

TASMANIA

**LOCAL GOVERNMENT (GENERAL)
AMENDMENT REGULATIONS 2018**

STATUTORY RULES 2018, No. 34

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**LOCAL GOVERNMENT (GENERAL)
AMENDMENT REGULATIONS 2018**

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Local Government Act 1993*.

Dated 18 June 2018.

C. WARNER
Governor

By Her Excellency's Command,

PETER GUTWEIN
Minister for Local Government

1. Short title

These regulations may be cited as the *Local Government (General) Amendment Regulations 2018*.

2. Commencement

These regulations take effect on 1 August 2018.

3. Principal Regulations

In these regulations, the *Local Government (General) Regulations 2015** are referred to as the Principal Regulations.

*S.R. 2015, No. 37

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4. Regulation 21 amended (Posters and signs)

Regulation 21 of the Principal Regulations is amended by omitting subregulations (1), (2) and (3).

5. Regulation 22 amended (Advertising)

Regulation 22 of the Principal Regulations is amended as follows:

- (a) by inserting in subregulation (1) “electoral” after “purchase”;
- (b) by omitting from subregulation (1) “on television or radio” and substituting “or space”;
- (c) by omitting subregulations (2), (3), (4) and (5);
- (d) by inserting in subregulation (6) “electoral” after “in,”.

6. Regulation 22A inserted

After regulation 22 of the Principal Regulations, the following regulation is inserted in Division 4:

22A. Total expenditure for advertising

- (1) For the purposes of section 278 of the Act, the total expenditure on electoral advertising by, or on behalf of, a

candidate during the relevant period must not exceed the sum of –

- (a) if the relevant period commences during the financial year commencing on 1 July 2018, \$8 000; or
 - (b) if the relevant period commences during a subsequent financial year, the amount calculated for that financial year under subregulation (2).
- (2) For the purposes of subregulation (1)(b), the total expenditure for a subsequent financial year is calculated in accordance with the following formula and rounded off in accordance with subregulation (3):

$$A = B \times \frac{C}{D}$$

Where –

A is the total expenditure for the relevant financial year being calculated;

B is \$8 000;

C is the CPI figure for Hobart for the March quarter immediately preceding the relevant financial year in which the total expenditure is to apply;

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D is the CPI figure for Hobart for the March quarter 2018.

- (3) If the value of the total expenditure calculated in accordance with subregulation (2) is not a multiple of \$500, the amount is to be rounded off to the nearest multiple of \$500.
- (4) In this regulation –

CPI figure for Hobart means the Consumer Price Index: All Groups Index Number for Hobart published by the Australian Statistician under the authority of the *Census and Statistics Act 1905* of the Commonwealth.

7. Part 3A inserted

After regulation 29 of the Principal Regulations, the following Part is inserted:

PART 3A – GIFTS AND DONATIONS

29A. Gifts or donations

For the purposes of section 56A(1)(b) of the Act, the following classes of gift or donation are prescribed:

- (a) an item, service, loan of money, loan of property or any other benefit with a monetary value of \$50 or more;

- (b) an item, service or other benefit that is part of a series of gifts or donations received by a councillor from the same donor, where the aggregate monetary value of the series of gifts or donations in a financial year is \$50 or more.

29B. Details to be contained in notice

For the purposes of section 56A(2)(b) of the Act, the following details are prescribed:

- (a) the name of the councillor who received the gift or donation;
- (b) a description of the gift or donation;
- (c) the name of the donor, if known;
- (d) the councillor's relationship to the donor, if known;
- (e) the suburb or locality where the donor resides, if known;
- (f) the date on which the gift or donation was received;
- (g) the estimated monetary value of the gift or donation.

29C. Timeframe for provision of notice

For the purposes of section 56A(2)(c) of the Act, the prescribed period is –

- (a) within 14 days of receiving a gift or donation; or
- (b) in the case of a gift or donation that was received by a councillor outside of Australia, within 14 days of the councillor returning to Australia.

29D. Information to be included in register

For the purposes of section 56B(2)(c) of the Act, the register is to contain the following information:

- (a) the name of the donor of the gift or donation, if known;
- (b) the councillor's relationship to the donor, if known;
- (c) the suburb or locality where the donor resides, if known;
- (d) the date on which the gift or donation was received;
- (e) the estimated monetary value of the gift or donation.

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8. Schedule 2 substituted

Schedule 2 to the Principal Regulations is rescinded and the following Schedule is substituted:

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SCHEDULE 2 – DECLARATION OF OFFICE

Regulation 40

Local Government Act 1993

DECLARATION OF OFFICE - s. 321

I,, having been elected as
[full name] [councillor]

to the Council, do solemnly declare that I will
[name of council]

- (a) faithfully carry out the functions and exercise the powers vested in me by virtue of that office to the best of my ability and in accordance with the law;
- (b) comply with the Council's code of conduct;
- (c) engage in ongoing professional development; and
- (d) abide by the principles of good governance.

.....
[signature of councillor]

Made before me at in Tasmania on the day
of 20

.....
[general manager]

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 27 June 2018.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations amend the *Local Government (General) Regulations 2015* by –

- (a) prescribing certain matters relating to the notification, by councillors, of gifts and donations; and
- (b) amending requirements relating to electoral advertising; and
- (c) making other minor miscellaneous amendments.