

## FACT SHEET

### *Local Government (Miscellaneous Amendments) Bill 2023*

The Local Government (Miscellaneous Amendments) Bill 2023 contains four matters:

- Reintroducing a merit principle in respect of the appointment and promotion of council employees to the *Local Government Act 1993*;
- Requiring that a council invite applications for a vacancy in the role of general manager by—at a minimum—placing public notice in a daily newspaper, and requiring that a general manager is appointed according to merit;
- Enabling public consultation processes and similar to continue in the event of emergency disruptions to in-person business transactions, and for councils to undertake processes requiring the attestation of the execution of documents or the imprint of their common seal by electronic means; and
- Repealing the *Ockerby Gardens Helipad Act 1999*.

The elements of the merit principle introduced into the Local Government Act are derived from section 7 of the *State Service Act 2000*.

A council is required to adopt human resource policies, and the general manager is required to adopt human resources practices and procedures in accordance with those policies, that provide that the appointment and promotion of a person as an employee of the council is based upon a merit assessment of the person having been undertaken.

The policies, practices, and procedures are required to provide for fairness and equity in employment, including provision of reasonable opportunities for members of the community to apply for employment with the council; and that employees of the council receive fair and equitable treatment without discrimination.

The section retains separation between the policy-setting role of the council and operational role of the general manager in respect of employees.

Councils are now to be required to invite applications for vacancies in the role of general manager by, at a minimum, placing a public notice in a daily newspaper circulating in the municipal area, alongside any requirements made in a section 61A ministerial order. A council's appointment of a general manager must be based on the undertaking of a merit assessment as its primary consideration.

A limited exemption from inviting applications by public notice is made for circumstances where a council is to appoint an existing *and continuing* general manager of another Tasmanian council as its general manager. This is to ensure that the requirement to invite applications for a vacancy does not hinder future or continuing resource sharing and shared services arrangements pursued by councils, which include the appointment of a common general manager.

Councils will continue to be enabled to reappoint general managers within six months of the expiry of their appointment without inviting applications.

Provision is made such that, where the Act requires that documents, records or information be made available for collection or inspection by the public, the general manager can instead authorise, in writing, if satisfied that an emergency exists making such collection or inspection impracticable, that the documents be:

- Collected free of charge electronically;
- Made available for inspection free of charge electronically; and
- Upon request, provided in paper copy by post to a person free of charge.

This provision is to ensure business continuity—including continuation of statutory public consultation processes—in the event of future disruptions to in-person business activity, while ensuring persons who may not be able or willing to access documents electronically have equitable access to information.

This provision does not apply to the electoral roll and list of electors.

This provision succeeds in part accommodations which were contained in notices made under the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*, the operation of which has ceased.

Provision is made generally for councils to undertake processes requiring the attestation of the execution of documents or the imprint of their common seal by electronic means.

The *Ockerby Gardens Helipad Act 1999* is repealed due to the operational circumstances necessitating that Act having ceased.