

TASMANIA

**LOCAL GOVERNMENT (GENERAL)
AMENDMENT REGULATIONS 2024**

STATUTORY RULES 2024, No.

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Consultation Draft

**LOCAL GOVERNMENT (GENERAL)
AMENDMENT REGULATIONS 2024**

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Local Government Act 1993*.

Dated 20 .

Governor

By Her Excellency's Command,

Minister for Local Government

1. Short title

These regulations may be cited as the *Local Government (General) Amendment Regulations 2024*.

2. Commencement

These regulations take effect on the day on which their making is notified in the *Gazette*.

3. Principal Regulations

In these regulations, the *Local Government (General) Regulations 2015** are referred to as the Principal Regulations.

4. Regulations 30A and 30B inserted

After regulation 30 of the Principal Regulations, the following regulations are inserted in Part 4:

30A. Prescribed information, &c., for dispute resolution policies

- (1) For the purposes of section 28JA(3)(a) of the Act, the following information is prescribed as the information that is to be contained in a dispute resolution policy:
 - (a) details of how the policy is to be used to resolve disputes, including –
 - (i) the matters covered by the policy; and
 - (ii) the methods of dispute resolution available under the policy; and
 - (iii) the circumstances in which the available methods of dispute resolution may be used; and

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- (iv) the circumstances in which the council may engage external parties to assist or participate in the dispute resolution; and
 - (v) when mediation may be considered suitable for resolving a dispute; and
 - (vi) the circumstances in which the dispute resolution process may not be appropriate;
- (b) details of how the policy is accessible to complainants, including –
- (i) the form and manner in which a complaint must be lodged; and
 - (ii) the costs associated with lodging a complaint;
- (c) details of how the policy is equitable for both complainants and respondents, including –
- (i) the process that is to be followed when resolving, or attempting to resolve, a dispute under the policy; and

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- (ii) the anticipated timeframe for a dispute resolution process; and
 - (iii) the confidentiality requirements that are applicable to a dispute resolution process; and
 - (iv) the process for dealing with conflicts of interest relevant to a dispute resolution process; and
 - (v) the roles and responsibilities of the parties to a dispute; and
 - (vi) how the policy is informed by, and supports, gender-responsive practices and principles; and
 - (vii) the processes and procedures in relation to the use of advocates and support people for a party to a dispute;
- (d) details of how the processes of, and decision-making under, the policy are transparent, including the procedure for documenting the outcome of the dispute resolution process.

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- (2) Nothing in this regulation prevents a council from including information in the dispute resolution policy, other than the prescribed information, that the council considers relevant to the policy.
 - (3) A party to a dispute to which a dispute resolution policy applies must not be represented in the dispute resolution process for that dispute by an advocate, or support person, who is an Australian lawyer.

30B. Prescribed matters for annual reports

For the purposes of section 72(1)(e) of the Act, the following matters are prescribed as matters that must be contained in an annual report prepared by a council:

- (a) a statement of the number of disputes in respect of the council, subject to a dispute resolution process, that –
 - (i) were received in the financial year to which the report relates; and
 - (ii) were determined or withdrawn in the financial year to which the report relates;
- (b) a statement of the number of disputes in respect of the council

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that are on foot but not yet determined or withdrawn in the financial year to which the report relates;

- (c) a statement of the total costs to the council in relation to all disputes in respect of that council, dealt with by a dispute resolution process, in the financial year to which the report relates.

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 20 .

These regulations are administered in the Department of Premier and Cabinet.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations amend the *Local Government (General) Regulations 2015* by –

- (a) prescribing information that is to be contained in a council's dispute resolution policy; and
- (b) providing that a council's annual report must contain specified matters in relation to the council's dispute resolution policy.