



LAUNCESTON CITY COUNCIL

COUNCIL MINUTES

**COUNCIL MEETING
MONDAY 22 SEPTEMBER 2014**

LAUNCESTON CITY COUNCIL

COUNCIL MINUTES

Monday 22 September 2014

Notice is hereby given that the Ordinary Meeting of the Launceston City Council will be held at the Council Chambers -

Date: 22 September 2014

Time: 1.00 pm

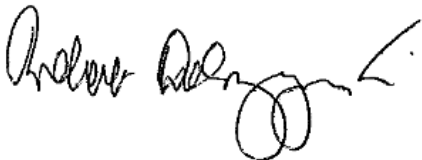
Section 65 Certificate of Qualified Advice

Background

Section 65 of the *Local Government Act 1993* requires the General Manager to certify that any advice, information or recommendation given to Council is provided by a person with appropriate qualifications or experience.

Declaration

I certify that persons with appropriate qualifications and experience have provided the advice, information and recommendations given to Council in the minute items for this meeting.



Robert Dobrzynski
General Manager

LAUNCESTON CITY COUNCIL

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1 OPENING OF MEETING - IN ATTENDANCE AND APOLOGIES

The Mayor opened the meeting at 1.00pm and noted an apology from Ald J G Cox.

RESOLUTION: (1):

Moved Alderman A M van Zetten, seconded Alderman A C Peck.

That Council suspend the standing order.

CARRIED UNANIMOUSLY 10:0

The Mayor paid tribute to Deputy Mayor Jeremy Ball.

Alderman D C Gibson, Alderman R L Armitage, Alderman R L McKendrick and Alderman D H McKenzie also paid tribute to Deputy Mayor Jeremy Ball.

General Manager Robert Dobrzynski paid tribute to Deputy Mayor Jeremy Ball.

RESOLUTION: (2):

Moved Alderman A C Peck, seconded Alderman R L McKendrick.

That Council resume the standing order.

CARRIED UNANIMOUSLY 10:0

2 DECLARATION OF PECUNIARY INTERESTS

Alderman R L Armitage declared a pecuniary interest in Agenda Item 7.1.

Alderman D H McKenzie declared a pecuniary interest in Agenda Item 16.1.

3 CONFIRMATION OF MINUTES**RECOMMENDATION:**

1. That the Minutes of the meeting of the Launceston City Council held on 8 September 2014 be confirmed as a true and correct record.

DECISION: 22/09/2014**RESOLUTION: (1):**

Moved Alderman D C Gibson, seconded Alderman R I Soward.

That the Recommendation be adopted.

CARRIED UNANIMOUSLY 10:0

4 DEPUTATION

Nil

5 ANSWERS FROM PREVIOUS PUBLIC AND ALDERMEN'S QUESTION TIME

Meeting Date & Item #	Question	Answer	Officer Responsible
8 Sept 2014 10.2	Alderman Peck asked - In regards to an email received from a resident concerning the development works of a property close to their own on Elphin Road, can Council address some of these issues as this matter has been an ongoing one?	I can advise that the Council's Development Services staff have previously investigated and actioned the matters raised in respect to this property. The issues relate to an extension to the dwelling on the property and as the work is being conducted in accordance with a valid Building Permit, there are no outstanding compliance matters.	Michael Stretton (Director Development Services)

Meeting Date & Item #	Question	Answer	Officer Responsible
10.4	<p>Alderman Gibson asked -</p> <p>What is the Status of the Launceston Liquor Accord?</p>	<p>The Annual General Meeting will be held on Thursday, 23 October 2014, commencing at 3.00pm. The meeting will be held in the Town Hall Committee Room, Town Hall, Council offices.</p> <p>Tony Dilger (Treasurer) noted Accord member numbers have declined dramatically over this year's general meetings, to the point that at the last meeting a members' quorum was not reached. With lower attendees at the quarterly meetings, Tony has suggested that the Accord's future could be discussed as an minutes item at the AGM meeting.</p> <p>It should be noted that the President recently resigned from the position due to selling her premises and moving onto a different career path.</p> <p>It should also be noted that all committee positions were not filled at the AGM held in 2013.</p>	<p>Michael Stretton (Director Development Services)</p>
10.5	<p>Alderman McKenzie asked -</p> <p>I would like to follow up on the status of a planning motion I put forth at the Council meeting on January 28 2014.</p>	<p>A planning forum is being prepared in accordance with the Notice of Motion for 16 October 2014. Further details and invitations will be provided over the next couple of weeks.</p>	<p>Michael Stretton (Director Development Services)</p>

6 PUBLIC QUESTION TIME**6.1 Mr Robin Smith - 1st Hour Free Parking**

Mr Smith asked:

- 1. Regarding the 1st Hour Free Parking proposal, is it possible that the Council could have targeted desired shoppers to increase visitation rather than just across the board?**

Robert Dobrzynski (General Manager) responded:

This would be difficult as car parks are generally open to those within the surrounding city and those outside the city. Council is open to discussions, as part of the City Heart Project, with business people and Cityprom to stimulate greater activity in the CBD.

- 2. Would this proposal replace or run in conjunction with the afternoon 3.30pm - 5.30pm free parking times?**

The Mayor responded:

If the motion is passed as is, the 3.30pm - 5.30pm free parking will remain.

Under the provisions of the *Land Use Planning and Approvals Act 1993*, Council acts as a Planning Authority in regard to item 7.1.

7 PLANNING AUTHORITY

7.1 63 Boland Street, Launceston - Hotel Industry - bottle shop; change of use to liquor wholesale and retail outlet including parking alterations and an advertising sign

FILE NO: DA0340/2014

AUTHOR: Leon Murray (Development Planner)

DIRECTOR: Michael Stretton (Director Development Services)

DECISION STATEMENT:

To consider and determine a development application pursuant to the *Land Use Planning and Approvals Act 1993*.

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

It is recommended that in accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993* and the Launceston Interim Planning Scheme 2012, a permit be granted for Hotel Industry bottle shop; change of use to liquor wholesale and retail outlet including parking alterations and an advertising sign at 63 Boland Street, Launceston in accordance with the endorsed plans and subject to the following conditions.

ENDORSED PLANS & DOCUMENTS

The use and development must be carried out in accordance with the endorsed plans and documents to the satisfaction of the Council unless modified by a condition of the Permit:

- a. Proposed Site Plan, Prepared by GHD, Drawing No. SK001, Project name Steve's Liquor Wholesale Pty Ltd 63 Boland Street DA - Liquor Outlet, Rev No. B, Dated 29/07/2014
 - b. Proposed Internal Alterations Plan, Prepared by GHD, Drawing No. SK002, Project name Steve's Liquor Wholesale Pty Ltd 63 Boland Street DA - Liquor Outlet, Rev No. B, Dated 06/08/2014
 - c. Proposed Floor Plan, Prepared by GHD, Drawing No. SK003, Project name Steve's Liquor Wholesale Pty Ltd 63 Boland Street DA - Liquor Outlet, Rev No. A, Dated 06/08/2014
-

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7.1 63 Boland Street, Launceston - Hotel Industry - bottle shop; change of use to liquor wholesale and retail outlet including parking alterations and an advertising sign...(Cont'd)

- d. Proposed Signage Plan, Prepared by GHD, Project name Steve's Liquor Wholesale Pty Ltd 63 Boland Street DA - Liquor Outlet
- e. Traffic Impact Assessment, Prepared by GHD, Project Name Steve's Liquor Warehouse Pty Ltd 63 Boland Street, Launceston, dated July 2014

LEGAL TITLE

All development and use associated with the proposal must be confined to the legal title of the subject land except construction of access from the street.

LAPSING OF PERMIT

This permit lapses after a period of two years from the date of granting of this permit if the use or development has not substantially commenced within that period.

NO STORAGE OUTSIDE BUILDING

All goods and packaging materials must be stored inside buildings. No external storage is permitted.

USE LIMITATION

This permit allows the use for Hotel Industry as defined in the Launceston Interim Planning Scheme 2012. The use is limited to:

- a. Wholesale sales of liquor within the area specified as the wholesale sales area only
- b. Retail sales of liquor within the area specified as the retail sales area only
- c. The identified office area being used as integral and subservient to the bottle shop use.

A new permit will be required to extend, substantially change or intensify the use on the site.

BUSINESS HOURS

The operation of the wholesale or retail component of the use must be confined to:

- a. 9:00am and 5:30pm Monday to Friday.
 - b. 9:00am and 2:00pm Saturdays.
 - c. Closed Sunday and Public Holidays.
-

7.1 63 Boland Street, Launceston - Hotel Industry - bottle shop; change of use to liquor wholesale and retail outlet including parking alterations and an advertising sign...(Cont'd)

SIGNAGE CONTENT

Content of the sign may be updated or changed without separate approval of Council, subject to:

- a. The structure, location and size of the signage not changing.
- b. The content of the signage relating to the site.
- c. Compliance with the requirements of the planning scheme.

NO SIGN ILLUMINATION

The sign must not be floodlit or otherwise internally illuminated.

REMOVAL OF EXISTING SIGNS

Prior to the erection or display of the signs approved by this permit, all other signs on the subject land must be removed.

CAR PARKING CONSTRUCTION

Before the use commences, areas set aside for parking vehicles and access lanes as shown on the endorsed plans must;

- a. Be designed to comply with the following suite of Australian Standards AS 2890.1 Off-street car parking, AS 2890.2 Off-street commercial vehicle facilities (*where applicable*), AS 2890.3 Bicycle parking facilities and AS 2890.6 Off-street parking for people with disabilities.
- b. Be properly constructed to such levels that they can be used in accordance with the plans,
- c. Be surfaced with a fully sealed, debris free surface of concrete, asphalt or square edged pavers,
- d. Be drained to Councils requirements,
- e. Be line-marked or otherwise delineated to indicate each car space and access lanes,
- f. Be provided with a concrete kerb of a minimum height of 150mm or such other form of barrier as the Planning Authority may approve, of sufficient height to prevent the passage of vehicles other than from approved crossovers, and to prevent vehicles causing damage to landscape areas;

Parking areas and access lanes must be kept available for these purposes at all times.

AMENITY

The construction of the development permitted by this permit must not adversely affect the amenity of the site and the locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the appearance of any buildings, works or materials; the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; the presence of vermin, or otherwise.

- 7.1 63 Boland Street, Launceston - Hotel Industry - bottle shop; change of use to liquor wholesale and retail outlet including parking alterations and an advertising sign...(Cont'd)**
-

Notes

Building Permit Required

Prior to the commencement of any construction the applicant is required to attain a Building Permit pursuant to the Building Act 2000. A copy of this planning permit should be given to your Building Surveyor. Please contact the Council's Building Services Department on 6323 3000 for further information.

Occupancy Permit Required

Prior to the occupation of the premises the applicant is required to attain an Occupancy Permit pursuant to the Building Act 2000. Section 93. A copy of this planning permit should be given to your Building Surveyor.

General

This permit was issued based on the proposal documents submitted for DA0340/2014. You should contact Council with any other use or developments, as they may require the separate approval of Council. Council's planning staff can be contacted on (03 6323 3000).

This permit takes effect after:

- a. The 14 day appeal period expires; or*
- b. Any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined; or.*
- c. Any agreement that is required by this permit pursuant to Part V of the Land Use Planning and Approvals Act 1993 is executed; or*
- d. Any other required approvals under this or any other Act are granted.*

This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. A once only extension may be granted if a request is received at least 6 weeks prior to the expiration date.

Restrictive Covenants

The granting of this permit takes no account of any covenants applicable to the land. The permit holder and any other interested party, should make their own enquires as to whether the proposed development is effected, restricted or prohibited by any such covenant.

If the proposal is non-compliant with any restrictive covenants, those restrictive covenants should be removed from the title prior to construction commencing or the owner will carry the liability of potential legal action in the future.

- 7.1 63 Boland Street, Launceston - Hotel Industry - bottle shop; change of use to liquor wholesale and retail outlet including parking alterations and an advertising sign...(Cont'd)
-

Access for People with a Disability

This permit does not ensure compliance with the Disability Discrimination Act, furthermore the developer may be liable to complaints under the said Act. The developer is directed to Australian Standard 1428 Parts 1 - 4 for technical direction on how to cater for people with disabilities.

Appeal Provisions

A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Resource Management and Planning Appeal Tribunal.

A planning appeal may be instituted within 14 days of the date the Corporation serves notice of the decision on the applicant.

For more information see the Resource Management and Planning Appeal Tribunal website www.rmpat.tas.gov.au <<http://www.rmpat.tas.gov.au>>

Mr M Stretton (Director Development Services) and Mr L Murray (Development Planner) were in attendance to answer questions of Council in respect of this Agenda Item.

The Mayor announced that Council was acting as a Planning Authority.

Mr Ashley Brook spoke to the item.

Alderman R L Armitage declared a pecuniary interest in this item and withdrew from the meeting at 1.21pm.

DECISION: 22/09/2014

RESOLUTION: (1):

Moved Alderman R L McKendrick, seconded Alderman D H McKenzie.

That the Recommendation be adopted.

CARRIED 6:3

7.1 63 Boland Street, Launceston - Hotel Industry - bottle shop; change of use to liquor wholesale and retail outlet including parking alterations and an advertising sign...(Cont'd)

FOR VOTE - Ald A M van Zetten, Ald D H McKenzie, Ald R L McKendrick, Ald I S Norton, Ald A C Peck, Ald D C Gibson

AGAINST VOTE - Ald A L Waddle, Ald R I Soward, Ald R J Sands

ABSENT. DID NOT VOTE - Ald R L Armitage, Ald J G Cox

Alderman R L Armitage re-attended the meeting at 1.27pm.

The Mayor announced that Council was no longer acting as a Planning Authority.

A motion was moved to bring Item 16.1 forward at 1.28pm and the Item concluded at 2.15pm.

See Item 16.1.

8 ANNOUNCEMENTS BY THE MAYOR**8.1 Mayor's Announcements****FILE NO: SF2375**

Monday 8 September

- Officiated at private citizenship ceremony
- Officiated at Rotary Club of Launceston West

Tuesday 9 September

- Attended Tackling Smoking Campaign Launch
- Attended Honorary Justices' Association of Tas AGM
- Attended LCC Events Stakeholder Forum

Wednesday 10 September

- Attended Junction Arts Festival Opening

Thursday 11 September

- Officiated at Singfest

Friday 12 September

- Attended Official Opening of the 2014 Tasmanian Outdoor Boat and Caravan Show
- Attended UTAS Faculty of Education Book Launch 2014

Saturday 13 September

- Attended North Launceston Bowls & Community Club 2014 Open Day
- Attended Junction Arts Event - Backyard Bands
- Attended Junction Arts Event - The Gospel Hall
- Attended Mowbray Cricket Club - Celebration for 2014-15 Season

Sunday 14 September

- Officially launched 2014 Big Red Kidney Walk
- Officiated at Australian Peacekeepers Day Ceremony, followed by RSL luncheon

Tuesday 16 September

- Attended Tasmanian Breath of Life (BOFA) Film Festival Launch

Wednesday 17 September

- Officially welcomed delegates at Environmental Health Australia 2014 State Conference - "Focusing On Fundamentals"
 - Attended Launceston College Dance Fever - Performance of "Believe"
-

8.1 Mayor's Announcements...(Cont'd)

Thursday 18 September

- Attended VanDiemen Luxury Craft Official Launch - Sports Limousine 7.5
- Attended Freelifa Church Conference

Friday 19 September

- Attended Government House Reception for Clr. John Watson AM and Anthony Benneworth OAM
 - Attended Rocherlea Football Club Annual Dinner
-

9 ALDERMEN'S/DELEGATES' REPORTS**9.1 Ald Soward - State League Grand Final**

Alderman R I Soward reported:

- **Saturday 20 September - attended the State League Grand Final at Aurora Stadium. Congratulations to the Northern Bombers on their 59 point victory against the Western Storm.**
 - **Organisers of the International Natural Bodybuilding Association Tasmanian Championships recently held at the Albert Hall have expressed their happiness and provided very positive feedback regarding the event and Albert Hall.**
-

9.2 Ald Peck - Launceston Airport, Napa Valley & Upcoming Cityprom Events

Alderman A C Peck reported:

- **Launceston Airport is now Australia's 12th largest airport with 1,280,000 passengers recorded in the last year.**
 - **Works are now at the construction stage of the premier undercover parking area and commercial staging area. The new entrance is scheduled for opening in the next 6 to 8 weeks.**
 - **First holographic staff member called 'Sheila' will be placed at the screening point near the entrance to greet and provide information to passengers. 'Sheila' is expected to start in late October, early November.**
 - **Remuneration from Launceston City Council's ten percent share investment of profit totals \$245,421 for the past 6 months.**
 - **Napa Valley - Josef Chromy Wine Scholarship recipient Marty Smith had been staying at Mayor Jill Techel's home at the time of the recent earthquake. In true 'Aussie' spirit Marty has rectified damage made to the property during the quake and has extended his assistance to other colleagues.**
 - **Upcoming Cityprom events include the George Street Fiesta on Saturday 18 October, 12.00pm - 9.00pm, Cityprom AGM to be held on Monday 29 October & the lighting of the Mall Christmas Tree will be held on Friday 21 November with festivities commencing at 6.15pm.**
-

9.3 Ald McKendrick - Franklin House, York Park Authority and HELP Forum

Alderman R L McKendrick reported:

- **Thursday 18 September - attended a meeting at Kings Meadows High School concerning the new flood protection proposal for Kings Meadows and can report an exceptionally good outcome.**
- **The State Government have honored their commitment to Franklin House of \$25,000 for the underpinning of the stables.**
- **Wednesday 17 September - attended the Launceston College, Door of Hope Dance Fever.**
- **Tuesday 16 September - attended the annual Heritage Everything for Local Planning 'HELP' forum.**

York Park Authority Committee Meeting -

- **A new Masterplan is complete and will be presented to Council and then move on to public consultation.**
- **Hobart Hurricanes Cricket Team will hold a practice match at Aurora Stadium on 18 December which will coincide with the Grand Final of the exciting Carlton Mid-Aussie 15's Cricket Team.**
- **Hobart Royal Women's Cricket Team will play Aurora Stadium on 28, 29 and 30 November.**
- **Final of the Northern Tasmanian Cricket Association 20/20 game will also be played at the stadium.**
- **Hawthorne contract is up for renewal in 2016.**

Ald R I Soward withdrew from the meeting at 2.23 pm.

Ald R I Soward re-attended the meeting at 2.26pm.

9.4 Ald Norton - Cataract Gorge Advisory Committee Meeting

Alderman I S Norton reported:

Thursday 18 September - chaired last meeting of the Cataract Gorge Advisory Committee and noted the following:

- **The Lions Club have donated a seat at the viewing platform**
 - **10 new 'Green Army' trainees have been inducted**
 - **Reimaging of Cataract Gorge should finish in approximately February 2015**
 - **A new shelter to go over the barbeque area is awaiting funding**
 - **Work has commenced at the Basin Cottage.**
-

9.5 Ald McKenzie - Princess Theatre

Alderman D H McKenzie reported:

- **Some good results have emerged over the last year from changes to program events. The Princess Theatre conducts tours so if you are interested please contact the Princess Theatre to make a booking.**
 - **Congratulations to North Launceston for Saturday's Grand Final win.**
-

9.6 Ald Waddle - Good Neighbour Council of Tasmania AGM

Alderman A L Waddle reported:

- **Friday 19 September - attended the Good Neighbour Council of Tasmania's Annual General Meeting.**
-

10 QUESTIONS BY ALDERMEN**10.1 Ald Peck - Commentary and advertising on the Tiger Bus**

Alderman A C Peck asked:

Regarding the Tiger Bus - what is happening with the commentary, brochures and advertising space?

Rod Sweetnam (Director Facilities Management) responded:

Officers were not aware that the commentary was not working. This will be followed up.

Brochures and advertising had been put on hold as the future of the Tiger Bus had been tied to the 1st Hour Free debate. This will now be followed up with Metro in particular the placement of brochures on the bus.

Alderman Sands withdrew from the meeting at 2.43pm.

10.2 Ald Peck - Talbot Rd Lookout

Alderman A C Peck asked:

Can we trim the trees at the Talbot Rd Lookout so the view can be enjoyed?

This question was taken on notice.

10.3 Ald Peck - Travel & Information Centre

Alderman A C Peck asked:

Are there any figures regarding a drop in visitors/customers to the Travel and Information Centre on Cameron Street as a result of the scaffolding?

This question was taken on notice.

Alderman R J Sands re-attended the meeting at 2.48pm.

11 COMMITTEE REPORTS**11.1 Street Tree Advisory Committee - 14 August 2014****FILE NO:** SF5726**AUTHOR:** Andrew Smith (Manager Parks and Recreation)**DIRECTOR:** Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To receive and consider a report from the Street Tree Advisory Committee.

RECOMMENDATION:

That Council receive the report from the Street Tree Advisory Committee meeting held on 14 August 2014.

Mr H Galea (Director Infrastructure Services) was in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 22/09/2014**RESOLUTION:** (1):**Moved Alderman D H McKenzie, seconded Alderman D C Gibson.****That the Recommendation be adopted.****CARRIED UNANIMOUSLY 10:0**

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11.2 QVMAG Museum Governance Advisory Board Committee Meeting - 27 August 2014

FILE NO: SF2244

AUTHOR: Leila Wagner (Personal Assistant)

DIRECTOR: Richard Mulvaney (Director Queen Victoria Museum and Art Gallery)

DECISION STATEMENT:

To receive and consider a report from the QVMAG Museum Governance Advisory Board.

RECOMMENDATION:

That Council:

1. Receive the report from the QVMAG Museum Governance Advisory Board meeting held on 27 August 2014.
 2. To establish a Governance Working Group comprised of Neil McKinnon, Rodney Paul, Jill Dearing, Patricia Sabine and Richard Mulvaney.
-

Mr R Mulvaney (Director Queen Victoria Museum and Art Gallery) was in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 22/09/2014

RESOLUTION: (1):

Moved Alderman R L McKendrick, seconded Alderman D H McKenzie.

That the Recommendation be adopted.

CARRIED UNANIMOUSLY 10:0

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11.3 Northern Youth Coordinating Committee Meeting Report - 4 September 2014

FILE NO: SF0136

AUTHOR: Wendy Newton (Youth and Community Officer)

DIRECTOR: Michael Stretton (Director Development Services)

DECISION STATEMENT:

To receive and consider a report from the Northern Youth Coordinating Committee meeting held on 4 September 2014.

RECOMMENDATION:

That Council receive the report from the Northern Youth Coordinating Committee meeting held on 4 September 2014.

Mr M Stretton (Director Development Services) was in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 22/09/2014

RESOLUTION: (1):

Moved Alderman D C Gibson, seconded Alderman R I Soward.

That the Recommendation be adopted.

CARRIED UNANIMOUSLY 10:0

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11.4 Pedestrian & Bike Committee Meeting - 9 September 2014

FILE NO: SF0618

AUTHOR: Julie Tyres (Administration Officer - Road Assets)

DIRECTOR: Harry Galea (Director Infrastructure Services)

DECISION STATEMENT:

To receive and consider reports from the Pedestrian & Bike Committee.

RECOMMENDATION:

That the Council receive the report from the Pedestrian & Bike Committee Meeting held on 9 September 2014.

Mr H Galea (Director Infrastructure Services) was in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 22/09/2014

RESOLUTION: (1):

Moved Alderman D H McKenzie, seconded Alderman R I Soward.

That the Recommendation be adopted.

CARRIED UNANIMOUSLY 10:0

12 COUNCIL WORKSHOPS

The following Council Workshops were held on 15 September 2014:

- Northbank Concept Plan - Wool Store Building
- Proposed New Composting Facility and Organics Kerbside Program
- Private Use of Nature Strips Policy
- Strathroy Argi Park Development

13 PETITIONS

Nil

14 NOTICES OF MOTION - FOR CONSIDERATION

Nil

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DIRECTORATE MINUTES ITEMS

15 DEVELOPMENT SERVICES

15.1 Authorisation of Permit Authority Pursuant to the Building Act 2000

FILE NO: SF0113

DIRECTOR: Michael Stretton (Director Development Services)

DECISION STATEMENT:

To authorise the General Manager as Permit Authority pursuant to the *Building Act 2000*.

PREVIOUS COUNCIL CONSIDERATION:

Nil.

RECOMMENDATION:

That pursuant to Section 11(5) of the *Building Act 2000* ('the Act'), the Council authorise Robert Dobrzynski, General Manager as Permit Authority to facilitate the powers and/or functions in administration, enforcement and responsibilities in accordance with the Act.

Mr M Stretton (Director Development Services) was in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 22/09/2014

RESOLUTION: (1):

Moved Alderman R I Soward, seconded Alderman D H McKenzie.

That the Recommendation be adopted.

CARRIED UNANIMOUSLY 10:0

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16 FACILITY MANAGEMENT

16.1 '1st Hour Free' Trial in Multi-Storey Launceston CBD Car Parks

FILE NO: SF0530

AUTHOR: Robert Dobrzynski (General Manager), Rod Sweetnam (Director Facilities Management) and Melissa Carlton (Acting Parking & Carr Villa Manager)

GENERAL MANAGER: Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To determine a policy position in relation to a request from Cityprom for the provision of '1st Hour Free' parking in the Launceston City Council's Paterson St West, Paterson St East and Elizabeth St Multi-Storey Car Parks.

PREVIOUS COUNCIL CONSIDERATION:

Council Meeting 11 September 2006 - Item 12.2
SPPC Workshop 16 June 2014
Council Meeting 23 June 2014 - Item 15.1
SPPC Workshop 18 August 2014
SPPC Workshop 1 September 2014

RECOMMENDATION:

That in consideration of:

1. The budget revenue foregone by the Council resulting from the introduction of one hour 'free parking' in the Launceston CBD amounting to a figure estimated to be \$720,000.
 2. The amount of \$720,000 indicated above being unbudgeted and would result in the need for significant cuts in other service delivery programs the Council took to the community in its advertised 2014/15 budget.
 3. The uncertainty surrounding the claim by TasWater for payment by the Council of an amount of \$6.8 million each year for the provision of stormwater services, through the combined sewer drainage system, which matter is currently before arbitration.
 4. The fact that foregoing the amount of \$720,000 for one hour 'free parking' in the Launceston CBD would need to be met by all Council's ratepayers.
 5. All Council's ratepayers would bear the cost of 'free parking' provided to residents from outside the Council area who currently pay a user charge for their parking in the CBD.
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16.1 '1st Hour Free' Trial in Multi-Storey Launceston CBD Car Parks...(Cont'd)

6. There is no evidence to indicate the provision of one hour 'free parking' in the Launceston CBD at an annual revenue foregone cost of \$720,000 per annum would result in additional retail patronage of the Launceston CBD.
7. That Council is implementing the Launceston City Heart Project which seeks to work with key community, business and government stakeholders to define the role, and vision for the CBD in a contemporary Launceston.
8. The Council have established that the Launceston City Heart Project is a major priority in developing a high value CBD experience for residents and visitors that is compelling, set in a CBD featuring high quality amenity and infrastructure funded by a major capital revitalisation project undertaken by the Council with State and Commonwealth funding support over a three year period.
9. The perspective that only an integrated holistic strategy such as the Launceston City Heart Project can restore the position of the CBD as an iconic, compelling attractor of patronage, featuring a variety of experiences that are valued by consumers.
10. The fact that 2 hours free parking in off-street multi-storey is car parking currently provided by Council from 3.30pm to 5.30pm (weekdays and weekends).

The Council determines not to proceed with the introduction of one hour 'free parking' in the Launceston CBD and to continue working with all business owners, the community and government to improve the economic conditions within the city and region and to secure funding which delivers the Launceston City Heart Project as a project, redefining the future role of Launceston CBD and consolidating its position as an iconic, exciting, vibrant, must visit visitor/consumer destination.

Mr R Dobrzynski (General Manager), Mr R Sweetnam (Director Facilities Management) and Ms M Carlton (Acting Parking & Carr Villa Manager) were in attendance to answer questions of Council in respect of this Agenda Item.

Ms Vanessa Cahoon of Cityprom spoke against item 16.1.

Ms Maree Tetlow of the Launceston Chamber of Commerce spoke against item 16.1.

DECISION: 22/09/2014

RESOLUTION: (1):

Moved Alderman A L Waddle, seconded Alderman I S Norton.

That item 16.1 be brought forward to 1.28pm.

CARRIED UNANIMOUSLY 10:0

16.1 '1st Hour Free' Trial in Multi-Storey Launceston CBD Car Parks...(Cont'd)

Alderman D H McKenzie declared a pecuniary interest in this Agenda Item and withdrew from the meeting at 1.28pm.

RESOLUTION: (2):

Moved Alderman A C Peck, seconded Alderman I S Norton.

That the Recommendation be adopted

CARRIED 6:3

FOR VOTE - Ald A M van Zetten, Ald A L Waddle, Ald R L McKendrick, Ald R I Soward, Ald A C Peck, Ald D C Gibson

AGAINST VOTE - Ald R L Armitage, Ald I S Norton, Ald R J Sands

ABSENT. DID NOT VOTE - Ald D H McKenzie, Ald J G Cox

RESOLUTION: (3):

Moved Alderman R L McKendrick, seconded Alderman A C Peck.

That an extension of time of 3 minutes be granted to Alderman R I Soward.

CARRIED 9:0

RESOLUTION: (4):

Moved Alderman A C Peck, seconded Alderman R I Soward.

That an extension of time of 3 minutes be granted to Alderman R L McKendrick.

CARRIED 9:0

16.1 '1st Hour Free' Trial in Multi-Storey Launceston CBD Car Parks...(Cont'd)

RESOLUTION: (5):**Moved Alderman R L McKendrick, seconded Alderman I S Norton.****That an extension of time of 3 minutes be granted to Alderman R L Armitage.****CARRIED 9:0****The Mayor handed the Chair to Alderman Waddle at 2.10pm.****The Mayor resumed the Chair at 2.14pm.****Alderman D H Mckenzie re-attended the meeting at 2.15pm.**

17 **QUEEN VICTORIA MUSEUM AND ART GALLERY**
Nil

18 **INFRASTRUCTURE SERVICES**
Nil

COUNCIL MINUTES

Monday 22 September 2014

19 CORPORATE SERVICES

19.1 2013/2014 Annual Plan Progress Report Period Ending 30 June 2014

FILE NO: SF5910 / SF5652

AUTHOR: Leanne Purchase (Corporate Planning Administration Officer)

DIRECTOR: Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To receive the report on progress against Council's 2013/14 Annual Plan for the period ending 30 June 2014.

PREVIOUS COUNCIL CONSIDERATION:

Item 19.1 - Council - 24 June 2013 - *Launceston City Council Annual Plan 2013/14 approved*

Item 18.3 - Council - 10 June 2014 - *2013/2014 Annual Plan Progress Report Period Ending 30 April 2014*

RECOMMENDATION:

That Council:

1. Notes the progress against 2013/14 Annual Plan actions for the period ending 30 June 2014.
 2. Endorses the change in priorities to flooding related issues that results in the Action *Complete a water quality management plan for Newnham Creek* (Action No. 1.1.2.2 ISD Infrastructure Assets) not going ahead.
 3. Endorses the delivery of the Action *Complete Civic Square Precinct Plan* (Action No. 1.1.3.3 ISD Parks and Recreation) as part of the City Heart project during the 2014/15 financial year (Action No. 2.1.2.2 *Launceston City Heart Project*, DSD Management).
 4. Endorses the delivery of the Action *Development of Heritage Precinct provisions in consultation with the Heritage Advisory Committee* (Action No. 2.1.4.1 DSD Management) in 2014/15 under the Action "*Heritage management - Undertake a review of the Council's heritage management function in consultation with the Heritage Advisory Committee to identify priorities and develop a work plan*" (Action No. 2.1.4.1 DSD Planning Services), pending changes to the Historic Cultural Heritage Act.
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COUNCIL MINUTES

Monday 22 September 2014

19.1 2013/2014 Annual Plan Progress Report Period Ending 30 June 2014...(Cont'd)

Mr M Tidey (Director Corporate Services), Mr J Davis (Manager Corporate Strategy) and Ms L Purchase (Corporate Planning Administration Officer) were in attendance to answer questions of Council in respect of Agenda Items 19.1 – 19.4 inclusive.

DECISION: 22/09/2014

RESOLUTION: (1):

Moved Alderman R L McKendrick, seconded Alderman D H McKenzie.

That the Recommendation be adopted.

CARRIED UNANIMOUSLY 10:0

19.2 Code of Conduct for Aldermen**FILE NO:** SF2213**AUTHOR:** Leanne Purchase (Corporate Planning Administration Officer)**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider the adoption of the revised Code of Conduct for Aldermen (14-Plx-032) - formerly 14-Plx-024

PREVIOUS COUNCIL CONSIDERATION:

SPPC Minute 4.2 of 01 September 2014 recommended the policies be presented to a future Council meeting for formal adoption

RECOMMENDATION:

That the Council adopt the Code of Conduct for Aldermen (14-Plx-032) - formerly 14-Plx-024

CODE OF CONDUCT FOR ALDERMEN**Introduction**

This Code of Conduct sets out the manner in which City of Launceston expects those elected to Council to behave in respect to all aspects of their role.

It provides guidance to the Mayor, Deputy Mayor and Aldermen to assist them in carrying out their duties in an appropriate manner as well as information to the community on how they can expect their local government representatives to behave.

In developing this Code of Conduct, the Council has been mindful of the statutory requirements related to Codes of Conduct in the Local Government Act 1993 and the Local Government (General) Regulations 2005 and also recognises that the standards in this Code of Conduct are in addition to the requirements of the Local Government Act 1993 and related legislation.

We understand that as Aldermen, we are in a position of trust and that collectively we are responsible for decisions which impact on all in our community.

19.2 Code of Conduct for Aldermen...(Cont'd)

Legislation

Section 28E of the Local Government Act 1993 currently requires the following:

- 1) A council must adopt a code relating to the conduct of Aldermen by 1 July 2006
- 2) A code of conduct must:
 - a) be consistent with this Act; and
 - b) address any prescribed matters; and
 - c) be reviewed within 12 months after an ordinary election
- 3) The general manager is to make a copy of the council's code of conduct and any amendments to the code available –
 - a) for public inspection at the public office during ordinary office hours; and
 - b) for purchase at a reasonable charge; and
 - c) on its internet site free of charge.
- 4) An Alderman is to comply with the provisions of the code of conduct in performing the functions and exercising the powers of an Alderman.

Moreover, Regulation 22A of the Local Government (General) Regulations 2005 prescribes that each council code of conduct must contain a number of elements.

These are:

- a) conflicts of interest;
- b) the use of the office of Alderman, mayor or deputy mayor;
- c) the use of council resources;
- d) the use of council information;
- e) the giving and receiving of gifts and benefits;
- f) relationships with the community, other Aldermen and council employees;
- g) the representation of the council.

To see all the regulations prescribing how a complaint must be made and dealt with please go to www.thelaw.tas.gov.au.

19.2 Code of Conduct for Aldermen...(Cont'd)

Statement of Values

We the elected representatives of City of Launceston are committed to discharging our duties conscientiously and to the best of our ability. We will at all times endeavour to:

- Act with impartiality, taking into account all the information available and making decisions solely on merit;
- Treat all people with respect;
- Act honestly, declaring our interests, following policies and processes and exercising powers strictly for the purpose intended;
- Be accountable for our decisions, making clear our reasons, keeping proper records and showing discipline and responsibility;
- Show leadership through demonstrating the behaviour we expect of others and ourselves; and
- Act in the best interests of the entire municipal area and the community, balancing the interests of all stakeholders.

Standards of Conduct

Eight standards of Conduct have been identified. These are:

1. Objective Decision-Making

Aldermen must ensure that they bring an impartial and unprejudiced mind to all matters being decided upon in the course of council duties.

This does not mean that Aldermen are automatically disqualified purely for having held a public view on a matter which is the subject of a council decision. In a case involving a Tasmanian council, the court found that "expressing such views is part of the electoral process" provided that expressing an opinion does not go as far as indicating a decision has been made.

Hobart City Council has received legal advice that Alderman are entitled to participate in discussions with developers and interested third parties after a development application is lodged and to attend private and public meetings and briefings in relation to an application that will be determined by the Council as a planning authority under the Land Use Planning and Approvals Act 1993 provided Aldermen keep an open mind and act fairly and impartially.

Elected representatives should adhere to council policy and legal advice in relation to expressing personal versus council views.

19.2 Code of Conduct for Aldermen...(Cont'd)

2. Conflict of Interest

Aldermen must ensure that, when carrying out their public duty, they are not wrongfully influenced by other external interests that they have, or duties that they owe. They must therefore, in all such dealings, put the interests of their community first. The onus is on Aldermen to identify a conflict of interest, whether perceived or real, and take appropriate action to resolve the conflict in favour of their public duty.

3. Proper Use of Office

Aldermen must not improperly use their position to gain an advantage or confer a disadvantage for themselves or anyone else. They must not conduct themselves in a way which could bring the Council or the position of Alderman into disrepute.

4. Proper Use of Resources

Aldermen must ensure that neither they nor others associated with them wrongfully benefit at the expense of the Council and its people, and thus are required to use Council property and resources strictly for the purposes of performing their role.

5. Proper Use of Information

Aldermen must not disclose, without consent, confidential information or other information which they have acquired as a result of their office with Council. Further, they must actively protect all confidential and other information of Council which comes into their possession or knowledge.

6. Gifts and Benefits

Aldermen hold positions of trust within the community. Aldermen must exercise their powers and carry out their duties without being influenced by personal gifts or benefits which they might otherwise enjoy.

7. Relationships with the Community, Aldermen and Council Staff

Aldermen must be familiar with, and adhere to, laws relating to treatment of people (e.g. antidiscrimination laws) and must treat people with courtesy, fairness, dignity and respect.

19.2 Code of Conduct for Aldermen...(Cont'd)

8. Representation of the Council

Aldermen must ensure that when representing the Council they only do so within the ambit of their authority. Furthermore, Aldermen must make clear when a personal opinion, as opposed to a Council policy or decision, is being discussed.

In developing these standards the Council has given consideration to the legislative requirements of a Code of Conduct and the values we wish to support.

Further detail on each of the standards, and examples of breaches of the Code of Conduct in relation to these standards is provided in subsequent sections.

Application of the Code of Conduct

This Code of Conduct applies to an Alderman whenever he or she:

- conducts council business, whether at or outside a meeting;
- conducts the business of his or her office - that may be mayor, deputy mayor or Alderman; or
- acts as a representative of the Council.

A complaint for the failure to comply with the provisions of the Code of Conduct may be made where the Alderman fails to meet the standard of conduct specified in the Code.

Aldermen should only invoke the provisions of this Code in good faith, where it is perceived that another Alderman has not complied with its provisions or intent. Aldermen should in all cases attempt to resolve matters of disagreement with one another in the first instance and not immediately resort to a formal complaint.

For information on how to make a complaint please:

- talk to the City of Launceston's General Manager; or
- see the attached general information about making a Code of Conduct complaint; or
- see the attached Code of Conduct complaint form.

Standard of Conduct 1 – Objective decision-making

Expectations of Aldermen

Aldermen must ensure that:

- a) In all of their dealings related to their Council duties, including in making decisions, they strive to do so free of any bias or pre-judgement;
 - b) They make decisions solely on merit and in accordance with their statutory obligations when carrying out public business, including the awarding of contracts or recommending individuals for rewards or benefits; and
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19.2 Code of Conduct for Aldermen...(Cont'd)

- c) In making decisions they must:
- inform themselves as much as possible;
 - take all relevant facts known to them, or that they should be reasonably aware of, into consideration; and
 - have regard to the particular merits of each case independent of any personalities involved.

Supporting Examples

- 1) If an Alderman makes a public pronouncement about support of, or opposition to, an application prior to a decision of Council or suggests prior to a forthcoming Council or Council Committee meeting that they have already come to a decision, it is likely to give members of the public the view that the Alderman has already pre-judged the matter before a decision is made (whether that view is right or wrong does not matter).
- 2) Aldermen ought not sign a public petition to Council or be party to a legal claim against Council which demonstrates that in their capacity to influence a decision of Council, they will be likely to bring a partial and/or prejudiced view.

Standard of Conduct 2 – Conflict of Interest**Expectations of Aldermen**

- a) Aldermen must exercise reasonable judgement to decide if circumstances have arisen that may place them in a potential or actual conflict of interest situation;
 - b) Aldermen must seek to remove themselves from positions of conflict of interest as far as reasonably possible and so should resolve in favour of the responsibilities of their public office, all conflicts between their Council duties and responsibilities and any other private or personal (including business) duties or interests they have elsewhere, including clubs, memberships and affiliations;
 - c) Aldermen must adhere to principles of transparency and honesty and therefore always declare actual or potential conflicts of interest at any meeting of Council and at any working group or meeting of an outside body to which they are appointed or nominated by the Council. Moreover, they must abide by the rules, policies and law to adequately and appropriately deal with any conflicts;
 - d) Aldermen must act in good faith and exercise reasonable judgement, to determine whether the actual or potential conflict of interest is so material that it demands one or more of the following actions in addition to the expectations set out in paragraphs (a) – (c) above, namely that:
 - Aldermen state their views on the matter for discussion or decision but abstain from participating in any Council decision on the relevant matter; or
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19.2 Code of Conduct for Aldermen...(Cont'd)

- Aldermen remove themselves physically from any Council discussion and remain out of the room during the decision on the relevant matter.
- e) If in doubt as to whether circumstances might amount or lead to an actual or potential conflict of interest, the Alderman must contact the General Manager to help resolve the course of action.

Supporting Examples

As a key question, when Aldermen are asking themselves whether they have a conflict of interest, they should ask themselves whether they are, or may be, wrongfully influenced by other external interests they have, or duties they owe, in making the relevant Council decision.

As examples only, Aldermen should consider this question in the following contexts:

- 1) If an Alderman is involved in the selection of a contractor or supplier of goods or services to the Council, it would be an unacceptable conflict of interest to place a contract with a family member or business contact without declaring the connection. Aldermen should then either remove themselves from the process for selection, or if they are required to continue in the process, then strictly follow the applicable Council tendering or other relevant procedures for the selection of a contractor.
- 2) If a decision is before Council in which the Alderman has a personal (non-pecuniary) interest because it will assist a not-for-profit organisation of which the Alderman, or a family member, are a member, then it is required that the Alderman clearly declares the nature of their interest. It is unlikely, however, to be so material that it excludes the Alderman from discussion or decision.
- 3) It becomes even less likely that an Alderman will have a conflict of interest the longer it has been since they had a formal involvement with an organisation which may cause conflict.

Note:

Where an Alderman has a direct or indirect financial interest (pecuniary interest), there are specific provisions in the Local Government Act which must be complied with. Complaints related to pecuniary interest matters should be made to the Director of Local Government and cannot be considered by a Code of Conduct Panel.

19.2 Code of Conduct for Aldermen...(Cont'd)

Standards of Conduct 3 – Proper Use of Office**Expectations of Aldermen**

Aldermen must ensure that:

- a) They do not take advantage (nor seek to take advantage) of their position or status to improperly influence others in the performance of their duties or functions, in order to gain an undue, improper, unauthorised or unfair benefit or detriment for themselves or any other person;
- b) In their personal dealings with the Council (e.g. as a ratepayer, recipient of a Council service or applicant for consent granted by Council), they do not expect nor request, expressly or implied, preferential treatment for themselves or any other person or body; and
- c) To act in a manner so as to not bring elected or Council officers into disrepute.

Supporting Examples

- 1) If an Alderman wishes to transact business with the council in a private capacity, they should make clear the capacity in which they are speaking to staff and must not apply implicit or implied influence as an Alderman to obtain preferential treatment for themselves or their family.
- 2) An Alderman should not use the code of conduct for political purposes.

Standard of Conduct 4 – Proper Use of Resources**Expectations of Aldermen**

Aldermen must ensure that:

- a) They use Council resources ethically, effectively, efficiently and carefully in the course of public duties;
 - b) They do not use Council resources for private purposes except strictly as permitted by the Council for reasonable and limited personal use and, where required as part of such permission, proper payment for the use is made;
 - c) They do not convert any property of the Council to their own use unless properly authorised;
 - d) They use Council property appropriately, including intellectual property, official services and facilities and do not permit their misuse by any other person or body; and
 - e) They avoid any action or situation which could create the impression that Council property, official services or public facilities are being improperly used for their own or any other person's or bodies' private benefit.
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19.2 Code of Conduct for Aldermen...(Cont'd)

Supporting examples

- 1) If the Council provides an Alderman with computer equipment for undertaking public duties, then they should not use that equipment for private work or outside the Council, except strictly in accordance with personal use guidelines or as otherwise expressly permitted by the Council.
- 2) The interest of an Alderman in their re-election is considered to be a personal interest and as a result the reimbursement of travel expenses incurred on election matters is not appropriate. Similarly, council equipment should not be used in a re-election campaign.

Standard of Conduct 5 – Proper use of information**Expectations of Aldermen**

Aldermen must ensure that they:

- a) Protect confidential information in their possession or knowledge;
- b) Only access information needed for them to perform their role;
- c) Do not use confidential information for any non-official purpose;
- d) Only release confidential information if they have authority to do so;
- e) Only use confidential information for the purpose it is intended to be used;
- f) Only release other information in accordance with established Council policies and procedures; and in compliance with relevant legislation/ laws;
- g) Do not use Council information for personal purposes;
- h) Do not disclose any information discussed during a confidential session of a Council meeting; and
- i) Actively protect all commercially sensitive and other confidential information of Council.

Supporting examples

- 1) If an Alderman receives information about an organisation through a closed Council Meeting (agendas, papers, discussion) then they must not disclose any part of that information to persons outside Council.
 - 2) Information used for public duties should not be copied or taken away from the workplace except strictly as necessary for Council purposes and in accordance with any relevant guidelines laid down within Council.
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19.2 Code of Conduct for Aldermen...(Cont'd)

Standard of Conduct 6 – Gifts and Benefits

Please refer to the Council's Policy for Acceptance of Gifts and Benefits by Aldermen (14-Plx-031).

Standard of Conduct 7 – Relationships with the community, Aldermen and council staff**Expectations of Aldermen**

Aldermen must ensure that:

- a) Where appropriate, they make sure stakeholders have an opportunity to be heard about decisions that affect them;
- b) They do not make allegations to or about other Aldermen or members of the public which are defamatory, slanderous, derogatory or discriminatory;
- c) They behave in a manner that is free from discrimination, bullying or harassment;
- d) They listen to and respect each other's views in Council and committee meetings and any other proceedings of the Council, and make certain that issues, not personalities, are the focus of debate;
- e) They refrain from directing council staff, other than giving appropriate direction to the General Manager in the performance of the Council's functions by way of Council or committee resolution, or by the Mayor exercising his or her functions under Section 27(1(ba)) of the Local Government Act;
- f) They refrain from, in any public or private forum, directing or influencing, or attempting to direct or influence, any other member of the staff of the Council or a delegate of the Council, in the exercise of the functions of the member or delegate; and
- g) They refrain from contacting an employee of the Council unless in accordance with procedures governing the interaction of Aldermen and Council employees that have been authorised by the General Manager.

Supporting examples

- 1) Aldermen should show respect to all other Aldermen, even if they hold different views and not try to change a view through intimidation or bullying.
 - 2) Aldermen should respect the impartiality and integrity of Council staff and behave towards them in a way that engenders mutual respect.
 - 3) Aldermen should treat all employees with courtesy and respect and observe any guidelines that the General Manager puts in place regarding contact with employees.
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19.2 Code of Conduct for Aldermen...(Cont'd)

- 4) Aldermen must not victimise another Alderman for having made a complaint.
- 5) Aldermen must not verbally attack another Alderman; only their views should be challenged in a rational and dignified manner.
- 6) When referring to other Aldermen in a public forum, including electronic forms of communication, Aldermen should be conscious of how their comments will be perceived. Aldermen should ask themselves what a reasonable observer would think.

Standard of Conduct 8 – Representation of the Council**Expectations of Aldermen**

Aldermen must ensure that:

- a) When giving information to the community, they accurately represent the policies and decisions of the Council;
- b) They do not speak on behalf of the Council unless they have been specifically authorised or delegated by the Mayor;
- c) They clearly indicate when they are putting forward personal views;
- d) They do not knowingly misrepresent information they have obtained in the course of their duties; and
- e) When representing Council on external bodies, they make efforts to clearly understand the basis of the appointment and be aware of the ethical and legal responsibilities attached to such appointment.

Supporting example

The Mayor is spokesperson of Council. This does not mean that Aldermen cannot express a particular view, however, Aldermen must report on Council's policies and decisions accurately and clearly distinguish between their personal views and the official position of the Council.

Interpretation

In this document the following terms have been defined as:

"Alderman" means councillor as defined in Section 3 of the Local Government Act 1993.

"bully / bullying" means to threaten, persecute or oppress, either physically, emotionally, psychologically or morally with the intention to intimidate or frighten.

19.2 Code of Conduct for Aldermen...(Cont'd)

"Close Associate" has the same meaning as defined under Section 51 of the Local Government Act 1993; i.e. a person is a close associate of an Alderman if that person is:

- A body corporate of which the Alderman or member is a director or a member of the governing body; or
- A proprietary company in which the Alderman or member is a shareholder; or
- A public company in which the Alderman or member is directly or indirectly a substantial shareholder; or
- A beneficiary under a trust or an object of a discretionary trust of which the Alderman or member is a trustee; or
- A business partner of an Alderman or member; or
- The employer or an employee of the Alderman or member; or
- A person from whom the Alderman or member has received, or might reasonably be expected to receive, a fee, commission or other reward for providing professional or other services in relation to a matter being dealt with or to be dealt with by the council, council committee, special committee, controlling authority, single authority or joint authority; or
- The spouse or partner of the Alderman, member, Alderman's son or daughter or member's son or daughter; or
- The son, daughter, brother, sister, mother or father of the Alderman or member or of their spouse or partner.

"Conflicts of Interest" may arise when an Alderman can be influenced or a reasonable person could perceive that the Alderman could be influenced by a personal interest in a matter being considered by the Council or an Alderman has knowledge that a family member, relative, friend, associate or anybody else close to the Alderman has an interest. A conflict of interest can be of either a pecuniary interest or a non-pecuniary interest.

"Defamatory" means uttering or publishing comments that attacks the good name or reputation of another.

"Discriminatory / Discrimination" has its ordinary meaning as set out in the Anti Discrimination Act 1998 and means treating a person less favourably than others, usually because he/she belongs to a particular group or category.

"Ethically" means applying the principles of morality in relation to what is right and wrong in conduct.

"Harassment" means any form of behaviour that is not wanted and is intended to humiliate, offend or intimidate another person; to disturb persistently, torment; a form of conduct by one person or party towards another person or party that violates their dignity, or that creates an intimidating, hostile, degrading, humiliating or offensive environment.

19.2 Code of Conduct for Aldermen...(Cont'd)

"Honesty" means declaring all interests relating to their public duties and taking steps to resolve any conflicts that may arise in such a way that protects the public interest, following policies and processes and exercising any powers strictly for the purpose intended.

"Integrity" means not being under any financial or other obligation to an individual or organisation that might reasonably be thought to influence the performance of duties or decision making.

"Impartial" means acting in a way that an Alderman is viewed as being unbiased, unprejudiced, and thus acts fairly.

"Non-Pecuniary Interest" means a situation where an Alderman has a private or personal interest in a matter that does not relate to a financial loss or gain for the Aldermen (e.g. a friendship, family, membership of a club or organisation).

"Pecuniary Interest" means a situation where an Alderman has a direct or indirect (through a close associate) financial interest in a matter to be considered by Council (i.e. one in which there is a reasonable likelihood or expectation of an appreciable loss or gain.)

"Respect" means an Alderman recognises and utilises the diversity of the community it serves. Aldermen must treat with respect other Aldermen, staff and community members and the roles they play, treating them with courtesy and respect at all times. This means recognizing the various backgrounds and viewpoints of other people, respecting differing opinions and the rights of individuals.

"Unprejudiced" means an Alderman will keep an open mind, will refrain from developing unfavourable and preconceived opinion or bias against a person or thing.

General information about making a code of conduct complaint

How to make a complaint

Any person may make a complaint if he or she believes an Alderman has breached their Council's Code of Conduct. Code of Conduct complaints must be submitted in writing to the Mayor (or Deputy Mayor if the complaint relates to the Mayor), and may use the 'Code of Conduct Complaint Form', which is designed to make it easier to make a complaint.

The complaint must provide details of the alleged failure to comply with the Code of Conduct; i.e., the complaint should detail those sections of the Code of Conduct which have allegedly been breached.

19.2 Code of Conduct for Aldermen...(Cont'd)

The complaint must identify the respondent Alderman (the person who is alleged to have breached the Code of Conduct) and the complainant (the person or persons laying the complaint). It must be lodged within 90 days of the alleged failure. The complainant must also provide contact details so that correspondence about the matter can be provided.

Will my complaint be confidential?

Yes. Under Section 22T of the Local Government (General) Regulations 2005 the Mayor/Deputy Mayor or a member of the Code of Conduct Panel or Standards Panel must not disclose the identity of a complainant or a respondent Alderman or any information relating to the complaint until a determination has been made and time for lodging an appeal has expired.

What happens after a complaint is lodged?

Council will acknowledge receipt of the complaint either verbally or in writing, and will advise as soon as possible if the complaint is accepted for further investigation. A Code of Conduct Panel may reject a complaint if:

- The complaint discloses that an offence or a crime may have been committed;
- The complaint is frivolous or vexatious; or
- The complaint does not relate to a failure to comply with a provision of the Code of Conduct.

Complaints are heard by the local Code of Conduct Panel within 90 days of the complaint being referred to the panel, unless both parties agree to mediation, or the matter is referred to the Local Government Association of Tasmania's Standards Panel.

Complaints may be referred to the Local Government Association's Standards Panel on request of the respondent Alderman, or if the local Code of Conduct Panel does not have the expertise to hear and determine the complaint. If the complaint is referred to the Standards Panel, the parties will be notified in writing. The complaint will be heard within 90 days of being referred to the Standards panel, unless both parties agree to mediation.

The complaint will be upheld or dismissed by the relevant panel, with sanctions imposed if the complaint is upheld. Sanctions include a caution, a reprimand, an apology, or counselling/ training. The Panel will provide a report to the Mayor (or Deputy Mayor), the respondent Alderman and the complainant. A summary report is also required to be tabled at the next available open meeting of council. Matters heard by the Code of Conduct Panel may also be appealed to the Standards Panel by either party. Matters heard by the Standards Panel may be appealed to the Supreme Court.

19.2 Code of Conduct for Aldermen...(Cont'd)

Can a complaint be withdrawn?

The complainant can withdraw a complaint by writing to the Mayor (or Deputy Mayor if the complaint relates to the Mayor). Depending on the nature of the complaint, the Mayor (or Deputy Mayor if the complaint relates to the Mayor) may seek to pursue the matter if it is in the public interest.

CODE OF CONDUCT COMPLAINT FORM

INTRODUCTION

This form is designed to help you comply with the Local Government regulations in relation to making a Code of Conduct complaint. It is not compulsory that it accompany a complaint. It is suggested that this form is read in conjunction with the 'General information about making a complaint' fact sheet.

INSTRUCTIONS

If completing this form by hand, please use black or blue pen and print clearly. Send your completed form to the General Manager of the Council with the prescribed fee. If you require assistance completing this form please contact the Council to make arrangements.

CONTACT DETAILS (of person making the complaint)

Name:	Telephone (mobile):
Address (Residential):	Telephone (work):
Address (Postal):	Telephone (home):

SUMMMARY OF COMPLAINT

Name of the Councillor who you believe has breached the Code of Conduct:	
Provisions of the Code of Conduct that you believe have been breached:	
Date(s) of incident(s):	
Location(s) of incident(s):	

19.2 Code of Conduct for Aldermen...(Cont'd)

DETAILS OF THE COMPLAINT (further information may be attached)
WITNESSES (include anyone with knowledge of what happened and is willing to provide a statement)
HAVE YOU PREVIOUSLY MADE A COMPLAINT ABOUT THIS MATTER?
YES <input type="checkbox"/> NO <input type="checkbox"/>
If yes, when did you make the complaint?
DESIRED OUTCOME OF COMPLAINT
Please explain what you would like to happen as a result of lodging this complaint:
PLEASE SIGN AND DATE
SIGNATURE:
Date:

Please return both pages of the completed form to the General Manager:
City of Launceston
Town Hall, St John Street
PO Box 396
Launceston TAS 7250
Fax: 03 6323 3001 Email: council@launceston.tas.gov.au

19.2 Code of Conduct for Aldermen...(Cont'd)

DECISION: 22/09/2014

RESOLUTION: (1):

Moved Alderman R I Soward, seconded Alderman D H McKenzie.

That the Recommendation be adopted.

CARRIED UNANIMOUSLY 10:0

19.3 Policy for Acceptance of Gifts and Benefits by Aldermen**FILE NO:** SF2213**AUTHOR:** Leanne Purchase (Corporate Planning Administration Officer)**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider the adoption of the new Policy for Acceptance of Gifts and Benefits by Aldermen (14-Plx-031)

PREVIOUS COUNCIL CONSIDERATION:

SPPC Minute 4.2 of 01 September 2014 recommended the policies be presented to a future Council meeting for formal adoption

RECOMMENDATION:

That the Council adopt the Policy for Acceptance of Gifts and Benefits by Aldermen (14-Plx-031)

Policy for Acceptance of Gifts and Benefits by Aldermen***PURPOSE:***

The purpose of this policy is to define the Council's expectations of the Mayor and Aldermen with regard to the acceptance and disclosure of gifts and benefits.

SCOPE:

This policy applies to the Mayor and Aldermen of the City of Launceston and is available for public inspection.

POLICY:

In relation to the acceptance of gifts and benefits by Aldermen of the City of Launceston:

1. Gifts or benefits above the value of \$75 must be disclosed and recorded in the Gifts Register.
 2. A cumulative amount in excess of \$500 of gifts or benefits received under the value of \$75 from any single source within a calendar year is to be declared and recorded in the Gifts Register.
 3. A cumulative amount in excess of \$1,500 of total gifts or benefits received under the value of \$75 within a calendar year is to be declared and recorded in the Gifts Register.
-

19.3 Policy for Acceptance of Gifts and Benefits by Aldermen...(Cont'd)

4. Gifts and benefits may include a meal and/or beverage, tickets to sporting or theatrical events, corporate hospitality at a corporate facility or at a sporting venue, discounted products for personal use, use of facilities such as gyms, use of holiday homes, free or discounted travel and free training excursions.
5. Where the Council may issue tickets to Aldermen to attend Council run or sponsored/funded events, the Alderman is to ensure that details of the event, the Aldermen receiving the tickets and any dollar values are included in the Gifts Register.
6. Gifts to the City presented to Aldermen in fulfilling their civic and ceremonial roles will be retained by the Council and passed to the General Manager. The General Manager will arrange for the gift to be displayed within an appropriate area of the Council.
7. It is acknowledged that, from time to time, Aldermen will be offered tickets to sporting or theatrical events associated with Council managed facilities like Aurora Stadium and Princess Theatre. It is not expected that incidental gifts and benefits of this nature will be recorded in the Gifts Register, except if points 2 and/or 3 above apply.

PRINCIPLES:

In deciding whether it is appropriate to accept a gift or benefit, Aldermen are asked to consider:

- who is giving the gift or benefit, and their relationship to the Alderman/Council;
- is the gift or benefit being offered to influence a decision or seek a return favour?
- will public knowledge of the acceptance of the gift or benefit diminish community trust?

Adapted from the GIFT Test of the Victorian Public Sector Commission.

Expectations of Aldermen

Aldermen must ensure as part of their duties, they:

- a) Never accept an offer of money, regardless of the amount
- b) Do not accept gifts and benefits, other than token gifts, without ensuring each is disclosed and recorded in Council's Gifts Register in keeping with Council policies and procedures; and
- c) Strive to avoid situations in which the appearance may be created that any person or body, through the provision of hospitality or benefits of any kind, is securing (or attempting to secure) a favour from the Alderman or the Council.

Supporting examples

- 1) If an Alderman is involved in the allocation of tenders for any work supplied to the Council, they must not accept any benefits from the tenderer as this may be expected or perceived to influence the decision making process.
 - 2) If an Alderman is provided with tickets to the theatre or any form of corporate entertaining, then it should be declared in the Council Gifts Register in keeping with associated policies.
-

19.3 Policy for Acceptance of Gifts and Benefits by Aldermen...(Cont'd)

RELATED POLICIES & PROCEDURES:

14-Plx-016 Aldermen's Expenses and Resources Policy
14-Plx-032 Code of Conduct for Aldermen

RELATED LEGISLATION:

Local Government Act 1993 (Tas) S.28E
Local Government (General) Regulations 2005 R.22A

REFERENCES:

Strategic Planning and Policy Committee Notes 01 Oct 12 - ECM document number 2787031
Strategic Planning and Policy Committee Notes 06 Nov 12 - ECM document number 2809613
Model Code of Conduct Template produced by the Local Government Association of Tasmania April 2012; accessed 04 July 2014
Gifts, Benefits and Hospitality Policy Framework produced by the Victorian Public Sector Commission April 2012; accessed 04 July 2014

DEFINITIONS:

"token gifts/benefits" are low-value gifts or benefits that a reasonable person would not perceive are intended to improperly influence an Aldermen. City of Launceston defines token gifts or benefits as those with a value of less than \$75

"disclosed and recorded" means that gifts and benefits are captured in Council's Gift Register by Aldermen declaring the details of the gifts and benefits to the Executive Assistant to the Mayor or the Administration Officer to the Aldermen

REVIEW:

This policy will be reviewed to coincide with Council elections or more frequently, if dictated by operational demands and with Council's approval.

DECISION: 22/09/2014

RESOLUTION: (1):

Moved Alderman D H McKenzie, seconded Alderman R I Soward.

That the Recommendation be adopted.

CARRIED UNANIMOUSLY 10:0

19.4 Aldermen's Expenses and Resources Policy**FILE NO:** SF0973**AUTHOR:** Leanne Purchase (Corporate Planning Administration Officer)**DIRECTOR:** Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider the adoption of the revised Aldermen's Expenses and Resources Policy (14-Plx-016)

PREVIOUS COUNCIL CONSIDERATION:

SPPC Minute 4.2 of 01 September 2014 recommended the policies be presented to a future Council meeting for formal adoption

RECOMMENDATION:

That the Council adopt the Aldermen's Expenses and Resources Policy (14-Plx-016)

Aldermen's Expenses and Resources Policy***PURPOSE:***

To ensure that Aldermen are reimbursed on a consistent basis for actual costs incurred, subject to any agreed limits, so that:

- a) They are not financially 'out of pocket' by their representative duties; and
- b) The parameters for the reimbursement of expenditure is known and understood.

To distinguish between those resources and expenses that are provided and the payment of the Aldermen's allowance paid under Section 340(2A) of the Local Government Act 1993.

Schedule 5 of the Local Government Act 1993 requires Council to adopt a policy in respect of payment of expenses incurred by councillors in carrying out the duties of office and make a copy of the policy available for public inspection.

SCOPE:

The Policy applies to the reimbursement of expenses and the provision of resources and facilities support for the Mayor and Aldermen of the City of Launceston.

The Policy covers expenditure which is additional to the Aldermen's Allowance as determined by legislation.

19.4 Aldermen's Expenses and Resources Policy...(Cont'd)

POLICY:

Council will reimburse expenditure incurred by Aldermen in undertaking their role as Alderman of the Council.

Expense reimbursement and the provision of resources and facilities will be made consistent with:

- a) Local Government (General) Regulations 2005 (S.R. 2005, No. 64); and
- b) the provisions of this policy (which includes the Regulations).

Resources the Council makes available to Aldermen (for example, a mobile/smart phone, tablet computer, PC or laptop) remain the property of the Council and must be returned at the end of the Alderman's Term of Office. At the end of the term, retiring Aldermen may be given the opportunity of purchasing items at a rate approved by the General Manager.

Any repairs for Council owned equipment must be organised through the General Manager's office.

The Council recognises that Aldermen may have existing arrangements in place around, for example, bundled phone and mobile data/internet access. If this is the case, the Council will make arrangements for reimbursement of expenses with Aldermen on a case-by-case basis, subject to the limits detailed in the policy and the approval of the General Manager.

The support provided by this policy can be categorised as follows:

Resources and Facilities

- Communications and Administrative Support
- Information Technology
- Provision of Gifts to Others
- Mayoral Vehicle
- Parking

Expense Reimbursement

- Travel, Meals, Accommodation and Functions
 - Private Vehicles
 - Child Care
 - Personal Care
 - Claims for Reimbursement Procedure
-

19.4 Aldermen's Expenses and Resources Policy...(Cont'd)

Section 1 COMMUNICATIONS AND ADMINISTRATIVE SUPPORT
--

- **Report (Agenda and Minute) Distribution**

The arrangements for report distribution are:

- (a) Agendas for Council and Strategic Planning and Policy Committee will be distributed electronically.
- (b) Printed agendas will be available for collection from the Town Hall.
- (c) Minutes will be distributed electronically.

Printed minutes will not be provided.

- ***Phone/s***

Aldermen will, on request, be provided with a mobile phone of the standard make and type that is being acquired by Council at the time of the request.

Phone expenses will be reimbursed as follows:

A maximum of **\$150** per month for mobile telephone costs for a Council provided mobile phone

OR

A maximum reimbursement of **\$150** per month for phone costs for a privately provided mobile phone and/or fixed line.

- ***Office facilities, services and support staff***

Secretarial assistance for Council related correspondence will be made available. Assistance will not be provided for personal/private business matters.

Stationery will be provided for Council related business.

- ***Business Cards***

Aldermanic business cards will be provided on request.

19.4 Aldermen's Expenses and Resources Policy...(Cont'd)

Section 2 INFORMATION TECHNOLOGY

- ***Computer and Internet Access***

Aldermen will be provided with a tablet computer and mobile data service suitable for receiving and accessing electronic Council papers and related documentation. The monthly data allowance will be determined by the Council. **The cost of the mobile data service will be met by the Council.**

Aldermen will, on request, be provided with a PC or laptop computer of the standard make and type that is being acquired by Council at the time of the request. Internet access for the PC or laptop computer will be via the internet service that each Alderman elects to arrange and use with their preferred Internet Service Provider (ISP). Configuration of the PC or laptop for the internet connection is usually part of the Internet Service Provider's (ISP) package.

Aldermen will, on request, be provided with a once-only contribution of **\$250** toward the cost of acquiring an internet connection or a wireless capability.

Aldermen will receive a contribution of **\$50** per month toward the cost of their internet access (service provider charge).

Aldermen are expected to adhere to the basic information technology security principles recommended by the Council in their use of these devices (for example, PIN or password protection).

- ***Software***

The tablet will be supplied with a document distribution application (DocsOnTap). The PC/laptop will be supplied with the same version of Microsoft Windows and Microsoft Office that is installed on Council computers. Virus protection software will also be supplied.

Aldermen may install other applications to meet their own needs. Purchasing, licensing, installation and support of these other products is the responsibility of each Alderman.

- ***Council Network***

The computers will be configured for standalone use. They will not have access to the Council's network. Aldermen are able to use the Council's network facilities via the PCs located in the Aldermen's area.

19.4 Aldermen's Expenses and Resources Policy...(Cont'd)

[Explanation: In order to protect the overall security (viruses etc.) of the Council's network, there are strict controls on the computers that can be connected to the network. To provide this capability for Aldermen would mean prohibiting the installation of other software on the laptop and restricting internet (site) access. For the expected type of use by Aldermen, a greater benefit and flexibility is provided by stand-alone operation than a restricted network configuration.]

- **Printers**

Aldermen will, on request, be provided with a contribution of **\$200** toward the cost of purchasing or replacing a printer. The printer belongs to the Alderman.

An allowance of **\$10** per month will be provided toward the cost of consumables for personally owned printers.

A suitable printing device, at a standard determined by the General Manager, will be available in the Alderman's area to enable printing.

- **Email**

Council email is accessible externally via an internet connection. The final configuration of email accounts including email redirection facilities will be arranged with individual Aldermen. The Council's information management policies and standards apply to emails.

- **System Backup**

The backup of the data on the tablet and PC or laptop is a matter for each Alderman to manage as appropriate to their needs. Regular system backups are strongly recommended to protect from data loss in the event of failure.

- **System Support**

Training in specialised applications (e.g. DocsOnTap) will be provided as part of the induction process for Aldermen. Any other training for Aldermen (e.g. in the use of Microsoft Windows and Microsoft Office) will be arranged on request through the Aldermen's Administration Officer with an external training provider. The Council will pay for reasonable costs as approved by the General Manager.

Support for the operation of the PC or laptop and tablet will be provided by the IT department during office hours. This support is primarily for equipment problems, not training. Any equipment failures and repairs are to be reported to the IT department so that repairs can be arranged. After hours support will not be available.

19.4 Aldermen's Expenses and Resources Policy...(Cont'd)

- ***Return of Tablet and PC or Laptop***

When the tablet, PC or laptop is to be replaced or an Alderman leaves the Council, the equipment is to be returned to the IT department for removal of data and any non-standard software applications prior to reallocation or disposal.

Section 3	<u>PROVISION OF GIFTS TO OTHERS</u>
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In fulfilling their civic and ceremonial roles and responsibilities, Aldermen will meet local, national and international delegates and officials.

In circumstances where the exchange of gifts between the host and visitor is considered courteous and expected, Council will provide a gift for the Alderman to exchange.

The provision of corporate gifts by Aldermen will be by request through the General Manager's office and will be of a standard considered appropriate for the event.

The requirement for the disclosure of gifts presented to Aldermen is detailed in the Policy for Acceptance of Gifts and Benefits by Aldermen (14-Plx-031).

Section 4	MAYORAL VEHICLE
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Council is to make a vehicle available to the Mayor, or the Mayor's representative, when representing the City at meetings, functions, and other activities.

The Mayoral Vehicle is to be available on either of the following bases -

	Garaged at Home	Limited Private Use
Private Use	Drive to and from Council	Private use other than when on leave
Periods of Leave	Garaged at Town Hall	Garaged at Town Hall
Mayoral Contributions	Not required	Yes - to cover private use other than to and from Council

Use of the vehicle by other Aldermen and the General Manager will only occur at the Mayor's discretion.

19.4 Aldermen's Expenses and Resources Policy...(Cont'd)

Section 5 PARKING

Car parking will be made available for Aldermen in the car park near the Town Hall for use on meeting days and whilst conducting Council business.

Parking permits will be made available for use when on Council related business. Permits will relate to both on-street and off-street parking.

Section 6 TRAVEL, MEALS, ACCOMMODATION AND FUNCTIONS
--

- ***Attendee at Seminars/Conferences etc.***

The Council will pay for the cost of Aldermen to attend Council approved seminars, conferences and training programmes, including accommodation and travel expenses providing these are arranged through the General Manager's Office.

The actual cost incurred for meals and incidentals will be reimbursed (where these are not part of Conference Registration package) subject to the presentation of receipts and tax invoices for expenses claimed.

- ***Attendee at Functions***

The Mayor, Deputy Mayor and Aldermen may receive invitations to attend functions in their capacity as an Alderman.

Invitations with Council budgetary implications, will be referred to the General Manager for approval prior to agreeing to attend (retrospective payments will not be provided). Requests for approval will only be considered where the invitation is addressed specifically to the Mayor, Deputy Mayor or an individual Alderman.

The Council will not meet any costs during an election period where the Mayor, Deputy Mayor or particular Alderman standing for re-election is requesting payment.

It is recognised that the Mayor may still need to attend functions as the Council's representative during an election period which will be funded by the Council subject to prior approval by the General Manager.

19.4 Aldermen's Expenses and Resources Policy...(Cont'd)

- ***Accompanying partners/guests***

A partner or guest may accompany an Alderman to conferences or a function where other attendees are generally accompanied by partners.

The Council will not generally pay or reimburse for guests' or partners' meals, accommodation, travel, social packages or attendance as an accompanying guest, unless specifically approved by a vote of the Council, with the exception that the Council will pay the cost of partners attending conference dinner functions and partners' programs where an Alderman is attending a Council approved State or National conference.

- ***Council Meeting Meal Allowance***

A meal allowance of **\$35** for any Council meeting that extends beyond 5.30pm will be paid.

- ***Sister City Visits***

When an Alderman chooses to participate in an official visit to a Sister City as part of a delegation Council will reimburse 100% of the Alderman's economy airfare.

The Council will determine how many Aldermen participate in overseas visits.

If billets are not available for Aldermen, accommodation costs for up to five nights will be paid by the Council for Aldermen and their partners.

Section 7 PRIVATE VEHICLES

Costs relating to private vehicle use will be reimbursed.

Reimbursement will be for the cost of private vehicle travel to meetings of a committee/group or a function, outside a 37 kilometre radius of the Town Hall, where an Alderman is representing Council at the direction of Council or the Mayor.

The rate of reimbursement is to be based on an appropriate industry reference or Australian Taxation Office rates.

19.4 Aldermen's Expenses and Resources Policy...(Cont'd)

Section 8 CHILD CARE

Council will reimburse the cost of necessary child care expenses incurred by Aldermen in the course of carrying out their duties, including:

- Attendance at Council and Council Committee meetings
- To attend meetings arising as a result of an Alderman being appointed by Council to an internal or external body or committee except where the body or committee reimburses relevant child care expenses incurred by the Alderman
- To attend informal briefing sessions or meetings with prior approval of the General Manager

Claims must be accompanied by a receipt from a licensed child care provider showing the date and time care was provided and detail the reason care was needed on each occasion.

Claims must be submitted on a fortnightly basis and be submitted on the approved Child Care Reimbursement Claim Form.

Alderman claiming reimbursement for child care expenses are required to provide the General Manager with documentary evidence regarding their entitlement or non-entitlement to the Commonwealth Government Child Care Benefit Scheme. Any entitlement is to be off-set against the hourly rate charged by the registered Child Care provider.

Section 9 PERSONAL CARE

Where an Alderman is required to employ or engage the services of a personal carer to attend to the needs of a member of the Alderman's immediate family or household, in order for that Alderman to carry out their duties as an Alderman, the Council will reimburse the cost of the personal carer expenses.

Claims must, on each occasion, be accompanied by a receipt from the personal care provider showing the date, time, and detail the reason and for whom the care was provided.

Where an Alderman is able to claim reimbursement for the provision of personal care services under any Commonwealth Government or Private Insurance Health Benefit Scheme, the Council will only reimburse the difference between the amount reimbursed by the scheme and the total cost of the service provided. Claims are to be submitted against any scheme before submission to the Council.

19.4 Aldermen's Expenses and Resources Policy...(Cont'd)

For the purposes of this section, the following definitions apply:

Duties of an Alderman include:

- Attendance at the Council and Council Committee meetings;
- Attendance at meetings arising as a result of an Alderman being appointed by the Council to an internal or external body of committee;
- Attendance at informal briefing sessions or meetings with prior approval of the General Manager.

Immediate Family includes:

- Spouse or de facto spouse. (A de facto spouse means a person who lives with the Alderman as their spouse or partner on a bona fide domestic basis); and
- Child or an adult child (including an adopted child, a step child or an ex-nuptial child), parent, grandparent, grandchild or sibling of the Alderman.

Section 10 CLAIMS FOR REIMBURSEMENT PROCEDURE
--

Claims for reimbursement are to be submitted on a fortnightly basis using the Claim Form provided.

When making claims for reimbursement of expenses, Aldermen must provide original receipts, tax invoices and documentation to support a claim. Each claim must clearly identify the purpose, in order to make clear the basis of the claim and its relation to the policy guidelines.

Claims for reimbursement are to be submitted to the General Manager.

Where, in the opinion of the General Manager, a question arises as to whether a claim for reimbursement of expenses or any part thereof is eligible under this policy, the matter will, in the first instance be brought to the attention of the Mayor who will, in turn, discuss the matter with the Alderman making the claim. Should the question still remain, the matter is to be referred to a Closed Session of Council for a decision.

19.4 Aldermen's Expenses and Resources Policy...(Cont'd)

PUBLICATION

Section 72 of the *Local Government Act* 1993 requires the Council to publish in its Annual Report a statement of the total allowances and expenses paid to the Mayor, Deputy Mayor and Aldermen. These will be reported so that individual's expenses are identified.

PRINCIPLES:

The following principles have been (with some minor modifications/explanation) taken from the Victorian Government guidelines and underpin the basis for this policy.

1. Appropriate Aldermanic conduct (use of public resources).
2. Diversity in participation, equity and access (not to create a financial barrier to participation).
3. Accountability, transparency and community acceptance.
4. Local flexibility according to complexity, needs and standards.
5. No disadvantage - separation of allowances from reimbursement of expenses and provision of resources and facilities.

There is no right of offset between expense types, where maximum amounts have been set under this policy.

The Council's Organisational Values apply to all activities.

RELATED POLICIES & PROCEDURES:

17-Plx-006 Record Keeping for Aldermen Policy

14-Plx-031 Policy for Acceptance of Gifts and Benefits by Aldermen

14-Plx-032 Code of Conduct for Aldermen Policy

RELATED LEGISLATION:

Local Government Act 1993

Local Government (General) Regulations 2005 (S.R 2005, No. 64)

REFERENCES:

Mayor and Councillor Entitlements Information Guide, Department of Planning and Community Development - Victoria, November 2008 (last viewed 4 July 2014)

DEFINITIONS:

"duties of office" includes attendance at official Council meetings, approved functions and whilst working on Council business other than at home

"reasonable expenses" means a standard unit or hourly rate that is readily available to members of the public for a similar service

19.4 Aldermen's Expenses and Resources Policy...(Cont'd)

"reimbursement of child care expenses" means reimbursing the cost of securing licensed child care, less any amount received as a Commonwealth Government subsidy for the care provided. This may from time to time be only available from Council nominated child care providers at the discretion of the Council

"phone costs" includes rental and call costs

REVIEW:

This policy will be reviewed to coincide with Council elections or more frequently, if dictated by operational demands and with Council's approval.

DECISION: 22/09/2014

RESOLUTION: (1):

Moved Alderman D H McKenzie, seconded Alderman A C Peck.

That the Recommendation be adopted.

CARRIED UNANIMOUSLY 10:0

COUNCIL MINUTES

Monday 22 September 2014

20 GENERAL MANAGER

20.1 LGAT General Meeting 24 September 2014 - Form View on Motions Submitted

FILE NO: SF2217 / SF2218

AUTHOR: John Davis (Manager Corporate Strategy)

GENERAL MANAGER: Robert Dobrzynski (General Manager)

DECISION STATEMENT:

To consider the motions listed for the Local Government Association of Tasmania General Meeting scheduled for 24 September 2014.

PREVIOUS COUNCIL CONSIDERATION:

N/A

RECOMMENDATION:

That Council:

1. Adopt the motions presented in the 'Items for Decision at LGAT General Meeting 24 September 2014' table (Attachment 1).
 2. With the exception of the motions listed in Attachment 1, requests the Council's representative to vote accordingly on the remaining motions listed for consideration at the LGAT General Meeting 24 September 2014.
-

Mr R Dobrzynski (General Manager) was in attendance to answer questions of Council in respect of this Agenda Item.

DECISION: 22/09/2014

RESOLUTION: (1):

Moved Alderman R I Soward, seconded Alderman D H McKenzie.

That the Recommendation be adopted.

CARRIED 9:1

FOR VOTE - Ald A M van Zetten, Ald A L Waddle, Ald R I Soward, Ald R L Armitage, Ald I S Norton, Ald R J Sands, Ald D H McKenzie Ald A C Peck, Ald D C Gibson

AGAINST VOTE - Ald R L McKendrick

ABSENT. DID NOT VOTE - Ald J G Cox

21 URGENT BUSINESS

Nil

22 INFORMATION / MATTERS REQUIRING FURTHER ACTION

Nil

23 CLOSED COUNCIL

Nil

24 MEETING CLOSURE

The Mayor closed the meeting at 3.08pm.
