

TASMANIA

LOCAL GOVERNMENT (MISCELLANEOUS AMENDMENTS) BILL 2023

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**LOCAL GOVERNMENT (MISCELLANEOUS
AMENDMENTS) BILL 2023**

*(Brought in by the Minister for Local Government, the
Honourable Nicholas Adam Street)*

A BILL FOR

**An Act to amend the *Local Government Act 1993* and to
repeal the *Ockerby Gardens Helipad Act 1999***

Be it enacted by Her Excellency the Governor of Tasmania, by
and with the advice and consent of the Legislative Council and
House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Local Government
(Miscellaneous Amendments) Act 2023*.

2. Commencement

This Act commences on the day on which this
Act receives the Royal Assent.

3. Principal Act

In this Act, the *Local Government Act 1993** is
referred to as the Principal Act.

*No. 95 of 1993

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4. Section 60G inserted

Before section 61 of the Principal Act, the following section is inserted in Division 1:

60G. Interpretation

In this Division –

merit assessment, in relation to the appointment of a person, is a written assessment of the knowledge, skills, qualifications and experience of the person that are relevant to the required duties of the appointment, taking into consideration –

- (a) the relative suitability of candidates for the required duties of the appointment; and
- (b) the relationship between candidates' work-related qualities and the work-related qualities generally required for the duties of the appointment; and
- (c) the relative capacity of candidates to achieve outcomes related to the duties of the appointment.

5. Section 61 amended (Appointment of general manager)

Section 61 of the Principal Act is amended as follows:

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(a) by omitting subsection (1A) and substituting the following subsection:

(1A) A decision to appoint a person as general manager of the council under subsection (1) must be made –

(a) in accordance with any relevant order made under section 61A; and

(b) on the basis that a merit assessment of the person is the primary consideration in making the decision.

(b) by omitting subsection (3) and substituting the following subsection:

(3) Subject to subsection (4A), if a vacancy occurs in the position of general manager, the council is to invite applications for the vacancy by placing, in a daily newspaper circulating in the municipal area, a public notice inviting such applications.

(c) by omitting from subsection (4) “seeking applications for the position” and substituting “inviting applications for the position in accordance with subsection (3)”;

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(d) by inserting the following subsection after subsection (4):

(4A) Subsection (3) does not apply if a council resolves to appoint as general manager of the council a person who is, and will continue to be, appointed as the general manager of another council in another municipal area.

6. Section 63 amended (Employees)

Section 63 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:

(2) The council is to adopt human resource policies and the general manager is to adopt human resource practices and procedures, in accordance with the policies adopted by the council, to ensure that –

(a) the council promotes fairness and equity in employment, including the provision of reasonable opportunities for members of the community to apply to be an employee of the council; and

(b) the appointment and promotion of a person as an employee of the council is based on a merit assessment of the person having been undertaken; and

- (c) all employees of the council receive fair and equitable treatment without discrimination.

7. Sections 339G and 339H inserted

After section 339F of the Principal Act, the following sections are inserted in Division 3:

339G. Electronic collection or inspection of information, records or documents in an emergency

- (1) Subject to subsection (2) and despite any other provision of this Act, if the general manager of a council is satisfied that an emergency exists that makes the collection, or inspection, of any information, record or document in person at a public office impracticable, the general manager may authorise, in writing, for any information, record or document –
 - (a) that is required under a provision of this Act to be collected in person at a public office, to be made available for collection, free of charge, by electronic means; or
 - (b) that is required under a provision of this Act to be inspected in person at a public office, to be made available for inspection –

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(i) free of charge by electronic means; and

(ii) on request, by sending a paper copy to a person by post, free of charge.

(2) Subsection (1)(b) does not apply to an inspection under section 259(1) or section 261A.

339H. Attestation and imprint of common seal electronically

Despite any other provision of this Act, any action that is required, under a provision of this Act, to be taken by means of a physical action such as –

(a) the attestation of the execution of a document; or

(b) the imprint of a common seal on a document –

may be taken by electronic means.

8. Legislation repealed

The legislation specified in Schedule 1 is repealed.

9. Repeal of Act

This Act is repealed on the first anniversary of the day on which it commenced.

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SCHEDULE 1 – LEGISLATION REPEALED

Section 8

Ockerby Gardens Helipad Act 1999 (No. 69 of 1999)