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Local Government (General) Regulations 2015

Version current from 7 August 2018 to date (accessed 18 October 2018 at 12:34)



Local Government (General) Regulations 2015

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 section 349 of the Local Government Act 1993 .

22 June 2015

C. WARNER

Governor

By His Excellency's Command,

PETER GUTWEIN

Minister for Planning and Local Government

PART 1 - Preliminary

1. Short title

These regulations may be cited as the Local Government (General) Regulations 2015 .

2. Commencement

These regulations take effect on 29 June 2015.

3. Interpretation

In these regulations –

Act means the Local Government Act 1993 ;

[Regulation 3 Amended by S.R. 2016, No. 24, Applied:13 Apr 2016]

connection point has the same meaning as in the Urban Drainage Act 2013 ;

election dispute means a dispute in relation to the result of an election held under the Act;

election dispute proceedings means proceedings relating to an election dispute;

first meeting means a council meeting at which an election is to be held under section 43A or 44 of the Act;

multiple-stage tender means a tender referred to in regulation 26 ;

multiple-use register means a register referred to in regulation 25 ;

nominating period means the period –

(a) beginning at 9 a.m. on the fourth business day before the meeting of the council at which the elections under section 43A or 44 of the Act of a mayor or deputy mayor are to be held; and

(b) ending at noon on the last business day before that meeting;

notify means give notice in writing;

open tender means a tender referred to in regulation 24 ;

private stormwater system has the same meaning as in the Urban Drainage Act 2013 ;

public stormwater system has the same meaning as in the Urban Drainage Act 2013 ;

public tender means a tender referred to in regulation 23 ;

Rules of Court means Rules of Court referred to in regulation 17 ;

scrutineer means a person appointed as scrutineer under regulation 5(2) ;

spouse, in relation to a person, includes a person who is in a significant relationship, within the meaning of the Relationships Act 2003 , with the person;

table means to present for information only;

Wage Price Index Figure means the Labour Price Index, Australia: WPI All Groups Tasmania published by the Australian Statistician under the authority of the *Census and Statistics Act 1905* of the Commonwealth.

PART 2 - Elections

Division 1 - Elections of mayor and deputy mayor by councillors

4. Nominations for mayor and deputy mayor

- (1) Before the nominating period, the general manager is to issue to all councillors –
 - (a) a notice of an election for the office of mayor, or deputy mayor, or both; and
 - (b) a nomination form for that election.
- (2) The general manager is not to release, until the end of the nominating period, the names or details of any councillor who has nominated.
- (3) At the end of the nominating period, the general manager is to inform each councillor –
 - (a) of the nominations received; and
 - (b) whether a ballot is required.
- (4) A ballot is required if there is more than one nomination for an office.
- (5) If a ballot is not required, the general manager is to declare the nominee elected to the office of mayor or deputy mayor, as applicable, at the beginning of the first meeting.
- (6) If a nomination is not received for the office of mayor or deputy mayor, the general manager is to invite nominations for the office at the first meeting.
- (7) If a nomination is not received after the invitation –
 - (a) the council is to appoint a councillor to act in the vacant office; and
 - (b) the general manager is to advise the Director accordingly.

5. Ballots

- (1) If there are 2 or more nominations for the office of mayor or deputy mayor, a ballot is to be conducted by the general manager in accordance with this Division.
- (2) A candidate may appoint as a scrutineer a person, who is not a councillor, by written notification to the general manager of that appointment before the ballot commences.
- (3) The councillors present at the meeting at which the ballot is to be conducted are to appoint a councillor, who is not a candidate, to preside at the meeting for the period of the ballot.
- (4) Each councillor present at the meeting, whether a candidate or not, is to be given a ballot paper on which are printed in alphabetical order the names of all the candidates.

6. Voting

- (1) Voting is to be carried out by secret ballot at a meeting of the council.
- (2) Each councillor is to vote for one candidate by striking through the names of the other candidates for whom the councillor does not intend to vote.
- (3) The councillor appointed to preside at the ballot may vote as a councillor.
- (4) If the names of more than 2 candidates appear on the ballot paper and no candidate receives a simple majority, the following procedure applies:
 - (a) the candidate who received the smallest number of votes is to be excluded as a candidate;
 - (b) new ballot papers, which have the names of the continuing candidates printed on them in alphabetical order, are to be prepared;

(c) one of those new ballot papers is to be given to each councillor present at the meeting, whether a candidate or not;

(d) voting is to take place in accordance with subregulation (2) .

(5) The procedure specified in subregulation (4) is to be repeated until one candidate receives a simple majority.

7. Counting of votes

(1) The counting of votes may be conducted in a room other than the council meeting room.

(2) A scrutineer is entitled to be present at the count.

(3) On any count with more than 2 continuing candidates, if 2 or more candidates receive an equal number of votes and that number is the smallest number for the purpose of regulation 6(4) , the candidate to be excluded is the candidate whose name is first drawn on a drawing or casting of lots under regulation 20 .

(4) If there are only 2 continuing candidates in a count and each receives an equal number of votes, a new ballot is to be conducted.

(5) If a ballot conducted under subregulation (4) results in an equal number of votes for each continuing candidate, the successful candidate is the candidate whose name is first drawn on a drawing or casting of lots under regulation 20 .

(6) Except as provided in subregulation (5) , the successful candidate is the candidate with a simple majority.

8. Declaration of result of ballot

(1) The general manager is to declare the successful candidate elected to the office of mayor or deputy mayor, as appropriate.

(2) The general manager is to ensure that the result of the ballot for each office is recorded in the minutes of the meeting.

Division 2 - Hearing and determination of election disputes

9. Parties to election dispute

(1) The Supreme Court may allow a person to appear and be heard, or to be represented, in election dispute proceedings under this Division.

(2) A party may only be represented by one person.

(3) The Electoral Commissioner is entitled to appear and be heard in any election dispute proceedings.

(4) The Electoral Commissioner is a party in the proceedings if –

(a) the Electoral Commissioner appears under subregulation (3) ; or

(b) the dispute involves the conduct of an electoral officer.

10. Hearings

(1) Election dispute proceedings in respect of the same election are to be heard in the same hearing.

(2) Subject to subregulation (1) , applications are to be heard in the order in which they appear in the list.

(3) Notice of the time and place for the hearing of an election dispute is to be given, at least 7 days before the day of the hearing, in the manner prescribed by the Rules of Court.

(4) A hearing is to be in open court without a jury.

(5) The Supreme Court may adjourn the hearing from time to time but the hearing, so far as is reasonably practicable, is to be continued from day to day until its conclusion.

(6) A hearing in relation to the election of a councillor is to proceed despite a subsequent resignation of the councillor.

- (7) The Supreme Court may inquire –
 - (a) into the identity of electors; and
 - (b) whether or not their votes were properly admitted or rejected for the purpose of an election.
- (8) The Supreme Court may not inquire into the correctness of the electoral roll.
- (9) The Supreme Court is to be guided by the substantial merits and good conscience of the case without regard to –
 - (a) any legal forms or technicalities; or
 - (b) whether the evidence before the Court is in accordance with the law of evidence or not.

11. Evidence

- (1) A party in any election dispute proceedings may give evidence to prove that a person was not duly elected.
- (2) If it appears that there is an equality of votes between any candidates at an election and that the addition of a vote would entitle any of those candidates to be elected, the Supreme Court is to refer the matter to the Electoral Commissioner.
- (3) On receipt of a matter referred by the Supreme Court, the Electoral Commissioner is to –
 - (a) decide between the candidates by lots; and
 - (b) proceed as if the candidate who was decided by lot had received an additional vote.
- (4) The Supreme Court may not receive evidence to the effect that a witness was not permitted to vote at the election concerned unless the witness satisfies the Court that –
 - (a) he or she was entitled to vote under the Act; and
 - (b) in so far as the witness was permitted to do so, he or she complied with the requirements of the Act relating to voting by electors.

12. Witnesses

- (1) A person summoned as a witness at any election dispute proceedings is not excused from answering a question relating to an offence alleged to have been committed at, or in connection with, an election –
 - (a) on the grounds that the answer to the question may incriminate, or tend to incriminate, that person or the spouse of that person; or
 - (b) on grounds of privilege.
- (2) An answer by a witness to a question put by or before the Supreme Court in any election dispute proceedings is not admissible in evidence in any other legal proceedings, except in the case of a criminal proceeding for perjury.

13. Expenses

A person attending the Supreme Court to give evidence in any election dispute proceedings is entitled to expenses according to the scale applicable in respect of witnesses attending the trial of an action before the Supreme Court.

14. Orders of Court

- (1) At the conclusion of the hearing of an application in respect of an election dispute, the Supreme Court may make any one or more of the following orders:
 - (a) an order dismissing the application, in whole or in part;
 - (b) an order declaring that a person who was declared elected at the election was not duly elected;
 - (c) an order declaring that a person who was not declared elected at the election is duly elected;

(d) subject to regulation 15(1) , an order declaring that an election in respect of a municipal area or electoral district is void on the closing day fixed or determined under section 268A of the Act.

(2) If the Supreme Court makes an order under subregulation (1)(b) that a person was not duly elected, it is to declare, in the same order, that the office of councillor for which the person was not so elected is vacant.

(3) If the Supreme Court makes an order under subregulation (1)(d) declaring that an election in respect of any municipal area or electoral district is void, that election is taken to have wholly failed.

(4) A certified copy of the order referred to in subregulation (3) is to be given to the Electoral Commissioner.

(5) The Electoral Commissioner is to advise the Minister and the relevant council of the order referred to in subregulation (3) .

15. Immaterial errors

(1) The Supreme Court is not to make an order under regulation 14(1)(d) declaring that an election is void because of –

(a) a delay in the taking of the votes of electors, or in the forwarding of a certificate of election under section 304 of the Act, if the delay did not affect the result of the election; or

(b) the absence of, or an error or omission by, an electoral officer which did not affect the result of the election.

(2) If an elector was prevented from voting at an election because of the absence of, or an error or omission by, an electoral officer, the Supreme Court may not admit evidence of the way in which the elector intended to vote in order to determine whether or not the absence of, or error or omission by, the electoral officer affected the result of the election.

16. Costs

The Supreme Court may –

(a) award costs against an unsuccessful party to any election dispute proceedings; and

(b) recommend that costs, or a specified part of them, be paid by the council.

17. Rules of Court

(1) Rules of Court may be made under the Supreme Court Civil Procedure Act 1932 for the purpose of this Division.

(2) If no Rules of Court are made under subregulation (1) , the practice and procedure with respect to any election dispute proceedings are to be directed by the Supreme Court.

Division 3 - Drawing or casting of lots

18. Order of names on batch of ballot papers

For the purposes of section 288(2) of the Act, the order in which the names of the candidates are to be printed on each batch of ballot papers is to be determined in accordance with Schedule 1 .

19. Exclusion and election of candidates

(1) For the purposes of clause 5(1) of Part 2 of Schedule 7 to the Act and clause 15(2) of Part 3 of Schedule 7 to the Act –

(a) the returning officer is to conduct a draw in accordance with regulation 20 ; and

(b) the candidate to be excluded is the candidate whose name is first recorded.

(2) For the purpose of clause 5(2) of Part 2 of Schedule 7 to the Act –

(a) the returning officer is to conduct a draw in accordance with regulation 20 ; and

(b) the candidate elected is the candidate whose name is first recorded.

20. Procedure for drawing or casting lots

- (1) To draw or cast lots, a returning officer is to –
 - (a) make out, in respect of each candidate to be included in the draw, a slip bearing that candidate's name; and
 - (b) place each of the slips in a separate identical hollow opaque sphere; and
 - (c) place the spheres in a container sufficiently large to allow those spheres to move about freely when shaken or rotated; and
 - (d) shake or rotate the container and permit any other person present who wishes to do so to shake or rotate the container; and
 - (e) take out of the container and open one of the spheres to obtain the enclosed slip; and
 - (f) record the name of the candidate which appears on that slip; and
 - (g) repeat the process specified in paragraphs (d) , (e) and (f) until all spheres have been removed from the container.
- (2) For the purposes of subregulation (1)(f) and (g) , the names of the candidates are to be recorded in the order in which the spheres were taken out of the container.

Division 4 - Electoral advertising

21. Posters and signs

- (1) *[Regulation 21 Subregulation (1) omitted by S.R. 2018, No. 34, Applied:01 Aug 2018]*
- (2) *[Regulation 21 Subregulation (2) omitted by S.R. 2018, No. 34, Applied:01 Aug 2018]*
- (3) *[Regulation 21 Subregulation (3) omitted by S.R. 2018, No. 34, Applied:01 Aug 2018]*
- (4) A person must not publicly display a poster, or sign, relating to the election of a candidate without the written authority of that candidate.

22. Advertising

- (1) *[Regulation 22 Subregulation (1) amended by S.R. 2018, No. 34, Applied:01 Aug 2018]* A person must not purchase electoral advertising time or space in relation to the election of a candidate without the written authority of that candidate.
- (2) *[Regulation 22 Subregulation (2) omitted by S.R. 2018, No. 34, Applied:01 Aug 2018]*
- (3) *[Regulation 22 Subregulation (3) omitted by S.R. 2018, No. 34, Applied:01 Aug 2018]*
- (4) *[Regulation 22 Subregulation (4) omitted by S.R. 2018, No. 34, Applied:01 Aug 2018]*
- (5) *[Regulation 22 Subregulation (5) omitted by S.R. 2018, No. 34, Applied:01 Aug 2018]*
- (6) *[Regulation 22 Subregulation (6) amended by S.R. 2018, No. 34, Applied:01 Aug 2018]* A candidate is taken to have incurred the total time and space of, and expenditure involved in, electoral advertising which promotes that candidate in respect of an election irrespective of whether or not that advertising also promotes another candidate.
- (7) A candidate who authorises a person to conduct electoral advertising on his or her behalf relating to an election is taken to have personally undertaken that advertising.

22A. Total expenditure for advertising

[Regulation 22A Inserted by S.R. 2018, No. 34, Applied:01 Aug 2018]

- (1) For the purposes of section 278 of the Act, the total expenditure on electoral advertising by, or on behalf of, a candidate during the relevant period must not exceed the sum of –

(a) [Regulation 22A Subregulation (1) amended by S.R. 2018, No. 50, Applied:07 Aug 2018] if the relevant period commences during the financial year commencing on 1 July 2018, the relevant amount for the candidate; or

(b) [Regulation 22A Subregulation (1) amended by S.R. 2018, No. 50, Applied:07 Aug 2018] if the relevant period commences during a subsequent financial year, the amount calculated for that candidate in that financial year under subregulation (2).

(2) For the purposes of subregulation (1)(b), the total expenditure for a subsequent financial year is calculated in accordance with the following formula and rounded off in accordance with subregulation (3):

$$A = B \times \frac{C}{D}$$

Where –

A is the total expenditure for the relevant financial year being calculated;

[Regulation 22A Subregulation (2) amended by S.R. 2018, No. 50, Applied:07 Aug 2018]

[Regulation 22A Subregulation (2) amended by S.R. 2018, No. 50, Applied:07 Aug 2018] **B** is the relevant amount for the candidate in respect of whom the total expenditure is being calculated;

C is the CPI figure for Hobart for the March quarter immediately preceding the relevant financial year in which the total expenditure is to apply;

D is the CPI figure for Hobart for the March quarter 2018.

(3) If the value of the total expenditure calculated in accordance with subregulation (2) is not a multiple of \$500, the amount is to be rounded off to the nearest multiple of \$500.

(4) In this regulation –

[Regulation 22A Subregulation (4) amended by S.R. 2018, No. 50, Applied:07 Aug 2018] **CPI figure for Hobart** means the Consumer Price Index: All Groups Index Number for Hobart published by the Australian Statistician under the authority of the *Census and Statistics Act 1905* of the Commonwealth;

[Regulation 22A Subregulation (4) amended by S.R. 2018, No. 50, Applied:07 Aug 2018] **relevant amount**, for a candidate, means –

(a) if the nomination of the candidate relates to an election in the municipal area of Clarence, Glenorchy, Hobart, Kingborough or Launceston, \$16 000; or

(b) if the nomination of the candidate relates to an election in any other municipal area, \$10 000.

PART 3 - Tendering and Contracting

Division 1 - Tenders for goods and services

23. Public tenders

- (1) For the purpose of section 333A(1) of the Act, the prescribed amount is \$250 000 (excluding GST).
- (2) A tender is to be publicly invited by one of the following:
 - (a) an open tender under regulation 24 ;
 - (b) a multiple-use register under regulation 25 ;
 - (c) a multiple-stage tender under regulation 26 .
- (3) A council, through a public tender process, may establish a standing contract in which a single tenderer or multiple tenderers may be contracted for a specified period to provide specified goods or services during that period without the need for a further tender process.
- (4) A council must not split a contract into 2 or more contracts for the primary purpose of avoiding compliance with the requirement to publicly invite tenders.
- (5) A council may extend a contract entered into by tender –
 - (a) as specified in the contract; or
 - (b) if the contract does not specify extensions, by an absolute majority.

24. Open tenders

- (1) The general manager is to invite tenders by publishing at least once a notice, in a daily newspaper circulating in the municipal area, specifying –
 - (a) the nature of the goods or services the council requires; and
 - (b) any identification details allocated to the contract; and
 - (c) where the tender is to be lodged; and
 - (d) particulars identifying a person from whom more detailed information relating to the tender may be obtained; and
 - (e) the period within which the tender is to be lodged.
- (2) The period within which a tender is to be lodged must be a period ending at least 14 days after the date on which the notice is published.
- (3) The general manager is to ensure that prospective tenderers are provided with the following in order to make a tender:
 - (a) details of the goods or services required;
 - (b) details of the duration of the contract, including any extensions that are specified in the contract;
 - (c) the criteria for evaluating tenders;
 - (d) the method of evaluating tenders against the evaluation criteria;
 - (e) any mandatory tender specifications and contract conditions;
 - (f) a reference to the council's code relating to tenders and contracts.
- (4) A person making a tender must –
 - (a) do so in writing; and
 - (b) specify the goods or services tendered for; and

(c) lodge the tender within the period specified in the notice.

25. Multiple-use register

- (1) A council may establish a multiple-use register of suppliers who meet criteria established by the council in respect of the supply of particular categories of goods or services.
- (2) A council is to invite applications from suppliers for inclusion on a multiple-use register by causing to be published at least once in a daily newspaper circulating in the municipal area a notice specifying –
 - (a) the nature of the goods or services the council requires; and
 - (b) any identification details allocated to the register; and
 - (c) where the application is to be lodged; and
 - (d) the person from whom more detailed information may be obtained; and
 - (e) the period within which the application is to be lodged.
- (3) The general manager is to ensure that applicants are provided with the following in order to enable them to make an application:
 - (a) details of the categories of goods or services required;
 - (b) the criteria for evaluating applications;
 - (c) the method of evaluating applications against the criteria;
 - (d) a reference to the council's code for tenders and contracts.
- (4) A council may –
 - (a) accept an application for inclusion on a multiple-use register; or
 - (b) reject the application.
- (5) If a council rejects an application, the general manager is to advise the applicant of the reasons for that rejection.
- (6) If a council accepts an application, the general manager is to advise the applicant of the category for which the applicant is to be included on the multiple-use register.
- (7) A council is to invite tenders for a contract for the supply of goods or services from all suppliers included on a multiple-use register for a particular category of goods or services.
- (8) A multiple-use register is to be reviewed at least once every 2 years.
- (9) A council must allow a supplier to apply for inclusion on a multiple-use register at any time, unless the supplier –
 - (a) has made an application within the previous 12 months; and
 - (b) the application has not been accepted.

26. Multiple-stage tender

- (1) A council may invite tenders for a contract for the supply of goods or services using a multiple-stage tender process.
- (2) A multiple-stage tender process is a process by which suppliers are evaluated through stages against criteria determined by the council.
- (3) At the first stage of a multiple-stage tender process, the general manager is to invite expressions of interest from prospective tenderers by causing to be published at least once in a daily newspaper circulating in the municipal area a notice specifying –
 - (a) the nature of the goods or services the council requires; and
 - (b) any identification details allocated to the contract; and

- (c) where the expression of interest is to be lodged; and
 - (d) the person from whom more detailed information may be obtained; and
 - (e) the period within which the expression of interest is to be lodged.
- (4) The general manager is to ensure that prospective tenderers are provided with the following in order to lodge an expression of interest:
- (a) details of the goods or services required;
 - (b) the criteria for evaluating expressions of interest;
 - (c) the method of evaluating expressions of interest against the criteria;
 - (d) details of any further stages in the tender process;
 - (e) a reference to the council's code for tenders and contracts.
- (5) At the final stage of a multiple-stage tender process, the general manager is to invite all suppliers who have met the criteria determined by the council to tender for the supply of goods or services.
- (6) If only one supplier meets the criteria determined by the council at the first stage as specified in subregulation (3), the council may contract with that supplier after –
- (a) a tender by that supplier; or
 - (b) a decision by absolute majority of the council to do so.
- (7) The general manager is to ensure the consistency of the criteria used at each stage of a multiple-stage tender process.

27. Non-application of public tender process

The following situations and contracts are prescribed for the purposes of section 333A(3) of the Act:

- (a) an emergency, if, in the opinion of the general manager, there is insufficient time to invite tenders for the goods or services required in that emergency;
- (b) a contract for goods or services supplied or provided by, or obtained through, an agency of a State or of the Commonwealth;
- (c) a contract for goods or services supplied or provided by another council, a single authority, a joint authority or the Local Government Association of Tasmania;
- (d) a contract for goods or services obtained as a result of a tender process conducted by –
 - (i) another council; or
 - (ii) a single authority or a joint authority; or
 - (iii) the Local Government Association of Tasmania; or
 - (iv) any other local government association in this State or in another State or a Territory; or
 - (v) any organisation, or entity, established by any other local government association in this State or in another State or a Territory;
- (e) a contract for goods or services in respect of which a council is exempted under another Act from the requirement to invite a tender;
- (f) a contract for goods or services that is entered into at public auction;
- (g) a contract for insurance entered into through a broker;
- (h) a contract arising when a council is directed to acquire goods or services due to a claim made under a contract of insurance;
- (i) a contract for goods or services, if the council resolves by absolute majority and states the reasons for the decision, being that a satisfactory result would not be achieved by inviting tenders because of –

- (i) extenuating circumstances; or
- (ii) the remoteness of the locality; or
- (iii) the unavailability of competitive or reliable tenderers;
- (j) a contract of employment with a person as an employee of the council.

Division 2 - Code for tenders and contracts

28. Code for tenders and contracts

The code adopted under section 333B of the Act is to –

- (a) promote the following principles:
 - (i) open and effective competition;
 - (ii) value for money;
 - (iii) enhancement of the capabilities of local business and industry;
 - (iv) ethical behaviour and fair dealing; and
- (b) establish and maintain procedures to ensure that all potential suppliers are provided with the same information relating to the requirements of a tender or contract and are given equal opportunity to meet the requirements; and
- (c) establish and maintain procedures to ensure that fair and equal consideration is given to all tenders or quotations received; and
- (d) establish and maintain procedures to deal honestly with, and be equitable in the treatment of, all potential or existing suppliers; and
- (e) establish and maintain procedures to ensure a prompt and courteous response to all reasonable requests for advice and information from potential or existing suppliers; and
- (f) seek to minimise the cost to suppliers of participating in the tendering process; and
- (g) protect commercial-in-confidence information; and
- (h) for contracts valued at under \$250 000 (excluding GST), specify when 3 written quotations are required; and
- (i) establish and maintain procedures for the use of multiple-use registers for contracts valued at under \$250 000 (excluding GST); and
- (j) establish and maintain procedures for reporting by the general manager to the council in relation to the purchase of goods or services in circumstances where a public tender or quotation process is not used; and
- (k) establish and maintain procedures for the review of each tender process to ensure that it is in accordance with these regulations and the code; and
- (l) establish and maintain procedures for the following:
 - (i) amending or extending a tender once it has been released;
 - (ii) opening tenders;
 - (iii) the consideration of tenders that do not fully conform with the tender requirements;
 - (iv) the debriefing of unsuccessful tenderers;
 - (v) handling complaints regarding processes related to the supply of goods or services.

Division 3 - Annual reporting requirements in relation to tenders and contracts

29. Annual reporting requirements in relation to tenders and contracts

(1) For the purposes of section 72(1)(e) of the Act, a council is to report the following in its annual report in relation to any contract, for the supply or provision of goods or services valued at or exceeding \$250 000 (excluding GST), that is entered into, or extended under regulation 23(5)(b) , in the financial year to which the annual report relates:

- (a) a description of the contract;
- (b) the period of the contract;
- (c) the periods of any options for extending the contract;
- (d) the value of any tender awarded or, if a tender was not required, the value of the contract (excluding GST);
- (e) the business name of the successful contractor;
- (f) the business address of the successful contractor.

(2) For the purposes of section 72(1)(e) of the Act, a council is to report in its annual report all instances where regulation 27(a) and (i) have been applied, with the following details:

- (a) a brief description of the reason for not inviting public tenders;
- (b) a description of the goods or services acquired;
- (c) the value of the goods or services acquired;
- (d) the name of the supplier.

(3) For the purposes of section 72(1)(e) of the Act, a council is to report the following in its annual report in relation to any contract, for the supply or provision of goods or services valued at or exceeding \$100 000 (excluding GST) but less than \$250 000, that is entered into, or extended, in the financial year to which the annual report relates:

- (a) a description of the contract;
- (b) the period of the contract;
- (c) the periods of any options for extending the contract;
- (d) the value of the contract (excluding GST);
- (e) the business name of the successful contractor;
- (f) the business address of the successful contractor.

PART 3A - Gifts and Donations

29A. Gifts or donations

[Regulation 29A Inserted by S.R. 2018, No. 34, Applied:01 Aug 2018] For the purposes of section 56A(1)(b) of the Act, the following classes of gift or donation are prescribed:

- (a) an item, service, loan of money, loan of property or any other benefit with a monetary value of \$50 or more;
- (b) an item, service or other benefit that is part of a series of gifts or donations received by a councillor from the same donor, where the aggregate monetary value of the series of gifts or donations in a financial year is \$50 or more.

29B. Details to be contained in notice

[Regulation 29B Inserted by S.R. 2018, No. 34, Applied:01 Aug 2018] For the purposes of section 56A(2)(b) of the Act, the following details are prescribed:

- (a) the name of the councillor who received the gift or donation;
- (b) a description of the gift or donation;
- (c) the name of the donor, if known;
- (d) the councillor's relationship to the donor, if known;
- (e) the suburb or locality where the donor resides, if known;
- (f) the date on which the gift or donation was received;
- (g) the estimated monetary value of the gift or donation.

29C. Timeframe for provision of notice

[Regulation 29C Inserted by S.R. 2018, No. 34, Applied:01 Aug 2018] For the purposes of section 56A(2)(c) of the Act, the prescribed period is –

- (a) within 14 days of receiving a gift or donation; or
- (b) in the case of a gift or donation that was received by a councillor outside of Australia, within 14 days of the councillor returning to Australia.

29D. Information to be included in register

[Regulation 29D Inserted by S.R. 2018, No. 34, Applied:01 Aug 2018] For the purposes of section 56B(2)(c) of the Act, the register is to contain the following information:

- (a) the name of the donor of the gift or donation, if known;
- (b) the councillor's relationship to the donor, if known;
- (c) the suburb or locality where the donor resides, if known;
- (d) the date on which the gift or donation was received;
- (e) the estimated monetary value of the gift or donation.

PART 4 - Miscellaneous

30. Incapacity to perform duties as councillor

For the purposes of section 28J of the Act, the Director is a prescribed person.

31. Customer service charter

For the purposes of section 339F of the Act, a customer service charter adopted under that section is to include the following matters:

- (a) the manner in which a complaint referred to in section 339E of the Act may be made;
- (b) the manner in which a response to a complaint is to be made;
- (c) opportunities for a review of a response by the general manager;
- (d) the periods within which complaints are to be dealt with;
- (e) other actions that may be taken if a complainant is dissatisfied by the response;
- (f) reporting of the complaints received.

32. Service rate

For the purposes of section 93(1)(g) of the Act, the following are prescribed services:

(a) *[Regulation 32 Amended by No. 12 of 2016, Sched. 1, Applied:01 Jan 2017] [Regulation 32 Amended by S.R. 2016, No. 111, Applied:01 Jan 2017]* the management, maintenance, monitoring and auditing of each of the following systems or devices, within the meaning of the Building Act 2016 :

- (i) an on-site waste water management system;
 - (ii) a non-drinking water, recycled water or greywater treatment system;
 - (iii) a trade waste disposal or management system;
 - (iv) a swimming pool discharge management system;
 - (v) a pump station, whether domestic or commercial, a wet well or pump-out toilet;
 - (vi) a backflow prevention device;
 - (vii) a unique plumbing product;
 - (viii) plumbing work that involves a performance solution or alternative solution;
 - (ix) a private drinking water supply for a Class 1b building or Class 2 to 9 building;
 - (x) plumbing work that is performed in a landslip hazard area or an area subject to coastal inundation or riverine inundation within the meaning of the Building Regulations;
- (b) a community medical service.

33. Variation factors

For the purposes of section 107(1)(e) of the Act, prescribed factors for general or service rates are –

- (a) the division of land by the issue of a separate strata title to each parcel subject to the Strata Titles Act 1998 ; and
- (b) if separately assessed land is predominantly used for residential dwelling, the number of residential dwellings on that land; and
- (c) the relevant subcategories, of the use or predominant use of the land, set out as uses of land in the most recent Land Use Codes provided to the councils by the Valuer-General and published on the internet by the Tasmanian Government as part of the Land Information System Tasmania (the "LIST").

34. Amount of rates below which council may decide rates not payable by instalments

For the purposes of section 124(3) of the Act, the prescribed amount is \$300.

35. Details of register of money that are to be published

(1) For the purpose of section 139A(3) of the Act, the following details of the register are prescribed:

- (a) the name of the last known owner of the land;
- (b) the address of the land;
- (c) the amount of money recorded, on the register, in respect of the land.

(2) For the purpose of section 139A(3) of the Act, the prescribed amounts are any amounts of \$250 or more.

36. Notice of proposed by-law

For the purpose of section 157(1A) of the Act, the prescribed matters are as follows:

- (a) the title of the proposed by-law;
- (b) the objectives of the proposed by-law;
- (c) the envisaged or potential impact and the primary features of the proposed by-law affecting the community or particular groups within the community;
- (d) an invitation for submissions from the public on the proposed by-law;
- (e) the manner in which submissions may be made;
- (f) the period within which submissions may be made;
- (g) the availability of the regulatory impact statement and a copy of the proposed by-law or how the statement and by-law may be viewed or purchased;
- (h) a contact point or person for public enquiries on the content and effect of the proposed by-law.

37. Purposes for which land may be compulsorily acquired

For the purposes of section 176 of the Act, the following purposes are prescribed:

- (a) the establishment of, or extension to, the council's public offices;
- (b) the establishment of, or extension to, a works depot, pound or plant nursery;
- (c) the establishment of, or extension to –
 - (i) any education and care service premises, within the meaning of the Education and Care Services National Law (Tasmania), other than any premises for a family day care service, within the meaning of that Law; or
 - (ii) a child care centre within the meaning of the Child Care Act 2001 ;
- (d) the establishment of, or extension to, public land;
- (e) the establishment or realignment of a highway, or local highway, as defined by section 3 of the Local Government (Highways) Act 1982 ;
- (f) the establishment of, or the provision of access to –
 - (i) a stormwater reticulation system, drainage system, handling system, disposal facility system or pump station; and
 - (ii) a waste management facility, waste disposal site or waste transfer station;
- (g) the undertaking of work, or the provision of access for the undertaking of work, for the prevention, control or mitigation of a flood;
- (h) the establishment and operation of a quarry for the extraction, processing and storage of rock, crushed rock, gravel, or sand, for council works.

38. Criteria for city status

For the purposes of section 214D(3) of the Act, the Board may make a recommendation relating to the declaration of a municipal area or part of a municipal area as a city if all of the following circumstances exist:

- (a) for 5 years immediately preceding the Board's review, the municipal area had a population of at least 20 000 persons;
- (b) at least 60% of the population of the municipal area lives in an urban area;
- (c) an elector poll conducted on behalf of the council has indicated that the majority of electors favour the recommendation.

39. Plan of boundaries of towns

A council is to lodge a plan with the Central Plan Register established under the Survey Co-ordination Act 1944 of the boundaries of any town or proposed town.

40. Declaration of office

(1) For the purpose of section 321 of the Act, a person elected as a councillor must complete the declaration set out in Schedule 2, read the completed declaration in the presence of the general manager and sign the declaration.

(2) The general manager is to sign the declaration as witness.

41. Fees

The fees specified in Schedule 3 are the fees payable in respect of the matters mentioned in that Schedule.

42. Allowances for elected members

(1) In this regulation –

current period means a 12-month period commencing on 1 November in any calendar year after 2014;

inflationary factor, in respect of each calendar year, means the amount ascertained by dividing the Wage Price Index figure for the June quarter of that year by the Wage Price Index figure for the June quarter of the previous calendar year;

June quarter, in relation to a calendar year, means April, May and June of that year;

previous period, in respect of a current period, means the 12-month period immediately before the 1 November on which the current period commences.

(2) For the purposes of sections 340A(1) and (2) of the Act, the allowance for a councillor, or the additional allowance for a mayor or deputy mayor, is –

(a) for the 12-month period commencing on 1 November in 2014 – the allowance specified in Schedule 4; and

(b) for a current period, the amount calculated by multiplying the allowance for the previous period by the inflationary factor for the calendar year in which the current period commences and rounding the resulting amount to the nearest whole dollar.

(3) The allowances referred to in this regulation are to be paid in monthly or fortnightly instalments.

43. Expenses for councillors

A councillor is entitled to be reimbursed for reasonable expenses in accordance with the policy adopted under Schedule 5 to the Act in relation to –

(a) telephone rental, telephone calls and use of the internet; and

(b) travelling; and

(c) care of any person who is dependent on the councillor and who requires the care while the councillor is carrying out his or her duties or functions as a councillor; and

(d) stationery and office supplies.

44. Prescribed newspapers

For the purposes of section 72B (2) of the Act, the following newspapers are prescribed newspapers:

- (a) in respect of the municipal area of King Island, the King Island Courier;
- (b) in respect of the municipal area of Flinders, the Island News.

45. Council land information certificate

For the purposes of section 337 (2) of the Act –

- (a) the certificate is to be in accordance with Schedule 5 ; and
- (b) the prescribed questions are as specified in Schedule 6 .

PART 5 -

[Part 5 Rescinded by S.R. 2016, No. 24, Applied:13 Apr 2016]

Division 1 -

[Division 1 of Part 5 Rescinded by S.R. 2016, No. 24, Applied:13 Apr 2016]

46.

[Regulation 46 Rescinded by S.R. 2016, No. 24, Applied:13 Apr 2016]

47.

[Regulation 47 Rescinded by S.R. 2016, No. 24, Applied:13 Apr 2016]

48.

[Regulation 48 Rescinded by S.R. 2016, No. 24, Applied:13 Apr 2016]

Division 2 -

[Division 2 of Part 5 Rescinded by S.R. 2016, No. 24, Applied:13 Apr 2016]

49.

[Regulation 49 Rescinded by S.R. 2016, No. 24, Applied:13 Apr 2016]

50.

[Regulation 50 Rescinded by S.R. 2016, No. 24, Applied:13 Apr 2016]

51.

[Regulation 51 Rescinded by S.R. 2016, No. 24, Applied:13 Apr 2016]

52.

[Regulation 52 Rescinded by S.R. 2016, No. 24, Applied:13 Apr 2016]

Division 3 -

[Division 3 of Part 5 Rescinded by S.R. 2016, No. 24, Applied:13 Apr 2016]

53.

[Regulation 53 Rescinded by S.R. 2016, No. 24, Applied:13 Apr 2016]

54.

[Regulation 54 Rescinded by S.R. 2016, No. 24, Applied:13 Apr 2016]

55.

[Regulation 55 Rescinded by S.R. 2016, No. 24, Applied:13 Apr 2016]

56.

[Regulation 56 Rescinded by S.R. 2016, No. 24, Applied:13 Apr 2016]

57.

[Regulation 57 Rescinded by S.R. 2016, No. 24, Applied:13 Apr 2016]

58.

[Regulation 58 Rescinded by S.R. 2016, No. 24, Applied:13 Apr 2016]

59.

[Regulation 59 Rescinded by S.R. 2016, No. 24, Applied:13 Apr 2016]

Division 4 -

[Division 4 of Part 5 Rescinded by S.R. 2016, No. 24, Applied:13 Apr 2016]

60.

[Regulation 60 Rescinded by S.R. 2016, No. 24, Applied:13 Apr 2016]

61.

[Regulation 61 Rescinded by S.R. 2016, No. 24, Applied:13 Apr 2016]

62.

[Regulation 62 Rescinded by S.R. 2016, No. 24, Applied:13 Apr 2016]

63.

[Regulation 63 Rescinded by S.R. 2016, No. 24, Applied:13 Apr 2016]

64.

[Regulation 64 Rescinded by S.R. 2016, No. 24, Applied:13 Apr 2016]

Division 5 -

[Division 5 of Part 5 Rescinded by S.R. 2016, No. 24, Applied:13 Apr 2016]

65.

[Regulation 65 Rescinded by S.R. 2016, No. 24, Applied:13 Apr 2016]

66.

[Regulation 66 Rescinded by S.R. 2016, No. 24, Applied:13 Apr 2016]

67.

[Regulation 67 Rescinded by S.R. 2016, No. 24, Applied:13 Apr 2016]

SCHEDULE 1 - Order of Names on Batch of Ballot Papers

Regulation 18

1. Interpretation

In this Schedule –

batch means a group of ballot papers on which the names of candidates appear in the same order;

column, in relation to a ballot paper, means the single vertical column in which the names of candidates are to appear on the ballot paper;

favoured position means a favoured position within the meaning of Schedule 3 to the Electoral Act 2004 ;

matrix column means a vertical column in a matrix;

matrix row means a horizontal row in a matrix.

2. Batch of ballot papers

(1) The number of ballot papers in each batch, as far as is practicable, is to be the same.

(2) The number of batches is to be equal to the number of candidates.

3. Favoured position

(1) In relation to each candidate, there is to be printed, in respect of each favoured position, a batch of ballot papers on which the name of that candidate appears in that favoured position.

(2) If there are 6 or more candidates, the name of a candidate is not to appear immediately above the name of a particular candidate on more than one batch of ballot papers, if the names of both candidates would be in favoured positions.

4. Matrices

(1) There is to be a matrix corresponding to the number of candidates.

(2) The purpose of each matrix is to determine the order of names on each batch of ballot papers.

(3) The number of matrix columns and matrix rows are to be the same as the corresponding number of candidates.

(4) Each matrix is to comprise letters, each of which represents the name of a particular candidate.

(5) The names of the candidates, in the order in which they are drawn in accordance with regulation 20 , are to be represented by the letters A, B, C and so on in alphabetical order.

(6) The order in which the names of candidates are to be printed on the batches of ballot papers is to be in accordance with the particular matrix for that number of candidates.

5. Matrix column

(1) The first matrix column is to be in alphabetical order starting with A.

(2) The names on the first batch of ballot papers are to be printed in the order represented by the first matrix column.

(3) The names on the second batch of ballot papers are to be printed in the order represented by the second matrix column, and so on.

6. Matrices for 12 or fewer candidates

If the number of candidates is 12 or less, the matrices are to be as set out in Schedule 2 to the Electoral Regulations 2015 .

7. Matrices for more than 12 candidates

(1) If the number of candidates is more than 12 but less than 31, the Electoral Commissioner is to prepare matrices as follows:

- (a) the first matrix row is to contain a sequence of letters as set out in subclause (2) ;
- (b) the second matrix row is to contain the same sequence of letters commencing with the letter B, continuing to the end of the sequence and then continuing from the start of the sequence to the letter immediately before B;
- (c) the third matrix row is to contain the same sequence of letters commencing with the letter C, continuing to the end of the sequence and then continuing from the start of the sequence to the letter immediately before C;
- (d) the subsequent matrix rows are to contain a sequence of letters following the patterns specified in paragraphs (b) and (c) .

(2) The sequence of letters in the first matrix row is as follows:

- (a) if there are 13 candidates, A B K C G F D L J I E M H;
- (b) if there are 14 candidates, A B L C G F D M J K E I H N;
- (c) if there are 15 candidates, A B M C G F D N L H E K J O I;
- (d) if there are 16 candidates, A B N C G F D O L J E M H P K I;
- (e) if there are 17 candidates, A B O C G F D P M J E K H Q I N L;
- (f) if there are 18 candidates, A B P C I H D Q G L E N M R J K O F;
- (g) if there are 19 candidates, A B Q C I H D R G P E N M S J K O F L;
- (h) if there are 20 candidates, A B R C O G D S N Q E J M T L I K F H P;
- (i) if there are 21 candidates, A B S C O G D T N R E L M U H J I F P Q K;
- (j) if there are 22 candidates, A B T C O G D U N S E P L V H J I F Q R K M;
- (k) if there are 23 candidates, A B U C O G D V N T E L I W H J Q F R S K P M;
- (l) if there are 24 candidates, A B V C O G D W N U E J I X H M K F S T R L Q P;
- (m) if there are 25 candidates, A B W C O G D X N V E J I Y H M K F T U S L Q R P;
- (n) if there are 26 candidates, A B X C O G D Y N W E J I Z H M K F U V T L P Q S R;
- (o) if there are 27 candidates, A B Y C O G D Z N X E J I A A H M L F V W U P Q T K R S;
- (p) if there are 28 candidates, A B Z C O G D A A P Y E J I A B H U L F W X V S N R K Q M T;
- (q) if there are 29 candidates,
A B A A C O G D A B P Z E J I A C H R L F X Y W Q N S K T M U V;
- (r) if there are 30 candidates,
A B A B C O G D A C P A A E J I A D H Q L F Y Z X R N V K W M T S U.

(3) If the number of candidates is 31 or more, the Electoral Commissioner is to prepare matrices taking into account the provisions of these regulations.

8. Collation of ballot papers

(1) Ballot papers are to be collated so that a ballot paper from batch 1 is followed by a ballot paper from batch 2, then a ballot paper from batch 3 and so on up to a ballot paper from the last batch, to be followed by a ballot paper from batch 1, batch 2 and so on until the collation is complete.

(2) Ballot papers are to be inserted into envelopes in the order as collated for sending or delivering or providing in person to an elector under section 284 or 286 of the Act.

SCHEDULE 2 - Declaration of Office

[Schedule 2 Substituted by S.R. 2018, No. 34, Applied:01 Aug 2018]

Regulation 40

Local Government Act 1993

DECLARATION OF OFFICE - S. 321

I,, having been elected as
[full name] [councillor]

to the Council, do solemnly declare that I will
[name of council]

- (a) faithfully carry out the functions and exercise the powers vested in me by virtue of that office to the best of my ability and in accordance with the law;
- (b) comply with the Council's code of conduct;
- (c) engage in ongoing professional development; and
- (d) abide by the principles of good governance.

.....
[signature of councillor]

Made before me at in Tasmania on the day
of 20

.....
[general manager]

SCHEDULE 3 - Fees

Regulation 41

[Schedule 3 Amended by S.R. 2016, No. 24, Applied: 13 Apr 2016]

- | | | |
|----|---|------------------------|
| 1. | Application for a council land information certificate under section 337 of the Act | 132.5 fee units |
| 2. | Issue of a certificate of liabilities under section 132 of the Act | 30 fee units |
| 3. | Copy of the annual report of a council | Maximum of 5 fee units |
| 4. | Making a code of conduct complaint under section 28V of the Act | 50 fee units |

SCHEDULE 4 - Allowances for elected members

Regulation 42

Column 1 Council	Column 2 Allowance for Councillors	Column 3 Additional allowance for Deputy Mayors	Column 4 Additional allowance for Mayors
Hobart City	33 173	21 424	82 934
Launceston City	33 173	21 424	82 934
Clarence City	26 856	18 660	67 137
Glenorchy City	26 856	18 660	67 137
Kingborough	26 856	18 660	67 137
Burnie City	20 338	15 896	50 846
Central Coast	20 338	15 896	50 846
Devonport City	20 338	15 896	50 846
West Tamar	20 338	15 896	50 846
Brighton	13 823	13 130	34 555
Huon Valley	13 823	13 130	34 555
Meander Valley	13 823	13 130	34 555
Northern Midlands	13 823	13 130	34 555
Sorell	13 823	13 130	34 555
Waratah-Wynyard	13 823	13 130	34 555
Break O'Day	11 553	11 058	28 883
Circular Head	11 553	11 058	28 883
Derwent Valley	11 553	11 058	28 883
Dorset	11 553	11 058	28 883
George Town	11 553	11 058	28 883
Latrobe	11 553	11 058	28 883
Glamorgan-Spring Bay	9 729	9 676	24 322
Kentish	9 729	9 676	24 322
Southern Midlands	9 729	9 676	24 322
West Coast	9 729	9 676	24 322
Central Highlands	8 513	8 985	21 281
Flinders	8 513	8 985	21 281
King Island	8 513	8 985	21 281
Tasman	8 513	8 985	21 281

SCHEDULE 5 - Council Land Information Certificate

Regulation 45(a)

Local Government Act 1993

COUNCIL LAND INFORMATION CERTIFICATE - S. 337

SPECIFIED LAND (Property address)

.....

SPECIFIED HIGHWAY(S) (Public road or street frontage) ¹

.....

UNIQUE PROPERTY IDENTIFICATION NO(S). (UPI) OR PROPERTY IDENTIFICATION NO(S). (PID) ²

.....

TITLE REFERENCE(S) ²

.....

NAME OF APPLICANT

.....

APPLICANT'S POSTAL ADDRESS

.....

.....

I certify that the information provided in this certificate in response to the questions in Parts 1 to 6 on the attached pages is derived from the existing records of the Council as they relate to the specified land as at the date shown below and is true and accurate according to those records.

..... Council

Signed

Date

¹ If a property is on the corner of 2 highways, specify both.
² If land is on 2 or more certificates of title but identified by one unique PID, specify all the certificates of title to which this certificate relates.

SCHEDULE 6 - Questions

Regulation 45(b)

PART 1 - Statutory Notices and Orders

Part 12 of the *Local Government Act 1993*

No.	Question	Answer
1.	Fencing and land repair notices under Division 2 of Part 12 of Act (a) Has the council a record of having served a notice under Division 2 of Part 12 of the Act in relation to the specified land and the notice has not been satisfied? (b) If YES to (a), provide particulars.	
2.	Abatement notice under section 200 of Act (a) Has the council a record of having served an abatement notice on the owner under section 200 of the Act in relation to a nuisance affecting the specified land and the notice has not been satisfied? (b) If YES to (a), has the council decided to take action to abate the nuisance at the owner's expense? (c) If YES to (b), provide particulars.	
3.	Court order for abatement of nuisance (a) Has the council a record showing that a nuisance still exists affecting the specified land in contravention of a Court order made under section 203 of the Act? (b) If YES to (a), provide particulars.	

Land Acquisition Act 1993

No.	Question	Answer
4.	Notice of acquisition (a) Has the council a record of having served a notice to treat under Part 2 of the Act in relation to the proposed acquisition of the specified land or any part or interest in that land and the notice has not been withdrawn? (b) If YES to (a), provide particulars.	

PART 2 - Health and Environmental Matters

Public Health Act 1997

No.	Question	Answer
5.	Closure order (a) Has the council a record of having served on the owner or occupier of the specified land a closure order, or interim closure order, made under section 87 of the Act, in relation to the unsafe state of premises on the specified land for the purposes of human occupation or habitation and the order has not been satisfied? (b) If YES to (a), provide particulars.	
6.	Licences and registration (a) Has the council a record of having issued a licence or certificate of registration under Part 5 (Premises) or Part 6 (Water) of the Act affecting premises on the specified land? (b) If YES to (a), provide particulars.	
7.	Rectification notice (a) Has the council a record of having served a rectification notice under section 92 of the Act regarding the condition of premises on the specified land and the notice has not been satisfied? (b) If YES to (a), provide particulars. IMPORTANT: <i>Prospective purchasers are advised that if a stainless steel water tank manufactured after 1 March 2010 and before February 2013 is situated on the property, the purchaser may wish to confirm that the tank was not manufactured by the former Tasmanian business known as Kingston Sheet Metal. Water stored in a tank manufactured by this business may become contaminated by lead and not be fit for human consumption. For further information, contact Environmental Health Services in the Department of Health and Human Services on phone number 1800 671 738.</i>	

Food Act 2003

No.	Question	Answer
8.	Improvement notice (a) Has the council a record of having issued an improvement notice under section 60 of the Act to the proprietor of a food business operating from premises on the specified land and the notice has not been satisfied? (b) If YES to (a), provide particulars.	
9.	Prohibition order (a) Has the council a record of having served on the owner or occupier of the specified land a prohibition order under section 62 of the Act relating to the premises or equipment on the specified land and the order has not been satisfied? (b) If YES to (a), provide particulars.	

Environmental Management and Pollution Control Act 1994

No.	Question	Answer
10.	Environment protection notice (a) Has the council a record of having issued and served under section 44 of the Act an environment protection notice, the requirements of which have not been satisfied, in relation to an activity on the specified land	

involving the causing, or likely causing, of serious environmental harm, material environmental harm, or environmental nuisance, as defined by that Act?

(b) If YES to (a), provide particulars.

IMPORTANT: *The Director, Environmental Protection Authority, may also issue under the Act notices, in respect of an activity or land, the requirements of which may not have been satisfied. If such a notice relates to an activity, the record of the notice will be held by the Director. If the notice relates to land, including in relation to site contamination of the land, the Director is required to register the notice on the title to the land.*

[Part 2 of Schedule 6 Amended by No. 32 of 2017, s. 44, Applied:01 Dec 2017]

Burial and Cremation Act 2002

No.	Question	Answer
11.	Grave on private land (a) Has the council a record of having given permission under section 41 of the Act for the interment of human remains in a grave on the specified land? (b) If YES to (a), was the permission made subject to any conditions as to the location and identification of the grave and continuing access to that site, or for other measures to be taken on the specified land? Provide particulars.	

Neighbourhood Disputes About Plants Act 2017

No.	Question	Answer
11A.	Orders (a) Has the council a record of an order that has been issued by the Appeals Tribunal under the <i>Neighbourhood Disputes About Plants Act 2017</i> in relation to the specified land? (b) If YES to (a), provide particulars. IMPORTANT: <i>Further information regarding orders and applications made under the Neighbourhood Disputes About Plants Act 2017 is available from the Resource Management and Planning Appeal Tribunal.</i>	

PART 3 - Planning and Development

Land Use Planning and Approvals Act 1993

No.	Question	Answer
	<p>INTRODUCTORY NOTE: <i>The specified land will be subject to statutory planning provisions that are additional to those referred to in the Council Land Information Certificate. These may include provisions relating to local heritage or natural hazards or risks such as bushfire, landslide, flooding and contamination and other provisions.</i></p> <p><i>Advice should be sought from the council in respect of any additional provisions. An application for this additional information is to be made separately from an application for a certificate under section 337 of the Act and may attract a further fee or charge.</i></p>	
12.	<p>Planning scheme or special planning order</p> <p>(a) Is the specified land subject to any planning scheme or special planning order under the Act?</p> <p>(b) If YES to (a), what is the name of the planning scheme or special planning order?</p>	
13.	<p>Zoning</p> <p>(a) What is the current zoning applicable to the specified land under that planning scheme or special planning order?</p> <p>(b) Has the council a record of having initiated an amendment to the planning scheme under Part 3 of the Act that changes the current zoning –</p> <p>(i) of the specified land; or</p> <p>(ii) of land that adjoins the specified land (other than adjoining land in a neighbouring municipal area) –</p> <p>and that amendment has not been determined?</p> <p>(c) If YES to (b)(i) or (b)(ii), provide particulars.</p>	
14.	<p>Planning permit</p> <p>(a) In relation to the specified land, has the council a record of an application having been made for a permit, or a permit having been granted, under either section 57 or 58 of the Act?</p> <p>(b) If YES to (a), inform the purchaser about how to obtain further information from the council.</p> <p>IMPORTANT: <i>Prospective purchasers are advised that an application for a permit may have been made, or a permit granted, under section 57 or 58 of the Land Use Planning and Approvals Act 1993 in relation to land that adjoins the specified land.</i></p> <p><i>The grant of a permit in relation to land that adjoins the specified land may affect your use and enjoyment of the specified land. If you wish to know whether an application for a permit has been made or a permit has been granted in relation to land that adjoins the specified land you will need to contact the council. A request for this additional information is to be made separately from an application for a section 337 certificate and may attract a further fee or charge.</i></p>	
15.	<p>Planning appeal</p> <p>(a) Has the council a record of an appeal having been lodged under section 61 of the Act against the grant by the council of a permit in relation to the specified land and that appeal has not been determined?</p>	

- (b) If YES to (a), provide particulars.
16. Obstruction of sealed scheme
 (a) Has the council a record of a person using or undertaking development on the specified land or doing any other act in relation to the specified land in contravention of section 63(2) of the Act?
 (b) If YES to (a), has the council decided to take action to commence proceedings in relation to that offence?
17. Civil enforcement proceedings
 (a) Has the council a record of civil enforcement proceedings having been commenced in relation to the specified land under section 64 of the Act and those proceedings have not yet been determined?
 (b) If YES to (a), provide particulars to identify the proceedings.
18. Planning enforcement proceedings
 (a) Has the council a record of having issued in relation to the specified land any of the following:
 (i) an infringement notice to a body corporate under section 65A of the Act?
 (ii) a notice of intention to issue an enforcement notice under section 65B of the Act?
 (iii) an enforcement notice under section 65C of the Act?
 (iv) a notice of intention to cancel a permit under section 65F of the Act?
 (v) a notice of cancellation of a permit under section 65G of the Act?
 (b) If YES to any of the matters in (a), provide particulars.
19. Agreement under Part 5 of the Act
 (a) Has the council a record of having entered into an agreement under Part 5 of the Act with the current owner or a previous owner of the specified land ?
 (b) If YES to (a) and the agreement is not recorded on the certificate of title, provide particulars.

Historic Cultural Heritage Act 1995

IMPORTANT: *If the specified land, or part of it, is listed on the Tasmanian Heritage Register, any works or developments on the land must have heritage approval under the Historic Cultural Heritage Act 1995.*

Enquiries should be directed to Heritage Tasmania.

Mineral Resources Development Act 1995

No. Question

Answer

20. Notification of landslip status
 (a) Has the council a record of having been notified by a State Agency that –
 (i) the specified land is within a declared landslip area; or
 (ii) an order is to be made, under Part 9A of the Act, that will apply to the specified land?
 (b) If YES to (a)(i), what type of landslip area has been declared to apply to the specified land? Provide particulars.
 (c) If YES to (a)(ii), what is the nature of the order to be made under Part 9A of the Act, applicable to the specified land? Provide particulars.

IMPORTANT: *If "No" to question 20(a), it should be noted that there are only a small number of declared landslip areas in Tasmania. Although the specified land is not within a declared landslip area it may*

be prudent for the purchaser to consider whether the slope stability of the land will support the proposed use. If the specified land is on or adjacent to a slope, slope stability could be a hazard and it may be necessary to have site-specific geotechnical investigations carried out. The council may also require information on geotechnical and other relevant factors about the specified land before it will consider a building or planning application relating to that land. Restrictions may also apply to building and development in relation to the specified land. Further enquiries should be directed to the council.

PART 4 - Highway Construction, Maintenance and Access Matters

Roads and Jetties Act 1935

No. Question Answer

IMPORTANT: *The specified land may be affected by statutory limitations on access, the proclamation of an intended line of a state highway(s) or subsidiary road(s) and other State road planning matters. Enquiries should be directed to the Department of State Growth.*

21. Maintenance and repair of highway
(a) Is the council responsible, under section 11 of the Act, for the maintenance and reconstruction of part of the specified highway(s)?
(b) If YES to (a), provide particulars.

Local Government (Highways) Act 1982

No. Question Answer

22. Maintenance and repair of highway
(a) Is the council responsible, under section 21 of the Act, for the maintenance of the specified highway(s)?
(b) If YES to (a), is the council's responsibility to maintain the specified highway(s) limited as to its extent?
(c) If YES to (b), does the council's responsibility apply to the part of the specified highway(s) providing access to the frontage of the specified land? Provide particulars.
23. Vehicular crossing
(a) Has the council a record of having served a notice under section 35 of the Act requiring the owner of the specified land to carry out works for the construction or repair of a vehicular crossing over a table drain, gutter or footpath from the specified highway(s) at or opposite the entrance to the specified land and the notice has not been satisfied?
(b) If YES to (a), provide particulars.
24. Intention by council to undertake highway reconstruction works
(a) Has the council a record of having decided to undertake any reconstruction works on the specified highway(s) adjacent to the part providing access to the frontage of the specified land?
(b) If YES to (a), will the alteration to the level of the carriageway require an alteration to the existing access to the specified land? Provide particulars.
25. Alteration to alignment of highway
(a) If YES to question 24, has the council a record of having decided to alter the line of the reservation of the part of the specified highway(s) providing access to the frontage of the specified land?
(b) If YES to (a), provide particulars of the intended alignment.
26. Contribution of construction costs
(a) Is the council entitled under section 51 of the Act to construct any part of the specified highway(s), road, lane, passage or yard at the expense of the owner of the specified land?
(b) If YES to (a), has the council decided to do so? Provide particulars.
27. Street construction scheme
(a) Has the council a record of having decided to establish a scheme of street construction under Part V of the Act in relation to the part of the specified highway(s) affecting the frontage of the specified land?

(b) If YES to (a), provide particulars of the proposed scheme as it relates to the frontage of the specified land.

PART 5 - Reticulated Stormwater and Drainage Services

Urban Drainage Act 2013

No.	Question	Answer
28.	<p>Connection to stormwater system</p> <p>(a) Has the council a record showing that, on or under the specified land, there is a private stormwater system connected to the public stormwater system? If YES, provide particulars.</p> <p>(b) If NO or UNKNOWN to (a), is the specified land –</p> <p>(i) within the area marked as being serviced by the council's public stormwater system on a map made available under section 12 of the Act; and</p> <p>(ii) within 30 metres from the council's public stormwater system or a form of drain capable of providing an acceptable form of drainage from the specified land?</p>	
29.	<p>Existence and maintenance of council public stormwater system</p> <p>(a) Has the council a record showing that there are any parts of its public stormwater system under or through the specified land, whether within formal easements or not, which the council is responsible to maintain?</p> <p>(b) If YES to (a), provide particulars including purpose or nature of the public stormwater system, if known.</p>	
30.	<p>Notice to owner</p> <p>(a) Has the council a record of having served on the owner of the specified land a notice to take action under the Act and the notice has not been satisfied or completed?</p> <p>(b) If YES to (a), provide particulars.</p>	

PART 6 - Building and Plumbing Matters

[Part 6 of Schedule 6 Amended by S.R. 2016, No. 24, Applied:13 Apr 2016] [Part 6 of Schedule 6 Substituted by S.R. 2016, No. 111, Applied:01 Jan 2017]

Building Act 2000 and Building Act 2016

No.	Question	Answer
31.	<p>Special plumbing permit</p> <p>(a) In relation to the specified land, has the council a record of an application having been made for –</p> <p>(i) a special plumbing permit under section 79 of the former Building Act 2000 ; or</p> <p>(ii) a special connection permit under the former Plumbing Regulations 1994?</p> <p>(b) If YES to (a)(i) or (a)(ii), what was the type of work to which the application related? Provide particulars.</p> <p>(c) If YES to (a)(i) or (a)(ii), was the application granted or refused or the permit issued or refused?</p> <p>(d) If the application was granted or the permit issued, was it granted or issued on conditions? If so, provide particulars.</p> <p>(e) Does the council record show that the proposed plumbing work was carried out satisfactorily and in accordance with the conditions, if any, of the permit?</p> <p>(f) If the application was granted or the permit issued, has the permit since been suspended or cancelled for any reason? If so, provide particulars.</p>	
32.	<p>Plumbing permit</p> <p>(a) In relation to the specified land, has the council a record of an application having been made for a plumbing permit (other than a special plumbing permit or a special connection permit) under –</p> <p>(i) section 165 of the Building Act 2016 ; or</p> <p>(ii) section 78 of the former Building Act 2000 ; or</p> <p>(iii) the former Plumbing Regulations 1994?</p> <p>(b) If YES to (a)(i), (a)(ii) or (a)(iii), what was the type of work to which the application related?</p> <p>(c) If YES to (a)(i), (a)(ii) or (a)(iii), was the application granted or refused or the permit issued or refused?</p> <p>(d) If the application was granted or the permit issued, was it granted or issued on conditions? If so, provide particulars.</p> <p>(e) If the application was granted or the permit issued, has the council a record of a certificate of completion (plumbing work) being issued in respect of the work under section 153 of the Building Act 2016 or section 113 of the former Building Act 2000 ?</p> <p>(f) If the application was granted or the permit issued, has the council a record of a certificate of completion (plumbing work) being refused in respect of the work under section 153 of the Building Act 2016 or section 113 of the former Building Act 2000 ?</p>	
33.	<p>Plumbing notice or order</p> <p>(a) Has the council a record of having issued any plumbing notice or order under Part 18 of the Building Act 2016 , or Part 11 of the former</p>	

Building Act 2000 , relating to plumbing work on the specified land and the notice or order has not been satisfied?

(b) Has the council a record of having issued a notice under Part 7 of the former Plumbing Regulations 2004, the former Plumbing Regulations 2014, the former Building Regulations 2004, or Part 7 of the former *Building Regulations 2014*, relating to an on-site waste water management system installed on the specified land prior to 15 January 1996?

(c) If YES to (a) or (b), provide particulars.

34. Building permit

(a) In relation to the specified land, has the council a record of an application having been made for a building permit under section 139 of the Building Act 2016 , or Part 7 of the former Building Act 2000 or the former *Building Regulations 1994*?

(b) If YES to (a), what was the type of work to which the application related?

(c) If YES to (a), was the application granted or refused or the permit issued or refused?

(d) If the application was granted or the permit issued, was it granted or issued on conditions? If so, provide particulars.

(e) If the application was granted or the permit issued, has the permit since been suspended or cancelled for any reason?

(f) If YES to (e), provide particulars.

35. Demolition permit

(a) In relation to the specified land, has the council a record of an application having been made for a demolition permit under section 190 of the Building Act 2016 ?

(b) If YES to (a), was the application granted or refused or the permit issued or refused?

(c) If the application was granted or the permit issued, was it granted or issued on conditions? If so, provide particulars.

(d) If the application was granted or the permit issued, has the permit since been suspended or cancelled for any reason?

(e) If YES to (d), provide particulars.

36. Occupancy permit

(a) Has the council a record of an application for a certificate of occupancy under the former *Building Regulations 1994*, in relation to a building, or part of a building, on the specified land?

(b) If YES to (a), was a certificate of occupancy issued under the former *Building Regulations 1994* or was the application refused?

(c) If a certificate of occupancy was issued under the former *Building Regulations 1994* on conditions, provide particulars of the conditions.

(d) If a certificate of occupancy was issued under the former *Building Regulations 1994*, has the certificate been cancelled? If so, provide particulars.

(e) Has the council a record of an occupancy permit being issued in relation to a building, or a part of a building, on the specified land under section 222 of the Building Act 2016 or section 100 of the former Building Act 2000 ?

(f) If YES to (e), provide particulars, including of any conditions of the permit, and whether the permit issued has been cancelled or superseded

by another occupancy permit.

37. Certificate of completion (permit building work)
- (a) Has the council a record of any building work, on the specified land, for which a permit under section 144 of the Building Act 2016 was issued and a certificate of completion (permit building work) has not been issued in respect of the work under that Act?
- (b) Has the council a record of any building work, on the specified land, since 1 November 1994, for which a permit under the former *Building Act 2000* was issued and –
- (i) a certificate of completion (building work) under the Building Act 2016 or section 112 of the former Building Act 2000 ; or
- (ii) a certificate of completion under section 49 of the former Part 2 of the Local Government (Building and Miscellaneous Provisions) Act 1993 –
- has not been issued in respect of the work?
- (c) If YES to (a), (b)(i) or (b)(ii), provide particulars.
38. Notifiable building work
- (a) Has the council received a certificate of likely compliance (notifiable building work) under section 98 of the Building Act 2016 , in respect of work on the specified land, and a certificate of completion (notifiable building work) has not been issued in respect of the work under section 104 of that Act?
- (b) If YES to (a), provide particulars.
39. Notifiable plumbing work
- (a) Has the council received a certificate of likely compliance (notifiable plumbing work) under section 109 of the Building Act 2016 , in respect of work on the specified land, and a certificate of completion (notifiable plumbing work) has not been issued in respect of the work under section 113 of that Act?
- (b) If YES to (a), provide particulars.
40. Notifiable demolition work
- (a) Has the council received a certificate of likely compliance (notifiable demolition work) under section 121 of the Building Act 2016 , in respect of work on the specified land, and a certificate of completion (notifiable demolition work) has not been issued in respect of the work under section 125 of that Act?
- (b) If YES to (a), provide particulars.
41. Building certificate
- (a) Has the council a record that the general manager has, within the previous 7 years, issued a building certificate under the *Building Regulations*, or section 119 of the former Building Act 2000 , in relation to the specified land?
- (b) If YES to (a), provide particulars.
42. Protection work notice
- (a) Has the council a record of any protection work notice lodged under section 77 of the Building Act 2016 , or section 121 of the former Building Act 2000 , in relation to the specified land?
- (b) If YES to (a), provide particulars.
43. Temporary occupancy permits
- (a) Has the council a record of a temporary occupancy permit, that is in force, being issued under section 232 of the Building Act 2016 , or

section 108 of the former Building Act 2000 , in relation to the specified land?

(b) If YES to (a), provide particulars.

44. Consent to build over existing drain

(a) In relation to the specified land, has the council a record of having written permission being provided to the owner under –

(i) section 73 or 74 of the Building Act 2016 ; or

(ii) section 160 of the former Building Act 2000 ; or

(iii) regulation 44 of the former Building Regulations 1994 –

to carry out building work over or near an existing drain or easement?

(b) If YES to (a)(i), (a)(ii) or (a)(iii), provide particulars.

45. Certificate of material compliance, permit to proceed or permit of substantial compliance

(a) Has the council a record of a certificate of material compliance for any building on the specified land having been issued under the former *Building Regulations 1994*?; or

(b) Has the council a record of a certificate of substantial compliance, or a permit of substantial compliance, for any building on the specified land having been issued under section 257 of the Building Act 2016 or section 184 or 188 of the former Building Act 2000 ?; or

(c) Has the council a record of a certificate to proceed, or a permit to proceed, having been granted under section 176 or 180 of the former Building Act 2000 ?; or

(d) If YES to (a), (b) or (c), provide particulars of the relevant certificate or permit.

46. Endorsement of irregular procedures

(a) Does the council record show, on a certificate or permit relating to building work on the specified land, an endorsement to the effect that *"This building was not the subject of the normal application, permit and inspection procedures"* in accordance with the former *Building Regulations 1994* or with section 268 of the Building Act 2016 or section 195 of the former Building Act 2000 ?

(b) If YES to (a), provide particulars of the building work to which the endorsement applies.

47. Notice or order relating to a building or building work

(a) Has the council a record of having issued a notice or order under the former Part 2 of the Local Government (Building and Miscellaneous Provisions) Act 1993 in relation to building work on the specified land and that notice or order has not been satisfied?

(b) Has the council a record of any order to uncover, order to open up work, notice to demolish or inspection notice issued under the former *Building Regulations 1994* in relation to a building or building work on the specified land and that order or notice has not been satisfied?

(c) Has the council a record of having issued any notice or order under Part 18 of the Building Act 2016 , or Part 11 of the former Building Act 2000 , in relation to a building, temporary structure, building work or maintenance of a building on the specified land and that notice or order has not been satisfied?

(d) If YES to (a), (b) or (c), provide particulars.

48. Other outstanding notices or orders

(a) Has the council a record of having served any other notice or order on the owner under the former Part 2 of the Local Government (Building and Miscellaneous Provisions) Act 1993 still affecting the specified land or the use of the specified land?

(b) Has the council a record of any other notice or order being issued under the Building Act 2016 , or the former Building Act 2000 , to the owner or occupier of the specified land and the notice or order has not been satisfied?

(c) If YES to (a) or (b), provide particulars.

SCHEDULE 7

[Schedule 7 Rescinded by S.R. 2016, No. 24, Applied:13 Apr 2016]

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

Notified in the *Gazette* on 24 June 2015

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