

c2021-012C
GRNS--The Greens

LEGISLATIVE COUNCIL

Local Government Amendment Bill 2021

First print

Proposed amendments

- No. 1 **Rate capping (Option 1)**
Page 3, Schedule 1.1. Insert after line 2—
[1A] Section 54L Payment of environmental upgrade charge
Omit section 54L(5).
- No. 2 **General income exclusion**
Page 4, Schedule 1.1. Insert after line 32—
[3A] Section 505 Application of Part
Insert after section 505(a)(vi)—
(vii) fire and emergency service levies payable under the *Fire and Emergency Services Levy Act 2017*, and
- No. 3 **Rate capping (Option 1)**
Page 4, Schedule 1.1[4], lines 33–40. Omit all words on those lines. Insert instead—
[4] Chapter 15, Part 2
Omit the Part.
- No. 4 **Rate capping (Option 2)**
Page 4, Schedule 1.1[4] Insert after line 40—
[4A] Section 509 Maximum general income for a year
Insert after section 509(2)—
(3) Despite subsection (1), a council may make rates and charges for a year that produce general income of an amount that exceeds the notional general income of the council as varied by more than a percentage mentioned in subsection (1) if—
(a) the percentage does not exceed 8%, and
(b) the council complies with guidelines issued by IPART under this section, and
(c) the council can demonstrate community support for doing so.

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- (4) IPART may, by an order published in the Gazette, issue guidelines concerning the circumstances in which a council may rely on subsection (3) to make rates and charges for a year.
 - (5) The regulations may provide for how councils can demonstrate that they have the community support mentioned by subsection (3)(c).
 - (6) In this section—
IPART means the Independent Pricing and Regulatory Tribunal established by the *Independent Pricing and Regulatory Tribunal Act 1992*.

No. 5 **Provision of information to councillors**

Page 11, Schedule 1.1. Insert after line 20—

[30A] Section 746A

Insert after section 746—

746A Government information to be provided to councillors by their councils

- (1) A council must, at the written request of a councillor of the council, provide the councillor with government information within 7 days of receiving the request if the councillor has a GIPA disclosure right.
- (2) A councillor of a council has a *GIPA disclosure right* for subsection (1) if the council would have been required to provide the councillor with the government information under the GIPA Act if the councillor had duly made an access application.
- (3) A councillor of a council who makes a written request under this section for government information may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997* of a decision of the council to refuse to provide the information.
- (4) A council is taken to have refused to provide government information for subsection (3) if the information is not provided within the 7-day period mentioned in subsection (1).
- (5) Section 53 (Internal reviews) of the *Administrative Decisions Review Act 1997* does not apply to a decision of a council mentioned in subsection (3).
- (6) This section operates in addition to, and does not limit, any right a councillor has under the GIPA Act, this Act or any other Act to apply for, or be provided with, information.
- (7) In this section—
access application has the same meaning as in the GIPA Act.
GIPA Act means the *Government Information (Public Access) Act 2009*.
government information has the same meaning as in the GIPA Act

No. 6 **Long title (Rating capping or general income exclusion)**

Insert “and make other amendments” after “Tribunal”.

No. 7 **Long title (Provision of information to councillors)**

Insert after “to require councillors to be provided with certain government information on request;” after “system;”.