CLAUSE NOTES

Local Government Amendment (Electoral Reforms) Bill 2026

Clause	Clause Note
Clause 1 **Short title**	This clause provides that the short title of the Act is the *Local Government Amendment (Electoral Reforms) Act 2026*.
Clause 2 **Commencement**	This clause provides that the Act commences on the day on which the *Local Government Electoral Act 2026* commences.
Clause 3 **Repeal of Act**	This clause is a standard repeal provision and provides for the automatic repeal of the Act on the first anniversary of the day on which the Act commenced. The repeal does not affect the continuing operation of the amendments made by the Act.
Clause 4 **Principal Act**	This clause provides that, in Part 1, the *Local Government Act 1993* is referred to as the Principal Act.
Clause 5 **Section 3 amended (Interpretation)**	This clause amends section 3 of the Principal Act by omitting, substituting and inserting definitions consequential upon the enactment of the *Local Government Electoral Act 2026* and the amendments made by this Act. The clause substitutes the definition of absolute majority to account for suspended councillors and certain casual vacancies that occur within the 6-month period preceding an election. The clause omits the definitions of ballot material and by-election, and substitutes the definitions of candidate and certificate of election so that those terms have the same meanings as in the *Local Government Electoral Act 2026*. The clause omits the definition of closing day, amends the definition of councillor to refer to election in

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	accordance with the *Local Government Electoral Act 2026*, and omits the definition of declaration of a poll. The clause omits a number of other electoral definitions that are no longer required in the Principal Act following the transfer of local government electoral provisions to the *Local Government Electoral Act 2026*. The clause inserts a definition of Local Government Association of Tasmania and makes a consequential amendment to the definition of municipal area. The clause omits the definitions of nomination period, notice of election and ordinary election and inserts a definition of non-pecuniary interest, being an interest that does not involve financial gain or loss but arises from personal relationships, affiliations or beliefs that may influence a person's decision-making. The clause inserts a definition of pecuniary interest, being an interest in a matter where there is a reasonable likelihood or expectation of direct or indirect financial gain or loss to the person or a close associate. The clause also omits the definitions of polling period, relevant period, returning officer, roll closure day and scrutineer.
Clause 6 **Section 25 amended (Constitution of council)**	This clause amends section 25 of the Principal Act so that the constitution of a council is determined under the *Local Government Electoral Act 2026*, rather than Part 4 of the Principal Act.
Clause 7 **Section 28A amended (Information and documents relating to functions)**	This clause amends section 28A of the Principal Act to enable a general manager to refuse a councillor's request for information where the general manager believes that the information relates to a matter in respect of which the councillor has completed a personal interest return under new Part 5B and the information is not publicly available. It also makes a consequential

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	amendment to subsection (5) to recognise this ground for refusing a request.
Clause 8 **Part 4 repealed**	This clause repeals Part 4 of the Principal Act consequential upon the transfer of local government electoral provisions to the *Local Government Electoral Act 2026*.
Clause 9 **Section 51 amended (Close associate)**	This clause amends section 51 of the Principal Act by expanding the persons who are a close associate of a councillor or member for the purposes of the conflict of interest provisions in Part 5. The additional close associates are a person from whom the councillor or member has received a gift or donation disclosed under Part 17 of the *Local Government Electoral Act 2026*, a person from whom a gift or donation recorded in the council's register of gifts and donations has been received, and a relative who resides with the councillor or member on a regular basis.
Clause 10 **Section 52 amended (Non-application of Part)**	This clause amends section 52 of the Principal Act by omitting certain existing circumstances in which Part 5 does not apply and inserting three defences to a prosecution under that Part. New subsection (2A) provides a defence where the councillor or member reasonably believes that a pecuniary benefit received, or reasonably expected to be received, as a result of the decision in question is held in common with a substantial proportion of electors in the municipal area and that the extent of the councillor's or member's pecuniary interest is not greater than the interest held in common by those electors. New subsection (2B) provides a corresponding defence in relation to a pecuniary benefit received, or reasonably expected to be received, as a result of a decision concerning an application or request for an approval, authorisation, licence, permit, exemption or other right under an Act.

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	New subsection (2C) provides a defence where the councillor or member reasonably believes that a beneficial interest in shares of a company or other body is held in common with a substantial proportion of electors in the municipal area and the extent of the councillor's or member's interest is not greater than the interest held in common by those electors.
Clause 11 **Section 54 amended (Register of pecuniary interests of councillors)**	This clause amends section 54 of the Principal Act by requiring the general manager to publish the register of interests on the council's official website.
Clause 12 **Parts 5B and 5C inserted**	This clause inserts new Parts 5B and 5C after section 56B of the Principal Act. New Part 5B establishes requirements for councillors to lodge personal interest returns and provides for the management and publication of information contained in those returns. New Part 5C regulates the conduct of councils during an election period. **New section 56C – Interpretation of Part** New section 56C defines terms used in Part 5B, including annual return period, approved, corporation, personal interest return, primary return date, relative, relevant return period and spouse. **New section 56D – Lodgement of completed personal interest returns** New section 56D requires a councillor to lodge a completed personal interest return with the general manager within 28 days after the date on which the councillor's certificate of election is issued and on or before 31 July in each subsequent year in which the person holds office as a councillor. A personal interest return is required to be in an approved form and contain the information required to be disclosed under new section 56E. A failure to comply with the requirement to lodge a completed personal

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	interest return is an offence punishable by a fine not exceeding 100 penalty units.

New section 56E – Information required to be disclosed in personal interest returns

New section 56E specifies, subject to the exemptions in new section 56F, the information that a councillor is required to disclose in a personal interest return.

A councillor is required to disclose information relating to sources of income received by the councillor or their spouse during the relevant return period, including the person or entity from which the income was received and why it was received. The councillor is also required to disclose the legal nature and address of interests in real property held by the councillor or their spouse.

The section also requires disclosure of interests or positions held by the councillor or their spouse in corporations and positions held in trade unions or professional or business associations, whether or not those positions are remunerated. It further requires disclosure of persons or entities to whom the councillor or their spouse was liable to pay a debt during the relevant return period.

Where a personal interest return is an annual return lodged under section 56D(1)(b), the councillor is also required to disclose specified dispositions of property by the councillor or their spouse under which the use or benefit of the property, or a right to acquire it, is retained. The disclosure requirement also applies to specified dispositions made by another person under an arrangement made by the councillor or their spouse from which the councillor or spouse obtains the use or benefit of the property.

An annual return is also required to disclose the name and address of any person or entity that made a financial or other contribution, including free or upgraded accommodation, transport or hospitality, towards travel

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	undertaken by the councillor or their spouse. Details of the contribution and the dates and places of the relevant travel are also required to be disclosed.
	New section 56F – Information not required to be disclosed in personal interest returns
	New section 56F specifies information that a councillor is not required to disclose in a personal interest return.
	A councillor is not required to disclose income received by the councillor or their spouse where the income is a councillor allowance payable under section 340A, specified parliamentary salary, allowances or benefits, or income not exceeding $500 from a single source during the relevant return period.
	A councillor is not required to disclose an interest in real property outside the municipal area for which the councillor is elected. The section also exempts certain interests held as executor or administrator of a deceased estate, where neither the councillor nor their spouse is a beneficiary, and certain interests held as trustee in the ordinary course of an occupation unrelated to the councillor's duties.
	The section exempts specified interests or positions in corporations formed for recreational, commercial promotion, industry, art, science, religious, charitable or other community purposes, as well as corporations that are required to apply profits or income towards their objects or are prohibited from paying dividends. Interests held through a superannuation fund, other than a self-managed superannuation fund, are also exempt from disclosure.
	The section exempts specified liabilities or information relating to debts, including debts not exceeding $500, subject to aggregation of multiple debts owed to the same person; debts payable to relatives; certain loans made in the ordinary course of a lender's business; and

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	certain debts arising from goods or services supplied in the ordinary course of an occupation. The section also exempts specified contributions towards travel, including contributions from public funds, travel on statutory free passes or in government vehicles, contributions from relatives, contributions made in the ordinary course of an occupation, and contributions not exceeding $250, subject to aggregation of multiple contributions made by the same person. Travel contributions made in a personal capacity that could not reasonably be perceived as relating to the councillor's role or duties are also exempt. The exemption further extends to contributions made by a political party of which the councillor is a member for specified political travel within Australia. For the purposes of these exemptions, a non-financial contribution is valued at the value of the contribution. **New section 56G – Personal interest returns not to be published** New section 56G provides that a council must not publish a personal interest return, or a revised personal interest return, lodged by a councillor. **New section 56H – Restriction on disclosure under Right to Information Act 2009** New section 56H provides that information contained in a personal interest return, or a revised personal interest return, is exempt information for the purposes of the *Right to Information Act 2009*. The section does not prevent the disclosure of information contained in a personal interest return, or revised personal interest return, where that information is otherwise publicly available. **New section 56I – Publication of summary of personal interest returns**

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	New section 56I requires the general manager to prepare and maintain a summary of the information contained in each personal interest return, and revised personal interest return, lodged by a councillor and to publish that summary on the council's official website. The section specifies the information that is to be included in a published summary and the information that must not be published. It also enables a councillor to apply to the general manager for specified information to be excluded from publication where the statutory requirements for withholding that information are satisfied. The section provides for the determination of an application to withhold information and requires the general manager to give the councillor written notice of the determination. It also provides for the subsequent publication of information where an application to withhold that information is refused. **New section 56J – Requirement to lodge revised personal interest return** New section 56J enables the general manager to require a councillor to lodge a revised personal interest return where the general manager is satisfied that a personal interest return lodged by the councillor is incomplete or does not comply with Part 5B. The councillor is required to lodge the revised personal interest return within the period specified in the notice given by the general manager. A revised personal interest return is taken to be a personal interest return for the purposes of Part 5B. **New section 56K – Restriction on access to non-public information** New section 56K restricts a councillor's access to non-public information relating to a matter in respect of which the councillor has disclosed a pecuniary interest in a

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	personal interest return or revised personal interest return. The section also restricts the provision of such information to the councillor and creates offences for contravening the requirements of the section. **New section 56L – Retention of personal interest returns** New section 56L requires a council to retain personal interest returns and revised personal interest returns for the period specified in the section. **New section 56M – Offences** New section 56M creates offences relating to personal interest returns, including the provision of information that is false or misleading in a material particular and the omission of information required to be disclosed under Part 5B. The section also provides for the consequences of conviction for specified offences under Part 5B. In the circumstances specified in the section, a court may order that a councillor be dismissed from office and disqualified from nominating as a candidate at a local government election for a period not exceeding 7 years. **New section 56N – Interpretation of Part** New section 56N defines terms used in Part 5C, including election period and prohibited decision. The section defines the election period for an ordinary election as the period beginning on the day on which the notice of election is published and ending at the close of the poll for the election. The section defines a prohibited decision to include specified decisions relating to the appointment, remuneration or termination of the general manager; entering into certain contracts or arrangements above a prescribed value; the exercise of specified land-use

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	planning powers; and other decisions prescribed by the regulations. The definition excludes decisions of a class prescribed by the regulations and decisions exempted by the Minister under new section 56O. **New section 56O – Conduct of council during election period** New section 56O regulates the conduct of a council during an election period. The section prohibits a council from making a prohibited decision during an election period unless the decision is exempted by the Minister in accordance with the section. The section enables the Minister, on application by a council or on the Minister's own initiative, to exempt a decision or class of decisions from the prohibition where the Minister is satisfied that the exemption is appropriate in the circumstances specified in the section. The section regulates the publication and distribution of electoral material by a council during an election period and restricts the use of council resources for electoral purposes. The section also provides for the consequences of a council making a prohibited decision in contravention of the section, including the circumstances in which such a decision is invalid.
Clause 13 **Section 58 amended (Tabling petition)**	This clause amends section 58 of the Principal Act by limiting the petitions that are required to be tabled by the general manager at an ordinary meeting of the council to petitions relating to the functions and powers of a council or the incorporation of a council.
Clause 14	This clause amends section 59 of the Principal Act by substituting the requirements that apply to a petition seeking a public meeting.

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Section 59 amended (Petitions seeking public meetings)	
Clause 15 **Section 60C amended (Petition requesting elector poll)**	This clause amends section 60C of the Principal Act by substituting the minimum number of electors required to sign a petition requesting an elector poll.
Clause 16 **Section 214** **A amended (Scope of review)**	This clause makes consequential amendments to section 214A of the Principal Act arising from the enactment of the *Local Government Electoral Act 2026*.
Clause 17 **Section 214E amended (Result of review)**	This clause makes consequential amendments to section 214E of the Principal Act arising from the enactment of the *Local Government Electoral Act 2026*.
Clause 18Part 15 repealed	This clause repeals Part 15 of the Principal Act consequential upon the transfer of local government electoral provisions to the *Local Government Electoral Act 2026*.
Clause 19 **Sections 335A and 335B inserted**	This clause inserts new sections 335A and 335B into the Principal Act. New section 335A provides for the approval of pre-nomination information courses for intending candidates at local government elections. New section 335B provides for a councillor contesting an election to the Parliament of Tasmania or the Parliament of the Commonwealth to be taken to be on leave of absence during the specified election period. **New section 335A – Pre-nomination information course** New section 335A enables the Director of Local Government to approve one or more pre-nomination information courses for intending candidates at local government elections.

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	The section requires the Director to consult with the Local Government Association of Tasmania before approving a pre-nomination information course. Where a pre-nomination information course has been approved, an intending candidate is required to complete an approved course before nominating as a candidate in accordance with the *Local Government Electoral Act 2026.* **New section 335B – Councillor taken to be on leave of absence during election period** New section 335B provides that a councillor who becomes a nominated candidate for election to the Parliament of Tasmania or the Parliament of the Commonwealth is taken to be on leave of absence from the office of councillor for the period specified in the section. The leave of absence commences on the issue of the writ for the parliamentary election and ends at the close of polling. The councillor continues to hold office during the period of leave.
Clause 20 **Schedule 5 amended (Office of Councillors)**	This clause amends Schedule 5 to the Principal Act by updating provisions relating to a councillor's electoral qualifications and enrolment consequential upon the enactment of the *Local Government Electoral Act 2026*. The clause provides that a councillor who ceases to be enrolled on the State Roll does not vacate office if the councillor is entitled to be enrolled on the Local Government Electoral Roll and applies for enrolment on that Roll within the period specified in Schedule 5. The clause also makes consequential amendments to references in Schedule 5 to electoral qualifications and enrolment under the new local government electoral framework.

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Clause 21 **Schedules 6, 7 and 8 repealed**	This clause repeals Schedules 6, 7 and 8 to the Principal Act consequential upon the transfer of local government electoral provisions to the *Local Government Electoral Act 2026.*
Clause 22 **Principal Regulations**	This clause provides that, in Part 2, the Local Government (General) Regulations 2025 are referred to as the Principal Regulations.
Clause 23 **Regulation 3 amended (Interpretation)**	This clause amends regulation 3 of the Principal Regulations by omitting definitions that are no longer required following the transfer of local government electoral provisions to the *Local Government Electoral Act 2026.*
Clause 24 **Part 2 repealed**	This clause repeals Part 2 of the Principal Regulations consequential upon the transfer of local government electoral provisions to the *Local Government Electoral Act 2026.*
Clause 25 **Regulation 41 amended (Prescribed information for section 338A of Act)**	This clause amends regulation 41 of the Principal Regulations by updating references to electoral information consequential upon the enactment of the *Local Government Electoral Act 2026.*
Clause 26 **Schedules 1 and 2 repealed**	This clause repeals Schedules 1 and 2 to the Principal Regulations consequential upon the transfer of local government electoral provisions to the *Local Government Electoral Act 2026.*