councillor has engaged in serious misconduct, it may order their immediate dismissal from office, prohibit them from running in local government elections for up to seven years, suspend them for between three to six months, and impose substantial fines and cost orders.

To ensure flexibility, if TASCAT determines the councillor's behaviour fell short of "serious" misconduct but still constituted a standard breach of the code of conduct (ie misconduct) the Tribunal retains the power to impose lower-tier sanctions commensurate with those available to investigating Panels. This allows TASCAT to deal with and determine such matters as though they were a Code of Conduct panel, without needing to refer them back through the Code process.

#### **Clause 19 Section 45 amended (Election of councillors)**

Amends subsections (3) and (4) to reflect changes to the columns representing the number of councillors in each council in schedule 3.

#### **Clause 20 Section 62 amended (Functions and powers of general manager)**

Section 62 currently sets out the overarching statutory functions of a council's general manager.

This clause establishes a new statutory duty for the general manager to develop and maintain a workforce development plan. This ensures that proactive workforce planning, specifically addressing both the immediate and long-term human resourcing requirements of the council, is firmly embedded as a core function of the role. Assigning the responsibility for this new statutory plan to the general manager maintains the appropriate separation of the elected council from operational decisions regarding a council's workforce.

#### **Clause 21 Section 62A amended (Order relating to general manager's functions generally)**

This clause amends section 62A of the Principal Act to allow an order relating to a general manager's functions generally to be combined with an order issuing a local government charter under section 20. Again, this clause (and the next) is intended to clarify that various requirements relating to orders may be consolidated and integrated into a single instrument (the charter), if that is convenient and appropriate.

Clause 22 **Section 62B amended (Order relating to general manager's function to liaise with mayor)**

This clause amends section 62B of the Principal Act to allow an order relating to a general manager's function to liaise with mayor to be combined with an order issuing a local government charter under section 20.

Clause 23 **Section 66 amended (Strategic plan)**

Currently, section 66 requires councils to prepare a long-term strategic plan.

This clause updates the strategic planning process to explicitly link a council's long-term and high-level planning with community wellbeing, to ensure strategic plans align with the new role at section 19A.

The amended section requires strategic plans to identify local community wellbeing priorities and outline the specific strategies to achieve them. In developing these plans, councils must now have regard to the local government charter which is to provide guidance and clarity to councils on the performance of their role.

Finally, the clause mandates that any community consultation undertaken for the strategic plan must be conducted in accordance with the council's new community engagement strategy under new section 70DA.

Clause 24 **Section 70DA inserted**

**70DA. Community engagement strategy**

This clause introduces a statutory obligation for councils to adopt a community engagement strategy.

This provision ensures that community participation is embedded in a council's policy development and major activities. It provides communities with a predictable framework for how and when they can contribute to local decision-making.

The clause requires councils to consult with their communities when developing or reviewing the strategy and establishes minimum baseline requirements for what the strategy must contain.

Clause 25 **Section 70E amended (Review of plans, strategies and policies)**

Currently, the Principal Act requires councils to review their core strategic, financial, and asset management frameworks at least once every four years.

Councils will now need to also review their community engagement strategy at least every four years. A review will necessitate consultation per new sub-section 70DA(2).

Clause 26 **Section 70F amended (Orders determining minimum contents of plans, &c., and classes of assets)**

Currently, the Principal Act allows the Minister to issue orders specifying the minimum content requirements for councils' financial and asset management frameworks.

The amendments to this section brings the newly established community engagement strategy, continuing professional development policy, and workforce development plan under the remit of the ministerial orders.

They also broaden the nature of the rules the Minister can set. Rather than being limited to dictating minimum contents, the Minister may now issue orders specifying requirements for how any of the listed plans, strategies, or policies are prepared, developed, consulted on, reviewed, and published.

Clause 27 **Sections 84A and 84B inserted**

This clause introduces two new mechanisms to the Principal Act: standardised performance reporting and mandatory internal audit requirements.

**84A. Council performance reporting**

Under the new section 84A, the Minister will be empowered to establish a consistent, sector-wide performance reporting regime. Following consultation with councils, the Minister may issue orders that prescribe the frequency of reporting, the specific indicators and metrics to be used, and the methodologies for measuring and presenting that data. Councils will be required to comply with these orders.

**84B. Internal audit**

New section 84B provides that the Minister may, by order and following consultation, prescribe requirements for council internal auditing. This establishes a statutory obligation for councils to implement internal audit practices, bringing local government into alignment with broader public sector standards. The requirement to maintain a dedicated internal audit function will ensure council audit panels are operationally supported to fulfill their statutory obligations.

Clause 28 **Section 122A inserted**

**122A. Order specifying information in rates notices**

The Principal Act presently sets out a fixed list of essential administrative and financial details that a general manager must include in a standard rates notice, such as property details, amounts payable, and payment due dates.

This new section creates a flexible, ongoing mechanism to improve the transparency and consistency of rates notices across councils. It empowers the Minister to issue an order prescribing the inclusion of additional, specified information in rates notices supplemental to the existing statutory minimums. To ensure these new requirements are practical for local government administration, the Minister is required to consult with councils prior to making any such order.

Clause 29 **Section 214E amended (Result of review)**

Removes the ability for the Governor to make an order to determine the total number of persons to be elected as councillors of a municipal area; based on recommendations from the Minister as a result of a Local Government Board Review.

Clause 30 **Section 214L amended (Recommendation for issuing performance improvement direction)**

The Principal Act allows the Director of Local Government to recommend that the Minister issue a Performance Improvement Direction (PID) only if a statutory breach is deemed “not of a minor nature,” or if there is a pattern of repeated minor breaches. This narrow threshold limits the use of PIDs as an early, flexible regulatory intervention tool.

This clause provides that Director may recommend a PID in response to any failure by a council or councillor to comply with a statutory requirement.

Clause 31 **Section 214O amended (Consequences of failing to comply with performance improvement direction)**

The amendment to this section provides that the Minister may, if a council fails to comply with a performance improvement direction (PID), appoint a temporary advisor to the council under new Part 12C, ensuring that PIDs and Temporary Advisor provisions can operate in tandem as and where this is necessary or appropriate.

Clause 32 **Part 12C inserted**

**PART 12C – Temporary Advisors**

This clause creates a new framework for the appointment of “temporary advisors” to councils by the Minister in specific circumstances.

**214P. Recommendation to appoint temporary advisor**

The Director of Local Government will be empowered to recommend that the Minister appoint a temporary advisor either because a council proactively requests assistance, or because the Director identifies evidence of emerging

governance or operational deficiencies that, if not addressed, may affect the functioning of the council. The clause also provides guidance on what constitutes ‘emerging governance or operational deficiencies’.

#### **214Q. Appointment of temporary advisor**

This new section sets out procedural steps that must be completed before the Minister may appoint a temporary advisor. This includes seeking and considering any written submissions made by the relevant council.

#### **214R. Functions and powers of temporary advisors**

Once appointed, the temporary advisor’s role is to actively monitor council processes and provide direct, practical advice to improve good governance practices.

To ensure the advisor can perform this function effectively, the legislation grants them a range of powers. They may enter council premises, attend any council or committee meeting (including those closed to the public), and compel the production of records. The legislation establishes a strict statutory duty for the council, councillors, and employees to cooperate with the advisor, and makes it an offence punishable by a fine to obstruct or hinder their work.

#### **214S. Report by temporary advisor**

The temporary advisor is required to submit a final report to the Minister. This report must detail their findings and recommend whether any further statutory action needs to be taken.

#### **214T. Cost of temporary advisor**

The Minister has discretion to recover costs associated with a temporary advisor from the council.

### Clause 33 **Section 291 substituted**

#### **291. Assistance to electors**

This provision is expanded to allow for the Electoral Commissioner to approve procedures to support electors whose sight is so impaired or who is so physically incapacitated or illiterate to vote in accordance with approved alternative voting methods.

### Clause 34 **Section 296 substituted**

#### ***Division 7 – Alternative voting***

#### **296. Interpretation of Division**

This section provides a number of new definitions used in the new Division 7:

- *accessibility and inclusion organisation* - an organisation or peak body that focuses on advocacy, support or services for people with diverse needs
- *alternative voting procedure* – voting procedures approved by the Tasmanian Electoral Commission for voting by alternative means
- *remote voting area* - the Australian Antarctic Territory, including Macquarie Island and the Territory of Heard Island and McDonald Islands or any other remote territory in Australia or otherwise as declared by the Tasmanian Electoral Commission.

### **297. Tasmanian Electoral Commission may approve alternative voting procedures**

#### Subsection (1)

This clause allows the Tasmanian Electoral Commission to approve alternative procedures they consider necessary, including (but not limited to) electronic voting methods such as online voting or voting by telephone.

Alternative voting methods are to enable electors in a remote voting area, or electors who the Tasmanian Electoral Commission is satisfied do not have a reasonable opportunity to vote due to accessibility barriers.

#### Subsection (2)

This clause allows accessibility and inclusion organisations to request to the commissioner to consider approval of an alternative voting method. It also allows the Commission to approve an alternative voting procedure of their own motion.

#### Subsection 3

Requires the TEC to, as far as is practicable, consult with any accessibility and inclusion organisation it considers appropriate in determining an alternative voting procedure for those who face accessibility barriers.

#### Subsection 4

Requires that any alternative voting procedure is not approved without consideration by the TEC of a range of factors, including security, practicality, integrity, resource required, technological capability and any risks and mitigations.

This clause also requires that any alternative voting procedures provide for the authentication and verification, preservation of secrecy and security of data transmission for any votes cast in this method.

#### Subsection 5

Allows the TEC to approve procedures for votes cast in accordance with an approved voting procedure to be transmitted to the TEC in a manner compliant with all applicable laws.

#### **298. Entitlement to vote by approved alternative voting procedures**

Provides legal entitlement for electors enabled to vote by an alternative voting procedure to vote in accordance with the procedure.

#### **298A. Counting of votes cast by approved alternative voting procedures**

Provides that a vote transmitted to the TEC in accordance with an approved voting procedure is counted as a postal vote for the relevant election.

#### **298B. Application of Act to votes cast under alternative voting procedures**

This clause provides for a vote cast under an approved voting procedure to be considered compliant with other procedures for voting under this Act. This includes procedural requirements under section 285 relating to –

- (a) the marking or numbering of boxes on a ballot paper; and
- (b) the use of envelopes for the return of ballot papers; and
- (c) the signing of declarations by electors.

This means that a vote cast electronically in accordance with an approved voting procedure (e.g. by telephone) can be accepted without the above requirements being fulfilled, and that an electronic vote is taken to be received once recorded by the Commission.

#### **298C. Confidentiality of votes cast under approved alternative voting procedures**

Prohibits a person who becomes aware of how an individual voted using an approved voting procedure from disclosing that information. Includes a penalty of 10 points for any person who discloses this information.

A person who is not the elector who may transmit or forward a vote to the TEC in accordance with section 297, subsection (5) is exempted from this section.

**298D. Publication of approved alternative voting procedures**

Requires the TEC to publish any approved voting procedures on its website, including whom they apply to, any consultation undertaken with accessibility and inclusion organisations, and compliance with Part 15, Division 7.

**298E. Independent auditing of approved alternative voting procedures**

Subsection (1)

Requires the TEC to engage an independent auditor to audit the used of any information technology used under an alternative voting procedure.

Subsection (2)

Audit results must be provided to the TEC both a week before voting opens and 60 days after the last declaration of a result for elections.

Subsection (3)

Requires the independent auditor to test that any test votes cast in accordance with an approved voting procedure were accurately recorded.

**298F. Independent monitoring of approved alternative voting procedures**

Subsection (1)

Requires the TEC to appoint an independent monitor and observe the approved alternative voting procedures used at an election, including the counting of votes cast and the general operation of the approved alternative voting procedures.

Subsection (2)

Requires the independent monitor to report to the Tasmanian Electoral Commissioner on approved voting procedures. They may make recommendations as part of this report.

Clause 35 **Section 338AA amended (Director may require information, &c., for purposes of investigation)**

This clause expands the Director's statutory information-gathering powers that currently apply for the purposes of investigations by the Director under section 339EA. The Director may now also use these powers to gather necessary information when carrying out an assessment under the newly inserted section 28ZT in respect to the serious councillor misconduct provisions.

Clause 36 **Section 338A amended (Disclosure of information)**

This clause amends section 338A of the Principal Act to establish confidentiality safeguards for closed council meetings attended via electronic means, and to introduce confidentiality obligations for temporary advisors.

The clause inserts new subsections to make it an offence for a councillor attending a closed meeting via electronic means to fail to take reasonable steps to ensure unauthorised persons cannot access the meeting. An exemption applies if a majority of the councillors present explicitly agree to allow another person to observe. The clause also explicitly applies the general confidentiality obligations of closed meetings to any non-councillor who is formally permitted to attend or view the session.

Additionally, the clause inserts a new subsection (5) to make it an offence for a temporary advisor to disclose information acquired in that capacity on the condition that it be kept confidential.

Clause 37 **Section 339B inserted**

**339B. Disclosure of information for code of conduct complaints**

This clause inserts a new section 339B into the Principal Act to provide an explicit exemption to confidentiality obligations for the purposes of the code of conduct framework.

The new section provides that a person disclosing information seen or heard during a closed council meeting does not commit a breach of confidentiality, provided the disclosure is made strictly for the purpose of making a code of conduct complaint, or assisting in the consideration, investigation, or determination of such a complaint.

This ensures that information from closed council meetings can form part of a complaint at the initial assessment stage, which is not presently enabled.

Clause 38 **Section 339 amended (Improper use of information)**

This clause amends section 339 of the Principal Act, which establishes offences and penalties for the improper use of information. The clause amends subsection (2A) to broaden the scope of the offence, ensuring it applies not only to information acquired in relation to a code of conduct investigation, but also to information acquired in relation to any investigation conducted by the Director under the Act.

Clause 39 **Section 339EA amended (Investigations of complaints and other matters)**

This clause extends the Director of Local Government's existing information-sharing powers to ensure that any information obtained while conducting an

assessment of serious councillor misconduct under the new section 28ZT can also be referred to appropriate external oversight authorities, such as the Integrity Commission, the Auditor-General, or law enforcement agencies.

Clause 40 **Section 340A repealed**

Repeals this section as it is moved to section 28JAA.

Clause 41 **Section 341 amended (Immunity from liability)**

Currently, the Principal Act grants statutory immunity from personal liability to various local government officials and statutory appointees (such as councillors, commissioners, and audit panel members) for actions undertaken in good faith while performing their official duties.

The practical effect of this clause is to extend this legal protection to the newly created role of a “temporary advisor” (see new Part 12C).

Clause 42 **Section 349D inserted**

**349D. Transitional provisions consequent on *Local Government Amendment (Targeted Reform) Act 2026***

Provides that new Schedule 8B has effect in respect to savings and transitional arrangements.

Clause 43 **Schedule 3 substituted**

**SCHEDULE 3 – MUNICIPAL AREAS, COUNCILS AND ELECTORAL DISTRICTS**

Substitutes schedule 3 with a new schedule including council’s councillor number category and new councillor numbers in accordance with a review undertaken under section 28JAB, applying the methodology introduced in schedule 4 of this Bill.

Clause 44 **Schedule 4 inserted**

**SCHEDULE 4 – METHODOLOGY FOR DETERMINING COUNCILLOR NUMBERS AND ALLOWANCES**

Establishes a methodology to guide reviews of councillor allowances and numbers conducted under section 28JAB. The methodology provides for each council to be allocated an aggregate score, which is the sum of weighted scores given across six metrics set out in the schedule:

- Population size
- Total number of rateable properties

- 5-year value of approved development applications (\$ million)
- Written down value of infrastructure assets (stormwater, roads and bridges and plant and equipment) (\$ million)
- Urbanisation (Simplified ACLG classification)
- Kilometres of road (urban and rural).

The methodology determines, based on the aggregate score given to each council, both a councillor number category, and a councillor allowances band.

There are 3 councillor numbers bands with 9, 7 and 7 councillors (the third category facilitates an application for five councillors under section 28JAC), while there are six allowance bands for determination of prescribed allowances.

Clause 45 **Schedule 8B inserted**

**SCHEDULE 8B – SAVINGS AND TRANSITIONAL PROVISIONS  
CONSEQUENT ON LOCAL GOVERNMENT AMENDMENT (TARGETED  
REFORM) ACT 2026**

**Interpretation of Schedule**

This clause provides that in this Part, the *Local Government Amendment (Targeted Reform) Act 2026* is referred to as the amendment Act.

**Reference to Alderman or Aldermen**

The clause provides that any existing statutory reference to an “alderman” is taken to be a reference to a “councillor,” and ensures that any person currently holding office as an alderman simply continues their term as a councillor.

**Effect of certain consequential amendments**

This clause provides that any amendment to regulations via the amendment Act does not prevent further amendments to the regulations via amendment regulations.

**Transitional number of councillors**

This provides for the number of councillors elected to each council elected at the 2022 to be the number of councillors until the certificate of election is issued for the 2026 elections.

**PART 3 – TASMANIAN CIVIL AND ADMINISTRATIVE TRIBUNAL ACT 2020  
AMENDED**

Clause 46 **Principal Act**

This clause establishes that the *Tasmanian Civil and Administrative Tribunal Act 2020* is subsequently referred to as the Principal Act in Part 3.

Clause 47 **Schedule 2 amended (General Division)**

This clause amends Schedule 2 to the Principal Act to allocate the Tribunal's new jurisdiction regarding serious councillor misconduct to the appropriate operational stream.

**PART 4 – LOCAL GOVERNMENT (GENERAL) REGULATIONS 2025 AMENDED**

Clause 48 **Principal Regulations**

This clause provides that in this Part, the Local Government (General) Regulations 2025 are referred to as the Principal Regulations

Clause 49 **Regulation 49 amended (Allowances for elected members)**

Establishes that the prescribed allowances payable under schedule 4 of the Principal Regulations (being those introduced from the allowances and numbers review) apply from 1 November 2026.

Also resets the existing annual indexation process which multiplies the allowance within the schedule by an inflationary factor, applying from the 1 November.

Clause 50 **Schedule 4 substituted**

**SCHEDULE 4 – ALLOWANCES FOR ELECTED MEMBERS**

Substitutes the existing schedule 4 with the 6 new allowance bands established under the review methodology in schedule 4 of the Principal Act with the corresponding allowance for councillors, and additional allowance for mayors and deputies. These are as follows

<b>Allowance band</b>	<b>Allowance for Councillors</b>	<b>Additional allowance for Deputy Mayors</b>	<b>Additional allowance for Mayors</b>
1.1	52 951	29 932	115 869
1.2	42 869	26 071	93 798
2.1	32 463	22 209	71 038
2.2	22 064	18 334	48 277
2.3	18 440	15 449	40 353
2.4	15 529	13 518	33 981

**PART 5 – LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2025 AMENDED**

Clause 51 **Principal Regulations**

This clause provides that in this Part, the *Local Government (Meeting Procedures) Regulations 2025* are referred to as the Principal Regulations.

Clause 52 **Regulation 3 amended (Interpretation)**

This clause amends regulation 3 of the Principal Regulations to insert definitions for “audio link” and “audio visual link.” These definitions support the new framework for remote meeting attendance.

Clause 53 **Regulation 31 amended (Voting procedure)**

This clause amends regulation 31 of the Principal Regulations to clarify voting procedures, particularly in the context of electronic attendance. It ensures that whatever method the chairperson determines for conducting a vote, that method must practically enable every councillor present at the meeting to cast their vote.

Clause 54 **Regulation 45 substituted**

**45. Requirement to attend meetings in person**

This clause repeals the existing regulation 45, which strictly required in-person attendance, and substitutes it with a comprehensive new framework (regulations 45 to 45C) that conditionally allows for remote participation.

New regulation 45 maintains the default statutory position that councillors are required to attend meetings in person, subject only to the new exceptions.

**45A. Participation in meetings by audio or audio-visual link**

New regulation 45A establishes the mechanism for an individual councillor to attend remotely via audio or audio-visual link. A councillor must submit a written request to the chairperson at least two hours prior to the meeting, citing one of the prescribed statutory reasons (such as a natural disaster, specific medical or caring duties, or work-related travel outside Tasmania). The chairperson must grant the request if reasonably satisfied of the reason, but retains the power to revoke the authorisation during the meeting if the councillor fails to give their full attention to the proceedings.

**45B. Meeting conducted by audio link or audio-visual link in exceptional circumstances**

New regulation 45B empowers the chairperson to declare that an entire meeting be conducted exclusively via audio or audio-visual link in “exceptional circumstances.” Remote attendance under this specific emergency provision does not count against a councillor’s individual electronic attendance limit under 45C.

**45C. Limit on attendance by audio link or audio-visual link**

New regulation 45C establishes a cap on individual remote attendance. It prevents a councillor from utilising the standard electronic attendance mechanism under regulation 45A for more than one-third of the scheduled council meetings in any given calendar year.

PART 6 – REPEAL OF ACT

Clause 55 **Repeal of Act**

This provides for the repeal of the Act.