

CLAUSE NOTES

Glenorchy City Council (Dismissal of Councillors) Bill 2017

Clause 1: Short Title

Clause 1 specifies the short title of this Act.

Clause 2: Commencement

Clause 2 provides that this Act will commence on the day it receives Royal Assent.

Clause 3: Interpretation

Clause 3 sets out the definitions for “Board of Inquiry”, “commencement day”, and “councillor”.

Clause 4: Councillors of Glenorchy City Council dismissed

Clause 4 provides that, despite any provision of the *Local Government Act 1993*, councillors of the Glenorchy City Council are taken to be dismissed on the day this Act commences.

Clause 5: Elections to be held on dismissal of councillors

Subclause 5(a) establishes 16 January 2018 as the closing day for the election that is required to be held following the dismissal of councillors under Clause 4.

Subclause 5(b) clarifies that Division 9 of Part 15 of the *Local Government Act 1993* – which relates to the filling of casual vacancies in the office of a councillor – does not apply in relation to the election that is required to be held following the dismissal of councillors under Clause 4.

Clause 6: Dismissal and appointment of commissioners

Subclause 6(1) provides that on the commencement day, the appointment of any person as the commissioner of the Glenorchy City Council pursuant to section 230 (following suspension of councillors) of the *Local Government Act 1993* is terminated.

Subclause 6(2) clarifies that this Act in no way prevents the Governor from exercising his or her powers under the *Local Government Act 1993* in relation to the Glenorchy City Council, a councillor of the Glenorchy City Council, or a commissioner of the Glenorchy City Council. This provision provides for the

appointment of a new Commissioner following dismissal, among other things.

Clause 7: Effect of dismissal on inquiry into Glenorchy City Council

Subclause 7(1) provides that, where a report by a Board of Inquiry on the Glenorchy City Council is – either prior to or after the day this Act commences – submitted to the Minister, then the Minister:

- is not required to consult with any person or body (including council or individual councillors) on the Board's findings and recommendations;
- may issue directions to a person or body (including a council or individual councillors) without having considered submissions. This would be the case where the directions were given to a newly-elected council after 16 January 2018; and
- may consult with, and issue directions to, a commissioner appointed to perform the functions of council. This would be the case where the directions were issued before a newly-elected council was in place.

Subclause 7(2) provides that a commissioner must comply with any direction given by the Minister under subclause 7(1)(b).

Clause 8: Operation of this Act

Subclause (8)(1) clarifies that, if a provision of the *Local Government Act 1993* is inconsistent with a provision of this Act, the provision of this Act has effect to the extent of the inconsistency.

Subclause (8)(2) provides that nothing in this Act is to be taken to prevent or affect any of the following in relation to the Glenorchy City Council:

- the conduct of an inquiry by a Board of Inquiry;
- the making of recommendations by a Board of Inquiry; or
- the submission of a Board of Inquiry report to the Minister.

Clause 9: Application of certain laws

Subclause (9)(1) provides that the rules of natural justice do not apply in relation to the taking of any action under this Act or the

taking of any action, in accordance with this Act, under the *Local Government Act 1993*.

Subclause (9)(2) provides that the Minister is not required to provide his or her reasons for making a decision, or taking any action, under or for the purposes of this Act despite any other Act or law.

Subclause (9)(3) provides that the *Judicial Review Act 2000* does not apply in relation to a decision made by the Minister under this Act.

Clause 10: Administration of Act

Clause 10 provides that, until provision is made under the *Administrative Arrangements Act 1990*, the administration of this Act is assigned to the Minister for Planning and Local Government and that the Department of Premier and Cabinet is the department responsible to the Minister.

Clause 11: Expiry of Act

Clause 11 provides that this Act will expire on 1 December 2018.