

DRAFT SECOND READING SPEECH

HON [NAME] MP

Local Government Amendment (Electoral Reforms) Bill 2026

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Honourable Speaker, I move that the Bill now be read a second time.

Strong democratic institutions are fundamental to effective local government. Communities rightly expect their elected representatives to be accountable and representative of their needs, interests and aspirations.

That is why, as part of the Government's *Local Government Priority Reform Program 2024–2026*, we have committed to delivering electoral reforms which enhance the integrity and transparency of Tasmania's local government electoral framework.

Tasmanians need and deserve a local government sector that is democratically robust, professional and accountable, and which retains the trust and confidence of the communities it serves.

The Local Government Amendment (Electoral Reforms) Bill 2026 delivers a number of important reforms to the *Local Government Act 1993*, while also making the amendments necessary to support the establishment of Tasmania's first standalone Local Government Electoral Act.

A central objective this Bill is to repeal the electoral provisions currently contained in Parts 4 and 15 of the *Local Government Act 1993*. This reflects the transfer of the legislative framework for the conduct and administration of local government elections into the new Local Government Electoral Act.

However, the Bill also seeks to implement a number of other important reforms in its own right. These reforms support the integrity of the electoral process and strengthen transparency and accountability within local government more broadly.

This includes modernising the framework for managing councillor interests.

The Bill provides greater clarity around existing pecuniary interest provisions by introducing clear definitions of both pecuniary and non-pecuniary interests.

A non-pecuniary interest is defined as 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.

A pecuniary interest is defined as an interest that a person has in a matter where there is a reasonable likelihood or expectation of financial gain or loss, whether direct or indirect, to that person or to a close associate.

These definitions will provide greater clarity and certainty for councillors when considering whether an interest exists in a matter before council, and the nature of that interest.

The Bill also expands the classes of persons who are considered to be a close associate of a councillor or member.

This will include a person from whom the councillor or member has received a gift or donation disclosed under the new Local Government Electoral Act or recorded in the council's gifts and donations register. It will also include a relative of the councillor or member who resides with them on a regular basis.

These changes recognise that the effective management of conflicts of interest depends upon clear obligations and an appropriate understanding of the relationships and interests that may reasonably give rise to a conflict.

The Bill also establishes Tasmania's first statutory personal interest disclosure framework for councillors. The framework has been developed to align, where appropriate, with the disclosure standards applying to Members of Parliament.

Councillors will be required to lodge an initial personal interest return with their council's general manager within 28 days after the certificate of election is issued. They will then be required to lodge an annual return on or before 31 July in each subsequent year in which they hold office.

Personal interest returns will be in a form approved by the Minister for Local Government and will disclose a range of matters specified in the Act. These disclosure obligations apply to relevant interests of both councillors and their spouses.

They include sources of income; interests in real property within their municipal area; interests or positions held in corporations; positions held in trade unions, professional associations or business associations; and certain debts.

Annual returns will also disclose specified disposals of property and certain financial or other contributions made towards travel undertaken by a councillor or their spouse.

The Bill contains appropriate exclusions from these requirements, including monetary thresholds and exclusions relating to particular property interests, debts and travel contributions.

By establishing the substantive disclosure requirements in legislation, the Bill provides councillors and councils with greater clarity and certainty about their respective obligations.

Council general managers will be responsible for receiving and retaining personal interest returns. The full returns will not be published and will not be accessible under the *Right to Information Act 2009*. This recognises that the returns may contain detailed personal and financial information which should not be made

publicly available merely because a person serves their community as an elected councillor.

Importantly, however, this protection of personal information is balanced against the community's legitimate interest in understanding the interests held by their elected representatives.

General managers will therefore be required to prepare and maintain a publicly available summary of each councillor's personal interest return and publish that summary on the council's website as soon as practicable after the return is lodged.

The published summary will exclude monetary values of income and debt and the street number and street address of real property.

A councillor will also be able to request that particular information be excluded where its publication would be reasonably likely to place a person's safety at risk or unreasonably expose or disadvantage a business, commercial or financial undertaking.

The Government will work with the sector, including through the Local Government Association of Tasmania, to support consistent implementation of these new requirements.

The Bill also establishes important safeguards around access by councillors to non-public council information.

The Bill provides that a general manager must not provide a councillor with information that is not publicly available where it is reasonably apparent, from a personal interest return or other information known to the general manager, that the councillor has a pecuniary interest in the matter.

Likewise, a councillor must not seek or obtain non-public information where the councillor has, or is likely to have, a pecuniary interest in the matter if it were to be considered by the council or a council committee.

This personal interest framework has been long-anticipated and has been developed following significant engagement with the local government sector. It responds to previous recommendations by the Integrity Commission, and represents an important step in strengthening transparency, accountability and public confidence in council decision-making.

Honourable Speaker, the Bill also establishes statutory caretaker provisions for Tasmanian local government for the first time.

These provisions build upon the voluntary caretaker policies adopted by many councils for previous local government elections, including the 2022 elections and in preparation for the upcoming 2026 elections.

The new framework will establish clear and consistent requirements for the conduct of all councils during an election period.

During that period, councils will be prohibited from making certain decisions which could unreasonably bind an incoming council, improperly influence an election, or which can reasonably be deferred until after the election.

Prohibited decisions will include decisions relating to the appointment, reappointment, remuneration or termination of a general manager, other than matters relating to an acting general manager.

They will also include decisions to enter into contracts, arrangements or agreements with a total value exceeding the greater of \$100,000 or one per cent of the council's revenue from general and service rating and fees and charges in the preceding financial year.

Councils will also be prohibited from making decisions which would enable council resources to be used in a way intended, or likely, to influence voting at an election, and from making non-routine or non-operational decisions which could reasonably be deferred until the election period has ended.

These restrictions will not apply to decisions that a council is required or authorised by law to make within a prescribed statutory timeframe.

The Bill also recognises that exceptional circumstances may arise in which a prohibited decision cannot reasonably wait until the election has concluded.

Where a council is satisfied that making a prohibited decision during the election period is necessary and in the public interest, it may apply to the Minister for an exemption. The Minister may grant that exemption where satisfied that extraordinary circumstances exist, and may impose appropriate conditions or limitations.

The Bill also establishes clear restrictions on the use of council resources and council publications during an election period.

Councils must not use council resources for the advantage of a particular candidate or group of candidates, publish material promoting candidates, or make resources available to one candidate where those resources are not equally available to all candidates.

These provisions will establish a consistent statewide standard and help ensure that councils continue to operate appropriately during an election without providing an improper advantage to incumbent councillors or other candidates.

The Bill also introduces a pre-nomination information requirement for intending candidates.

Where the Director of Local Government has approved a pre-nomination information course, a person who does not currently hold office as a councillor will be required to complete that course before nominating.

The course will provide information about the roles and responsibilities of councillors and may only be approved following consultation with the Local Government Association of Tasmania.

This reform is intended to ensure that people seeking election to local government have a basic understanding of the responsibilities they are seeking to assume before putting themselves forward as candidates.

Finally, the Bill responds to a motion of the Local Government Association of Tasmania concerning councillors who contest State or Commonwealth Parliamentary elections.

Under the new provisions, a councillor who becomes a nominated candidate for election to the Parliament of Tasmania or the Parliament of the Commonwealth will be taken to be on leave of absence from the office of councillor for so long as they remain a nominated candidate during the period commencing with the issue of the writ and ending at the close of poll.

The provision does not affect the councillor's term of office.

This reform provides a clear and consistent statewide position and appropriately separates a councillor's local government responsibilities from their candidacy for another level of government during the formal parliamentary election period.

Honourable Speaker, as with the Local Government Electoral Bill 2026, I want to make clear that this Bill will have no effect on the conduct of the 2026 ordinary local government elections.

The Act will commence alongside the new Local Government Electoral Act 2026, allowing the two pieces of legislation to operate together as an integrated framework.

These reforms will strengthen the integrity and transparency of Tasmania's local government system, provide clearer standards for councillors and councils, and support public confidence in local democratic institutions.

Together with the Local Government Electoral Bill 2026, this Bill provides an important foundation for a modern, transparent and accountable local government electoral framework for Tasmania.

Honourable Speaker, I commend the Bill to the House.