



Local Government Association Tasmania

GENERAL MEETING

AGENDA



Local
Government
Conference

**The Tramsheds
Launceston**

Wednesday 22 July 2015

**Commencing
immediately following
the conclusion of the
AGM**

**PROCEDURAL MATTERS.
RULES REGARDING CONDUCT OF MEETINGS**

13. WHO MAY ATTEND A MEETING OF THE ASSOCIATION

- (a) Each Member shall be entitled to send a voting delegate to any Meeting of the Association, such voting delegate exercising the number of votes determined according to Rule 16(a).
- (b) After each ordinary Council election, the Chief Executive Officer shall request each Member to advise the name of its voting delegate and the proxy for the voting delegate for Meetings of the Association until the next ordinary Council elections.
- (c) Members may change their voting delegate or proxy at any time by advising the Chief Executive Officer in writing over the hand of the voting delegate or the General Manager prior to that delegate taking his or her position at a Meeting.
- (d) A list of voting delegates will be made available at the commencement of any Meeting of the Association.
- (e) Members may send other elected members or Council officers as observers to any Meeting of the Association.

14. PROXIES AT MEETINGS

- (a) Up to 1 hour prior to any Meeting of the Association, a Member may appoint another Member as its proxy.
- (b) The form of the proxy is to be provided by the Chief Executive Officer and is to be signed by either the Mayor or General Manager of the Council appointing the proxy.
- (c) The Chair of the meeting is not entitled to inquire as to whether the proxy has cast any vote in accordance with the wishes of the Member appointing the proxy.
- (d) Proxies count for the purposes of voting and quorum at any meeting.

15. QUORUM AT MEETINGS

At any Meeting of the Association, a majority of the Member Councils shall constitute a quorum.

16. VOTING AT MEETINGS

- (a) Voting at any Meeting of the Association shall be upon the basis of each voting delegate being provided with, immediately prior to the meeting, a placard which is to be used for the purpose of voting at the meeting. The placard will be coloured according to the number of votes to which the Member is entitled:

Population of the Council Area	Number of votes entitled to be exercised by the voting delegate	Colour placard to be raised by the voting delegate when voting
Under 10,000	1	Red
10,000 – 19,999	2	White
20,000 – 39,999	3	Blue
40,000 and above	4	Green

- (b) The Chairman of the meeting shall be entitled to rely upon the raising of a coloured placard as the recording of the vote for the Member and as evidence of the number of votes being cast.
- (c) Except as provided in sub-rule (d), each question, matter or resolution shall be decided by a majority of the votes capable of being cast by Members present at the Meeting. If there is an equal number of votes upon any question, it shall be declared not carried.
- (d)
 - (i) When a vote is being taken to amend a Policy of the Association, the resolution must be carried by a majority of the votes capable of being cast by Members, whether present at the Meeting or not.
 - (ii) When a vote is being taken for the Association to sign a protocol, memorandum of understanding or partnership agreement, the resolution must be carried by a majority of votes capable of being cast by Members and by a majority of Members, whether present at the Meeting or not.
 - (iii) When a vote is being taken to amend the Rules of the Association, the resolution must be carried by at least two-thirds of the votes capable of being cast by Members, whether present at the Meeting or not.

Schedule

11.15 approx	Meeting commences immediately following the conclusion of the AGM
11.30	The Hon Peter Gutwein Minister for Planning and Local Government
12.30pm	Lunch
1.30pm	Sam Paske Chief Operations Director Enterprise Marketing and Research Services (EMRS) State-wide Customer Satisfaction Survey

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*** DENOTES ATTACHMENT**

1 MINUTES *

Decision Sought

That the Minutes of the meeting held on 30 April 2015, as circulated, be confirmed.

The Minutes of the General Meetings held on 30 April, 2015 as circulated, are submitted for confirmation and are at **Attachment to Item 1.**

2 CONFIRMATION OF AGENDA & ORDER OF BUSINESS

That the agenda and order of business be confirmed.

Delegates are invited to confirm the agenda and order of business as presented.

3 BUSINESS ARISING *

Decision Sought

That Members note the following information.

At **Attachment to Item 3** is a schedule of business considered at the meeting held on 13 February, 2015 and the status thereof.

4 FOLLOW UP OF MOTIONS *

Contact Officer: Katrena Stephenson

Decision Sought

That the meeting note the report detailing progress of motions passed at previous meetings and not covered in Business Arising.

Follow up on outstanding motions

A matrix indicating progress to date on motions passed at General Meetings, which remained outstanding at the last General Meeting, is at **Attachment to Item 4.**

5 MONTHLY REPORTS TO COUNCILS *

Decision Sought

That Members note the reports for January through to May 2015.

Background comment:

Monthly reports to Councils that briefly outline the Associations activities and outcomes for the previous months are at **Attachment to Item 5**.

6 ITEMS FOR NOTING

6.1 Policy and Legislation Update ** Contact Officer: Katrena Stephenson

Decision Sought

That Members note the following report.

LEGISLATION

Code of Conduct Amendment Bill

At the time of writing, the Bill was due to be debated in the Upper House on Thursday 25 June, with the Local Government Division and LGAT providing a briefing on Wednesday 24 June. There had been concerns raised in the Lower House debate about the timing of the Bill and the sanctions proposed. LGAT wrote to all non government members of State Parliament, clarifying that the amendments had been driven by the sector over a long period of time commencing in 2010.

The amendments aim to streamline the complaints process under the Local Government Act 1993 and replace the 29 individual council code of conduct panels with a single, independent panel. The Bill also proposes a number of other minor amendments such as making it optional for a council to hold an Annual General Meeting.

Local Government (Meeting Procedures) Regulations

Consultation was completed in May this year and the amended Regulations are due to take effect on 29 June 2015.

A key component of the review was to reduce red tape associated with Local Government newspaper advertising requirements and provide clarity to existing Regulations. Members were supportive of most of the amendments proposed. There was not a consensus position in relation to Virtual Attendance at Meetings and Adjournment of Meetings.

A copy of the LGAT submission is available on the LGAT website.

Local Government (General) Regulations

Consultation was completed in May this year and the amended Regulations are due to take effect on 29 June 2015.

Key components included raising the threshold for public tenders and amendment to the s337 certificates.

A copy of the LGAT submission is available on the LGAT website.

Support for Elected Members

LGAT is currently exploring a number of programs for Elected Members on which we will provide more detail at the next General Meeting. These include:

- As part of the roll-out of tools around Work Health and Safety/Workplace Behaviours, we are exploring the establishment of an Employee Assistance Type Program(EAP's) for Elected Members. The aim of EAPs is to provide preventative and proactive interventions for the early detection, identification and/or resolution of work and personal problems that may adversely affect performance and wellbeing.
- Council based/workshop style master classes on 'effective meetings' in partnership with an external provider.
- An accredited Elected Member Program in partnership with the Centre for Excellence in Local Government.

POLICY

Role of Local Government Project

At its 13 May meeting, the Premier's Local Government Council endorsed the three year *Role of Local Government Project Strategic Action Plan* and the establishment of a subcommittee to oversee implementation of the Plan. A copy of the Action Plan is at **Attachment to Item 6.1**.

A number of the 26 initiatives in the Plan have already commenced and/or been completed. For example:

1. Development of a Good Governance Guide (overseen by a Reference Group)
2. A report from the Legislation Working Group on legislative changes that might cut costs for customers/ratepayers, cut costs for councils and improve workability of statutory roles for Local Government.
3. Establishment of the Continuous Improvement Framework Advisory Group focussed on enhancing the Local Government performance reporting system and related tools and advice.

Tasmanian State Budget Update

LGAT staff attended the 2015-16 Tasmanian State Budget lock-up and briefing in May and the LGAT Budget Fact Sheet is at **Attachment to Item 6.1**.

Some key areas of interest to Local Government as a sector include:

Roads, Transport and Heavy Vehicles

\$1.7M allocation to Department of State Growth to assist and support councils in the development of strategic road networks and the assessment of critical bridge infrastructure in order to deliver a sustainable heavy vehicle access network.

Parks

\$8M for Parks 'high priority' infrastructure renewal and maintenance over two years including signage, fencing, walking and multi-use tracks, fire trails, roads, amenities and car parking. Priority projects will be identified in consultation with Local Government, regional organisations and other stakeholders.

Forestry

\$4M for non-commercial Forestry activities, including maintaining roads to a higher standard for public use, along with education, research and NFP tourism activities.

Concessions

\$300M total to fund ongoing concessions, including Local Government Rates (\$17M) and Water and Sewerage (\$14M)

Focus on Regions

\$5M Regional Revival Fund - New Projects Investment to facilitate the critical infrastructure required for major job-creating projects within regions; State Government will determine in consultation with private investors and local councils.

Planning

\$1.7M funding provided to accelerate the Planning Reform process in order to implement the reforms and deliver a single planning scheme sooner.

Local Government Reform

\$400,000 funding to exploring Local Government reform i.e. Local Government voluntary amalgamations.

Roads & Transport Update

The LGAT was pleased to note the \$1.7M allocation in the 2015-16 State Budget towards assisting and supporting councils in the development of strategic road networks and assessment of critical bridge infrastructure.

This funding comes on the back of continued advocacy from the Association to the State Government, indicating that councils need funding and support to better understand their road networks and bridge infrastructure in order to undertake their obligations as road managers under the recently introduced national heavy vehicle regulatory framework.

In June, Council General Managers and Infrastructure Departments were apprised of the opportunity for local councils to be involved in this State-funded project. The funding will enable the Department of State Growth to support councils to develop and implement a series of heavy vehicle networks on suitable local roads and routes to facilitate efficient, appropriate road access for certain classes of heavy vehicles.

The work to be undertaken that will involve assessing Local Government road routes for suitability to carry these vehicle types, with a particular emphasis on the structural capacity of bridges. State Growth has engaged consultants to provide structural analysis and route assessment services to councils and the Department across the three regions.

Given its state-wide focus, the project will have an emphasis on regional collaboration and strategic 'cross-boundary' identification of appropriate heavy vehicle routes and networks. There is no competitive element to the allocation of funds, the money will be spent in such a way as to maximise outcomes that benefit road access for heavy vehicles across the State.

It is envisaged that this work will be undertaken and completed over the next 3-6 months.

The Project will be overseen by a State Growth Steering Committee and the process and program of work will be informed both by a technical reference group and in collaboration with council road managers.

Emergency Management

The Department of Justice is currently conducting an independent review of Emergency Management Arrangements in Tasmania. The review report is due to go to the Minister for Police and Emergency Management in mid July. As part of the review, Local Government was asked to comment on the current municipal arrangements. A number of councils submitted responses into the review and LGAT developed a sectoral response to the request. It is likely that further consultation will occur with Local Government should the review recommend changes to municipal arrangements.

Significant activity is occurring at the Commonwealth level, with the Government tabling the Productivity Commissions report into natural disaster funding. The report made strong recommendations in relation to commonwealth funding for natural disasters particularly the split between mitigation and recovery funding. The Australian Government is now consulting with States in relation to future models. The state and ALGA are keeping LGAT updated on the discussions and formal consultation will occur with Local Government once potential funding models are better developed.

Planning for Healthy Communities Project

LGAT was successful in achieving \$80,000 funding from Tasmania Medicare Local and the Cradle Coast Authority to build the capacity of Local Government to improve social determinates of healthy outcomes in local communities,.

As part of this project, two 'Planning for Healthy Communities Forums' were successfully held during May offering a wide variety of presentations on topics including systems thinking, a community development approach, the role of planning, food security, physical activity as well as local case studies.

In conjunction with the forums, a small grants and training program is underway to help councils develop a more strategic approach to achieving health outcomes. Closing 12 June 2015, 17 applications have been received and are in the process of being assessed.

The final phase of the project is a free workshop in the week of the LGAT conference. Scheduled for Monday 20 July at the QVMAG Meeting Room the session will include a "key note" style presentation from Ian McBurney on how Local Government can be a change agent for supporting healthy communities followed by a workshop on the issue of food security and Local Government's role as part of the food economy. The workshop will be run by Leah Galvin of the Heart Foundation and Professor David Adams of the University of Tasmania.

Disability Action for Local Government Working Group

The Disability Action for Local Government Working Group has been established in response to a decision at the Premier's Local Government Committee (PLGC).

Through PLGC it was agreed that the Local Government Division (Department of Premier and Cabinet) and the Local Government Association of Tasmania (LGAT) would work together to provide recommendations to Local Government on supporting people with disability.

Local Government, through the Australian Local Government Association (ALGA), and the Tasmanian Government are signatories to the National Disability Strategy (NDS). It represents an intergovernmental approach to improving the lives of people with disability and providing leadership for a community-wide shift in attitudes. The Tasmanian Government also has a Tasmanian Disability Framework for Action 2013-17, which is being implemented through action plans developed by government agencies, and through State Government collaboration with the Commonwealth, Local Government, industry, and community organisations.

The Disability Action Working Group has the following objectives:

1. Gather information on what Tasmanian councils are doing to support disability access.
2. Expand upon work that has already been done by local government.
3. Enhance partnerships between the State Government and local government on disability access issues.

The Group includes representatives from DPAC, LGAT and representatives from Break O'Day, Clarence City, Glenorchy City and City of Hobart councils.

The working group has met twice and is currently developing a Strategy incorporating an Action Plan to be presented to PLGC.

Cat Management

The Tasmanian Government is about to commence the development of a State-wide Cat Management Plan. The plan will cover all aspects of cat management including responsible ownership, awareness of the impact of cats and tackling the problem of feral cats. As part of the development of the Plan the Government has convened a Cat Management Reference Group. LGAT is represented on this Reference Group. At the time of writing this update the Reference group had yet to convene.

6.2 Financial Assistance Grants (FAGs) Strategic Campaign

Contact Officer: Katrena Stephenson

Decision Sought

That the Meeting note the activities being undertaken by all Associations, with the Australian Local Government Association (ALGA), in relation to the FAGs Strategic Campaign.

Background Comment:

In March 2015, the ALGA Board endorsed progression of a Strategic Campaign Plan to address the impact of the freeze of indexation on Financial Assistance Grants (FAGs) funding on the Local Government Sector; as well as any future risks to the payment of FAGs posed through the development of the White Papers on Reform of the Federation and the Taxation System.

A Campaign Steering Committee comprising the State Presidents, has been established with the first meeting held on 1 June 2015. The Steering Committee will meet monthly.

Actions taken to date include:

- A letter to all councils highlighting the importance of FAGs and asking that each council pass a resolution identifying their FAGs allocation and agreeing to separately identify FAGs as a Commonwealth Grant in annual reports.
- A letter to councils in key electorates seeking their advocacy with their local MPs.
- A letter to key Federal Members and Senators seeking support for the restoration of indexation.
- Political representation at the Federal Level including via COAG.
- ALGA has commenced analysis of possible alternatives to FAGs. Deloitte Access Economics have been commissioned to develop the paper: *Tax Reform Options: Implications for Local Government*.
- At a local level, LGAT has sought some case studies from councils to add to a national portfolio illustrating the impact of the freeze on indexation.

The LGAT Acting President and Chief Executive Officer have a meeting scheduled with the Local Government Minister and Treasurer to build an understanding of the level of support from State Government for restoration of the FAGs.

Budget Impact

Does not apply.

Current Policy

This is a priority for the Australian Local Government Association.

6.3 Elected Member Census * **Contact Officer: Katrena Stephenson**

Decision Sought

That the Meeting note:

- a) The preliminary findings from the Elected Member Census.**
- b) That a full report will be tabled at the Meeting.**
- c) That the completion rate was disappointing and LGAT will be seeking feedback in future on ways to ensure a higher return rate for surveys.**

Background Comment:

In early 2015, subsequent to the 2014 Local Government elections, LGAT conducted an Elected Member Census using Survey Monkey.

The return rate was down on previous surveys, at 40%.

Consequently, LGAT sought additional demographic information directly from Councils to supplement the broad findings.

Preliminary findings have been provided and are at **Attachment to Item 6.3**. and a more detailed report, including some trend analysis is intended to be tabled at the Meeting.

The survey is anonymous and does not collect data that can reveal the identity of an elected member or a particular Council. Only aggregated information pertaining to each question is made public.

Budget Impact

Does not apply.

Current Policy

Information collected via the Census provides information that can be used to help address the needs of the sector such as training and development for elected members. It also provides a picture of demographic change in Local Government over time.

6.4 Planning Reform * **Contact Officer: Katrena Stephenson**

Decision Sought

That Members note the following report.

Background Comment:

On 26 March 2015, the Minister for Planning and Local Government, the Hon Peter Gutwein MP, announced in Parliament the structure of the Tasmanian Planning Scheme (TPS) which is meeting the Government's election commitment for a single statewide planning scheme. The TPS will have a clear set of planning controls which apply consistently to land use and development across the state.

Katrena Stephenson has taken up a position on the Planning Taskforce in light of the departure of Allan Garcia.

As discussed at our February 2015 General Meeting, LGAT conducted a process to second a Local Government Planner to the Taskforce drafting team. Caroline Lindus from Hobart City Council was the successful applicant. The cost of her secondment is being shared between the Taskforce and LGAT.

A Local Government Technical Reference Group has now been established, following an Expression of Interest process, to provide detailed technical comment in relation to implementation of State Government policy around the TPS. For your information, the Terms of Reference and Membership are available at Attachment to Item 6.4.

The first meeting was on 20 May, 2015 with the next meeting scheduled for 15 July. The first meeting primarily considered the planning scheme format and zones.

The TPS will comprise two sections -

- a) State Planning Provisions - a set of statewide planning controls
- b) Local Planning Provisions - includes zone and overlay maps for each area, Particular Purpose Zones and Specific Area Plans and specified departures.

The State Planning Provisions will comprise the following -

- Purpose and Objectives
- Administration provisions
- Zones - with use and development provisions
- Codes - with standard overlay provisions

This is based on populating the template in *Planning Directive No 1 - Format and Structure of Planning Schemes (PD1)*, subject to any necessary modifications and reconfiguration of the structure to give effect to the separation of State and Local Planning Provisions.

The Local Planning Provisions will comprise the following -

- Zone and overlay maps
- Particular Purpose Zones
- Specific Area Plans
- Local Use Qualifications

The preparation of the Local Planning Provisions will be the responsibility of local councils in their role as planning authorities. This will require the councils to reflect the State Planning Provisions and to ensure the consistent application of the zones.

The TPS will take effect in each local area when the Local Planning Provisions, which include the zone and overlay maps for that area, have been approved and are in effect.

The second meeting of the Technical Reference Group will consider the draft Use and Development Standards.

The Taskforce has commenced conversations about Codes as well as amendments to the *Land Use Planning and Approvals Act 1993* (the Act). The Amendments to the Act will provide the framework for introducing the TPS. Legislation is in the drafting stage and will be work-shopped with council planners via web conferencing as soon as a consultation draft is available.

The work is intended to be quite iterative with initial components being retested as new components are completed. It is anticipated that by the end of 2015 there will be final overall review of the draft State Planning Provisions for public consultation in early 2016. At that point, the consultation will move beyond those with a technical or specific interest as is currently being tested in relation to components.

The main concerns raised by Local Government planners to date relate to the retention of PD1 as the model for a TPS, however this is not a matter that is negotiable.

Budget Impact

As agreed at the February 2015 General Meeting, councils will contribute 50% of the costs of the secondment placement via the 2015/16 subscription process.

Current Policy

In line with current policy.

6.5 Tasmanian Local Government Workforce Report Contact Officer: Scott Blacklow

Decision Sought

That Members note the following report.

Background Comment:

The Tasmanian Council Workforce Planning Survey 2013, database and reports were completed as part of a project containing a number of skills shortage and workforce planning actions branded as 'Think Big, Work Local'.

A survey was developed in consultation with council Human Resources officers and managers through the Human Resources Special Interest Group. The 2013 survey is an extension of the 2011 survey, including additional questions.

The majority of analysis and recommendations from the 2013 survey are contained in individual council Workforce Plans for the 19 councils who participated.

A sector report has now also been produced and is available on the LGAT Website. Information presented in this report is designed to help the Local Government Association Tasmania take actions to reduce the impacts of resignation and retirement on the sector.

A brief overview of key findings is provided below:

The LGAT survey found that of the 13.8% turnover in 2013:

- 9.3 percentage points was due to resignation
- 2.2 to retirement
- 1.4 to redundancy
- 0.7 to other (sickness, injury, death) and
- 0.3 to dismissal

While resignation is the major contributor to turnover and needs to be reduced, managing retirements should remain a priority due to the relative ease of predicting retirement turnover and managing succession.

The report looked at around 100 occupations in the 19 councils participating in the survey and combined them into 13 occupational groups for presenting results. Estimated future turnover impacts are relatively evenly distributed among occupational groups when considered at a sector level.

Occupations estimated to have highest turnover impacts at a sector level in the future are work crew, administration, director/manager, engineering, human resources and environmental health. Works Crew and Administration are the largest groups (roughly 2/3 of the total FTE workforce), they contain the oldest staff and are estimated to account for the majority of turnover events in nearly all councils and the sector.

The estimates of future retirements presented in this report are based on individual staff ages. Estimated future resignations are based on the average resignation rate found in participating councils in this survey of 9.3%.

The next survey process is scheduled to occur sometime after June 2016 and will switch from a calendar to a financial year. The survey, analysis and reporting change supports the integration of the survey with the Department of Premier and Cabinet's, Consolidated Data Collection, in relation to the council human resources component.

A focus for LGAT going forward will be working with those councils with the highest estimated levels of resignation and retirement to take actions as described in their Workforce Plans.

For this survey to continue to have benefit and improved accuracy, it will be important to increase the number of participating councils.

Councils need to work to understand their priority occupational groups, create Careers and Retirement Plans (or similar) and actively address likely future losses.

Budget Impact

This is within the Council Careers Project Budget.

Current Policy

A project identified as part of the Council Careers Project.

6.6 Electricity

Contact Officer: Kate Hiscock

Decision Sought

That Members note that LGAT coordinated a process for market based sectoral purchasing of energy for unmetered public lighting.

This process was successful and has resulted in significant savings for members.

Background Comment:

During 2014, for the first time, the retail energy market for the unmetered component of public lighting (or streetlights) in Tasmania, became competitive. LGAT coordinated a competitive consultancy to go to the market for the retail energy supply for unmetered public lighting for all Councils in Tasmania (with the exception of Flinders and King Islands). Additionally, LGAT procured legal advice to review contract terms and conditions.

As it was the first time the process had been undertaken in Tasmania, it took a long time, raised many new issues and was a learning experience for all involved. The end result, however, was worth it. With energy costs having a major impact on council budgets each year, achieving significant savings for councils on their public lighting energy bills was a real win for the sector.

LGAT looks forward to identifying future areas where we can support a sectoral approach to achieve savings for our member Councils.

Budget Impact

A shared cost model was applied to purchase energy consultancy and legal services. The process has delivered a cheaper rate of energy for unmetered public lighting, resulting in savings for members.

Current Policy

Strategic Plan Priority Area 2: Ensure Financial Sustainability

6.7 Community Satisfaction Survey Contact Officer: Deborah Leisser

Decision Sought

That Members note that the State-wide Community Satisfaction Survey was conducted in May 2015

That Members note that Sam Paske, Chief Operations Director, Enterprise Marketing and Research Services (EMRS), will present the key findings relating to the survey at this meeting.

Background Comment:

Since 2001, LGAT has regularly carried out a State-wide Community Satisfaction Survey to find out how satisfied Tasmanians are with the way in which their local Councils provide a range of services.

In 2015, following an approach to market, the research firm EMRS (Enterprise Marketing and Research Services) was engaged to conduct the survey.

A standard questionnaire document was developed by LGAT and EMRS then conducted interviews with 1240 randomly selected residents across the State in late May. A sample of this size provides for reliable results not only at a state level but also at the city/urban/rural and regional level.

As well as information about level of community satisfaction with various activities, the 2015 Survey identifies areas for improvement within Local Government, opinions on the importance of Local Government reform and overall perceptions of Local Government by residents.

Sam Paske, Chief Operations Director, EMRS will present the key findings relating to the 2015 State-wide Customer Satisfaction Survey at the LGAT Conference on Wednesday 22 July 2015. Sam has over ten years experience in data capture and processing.

Key results from 2015 Survey

- The average satisfaction score across all 35 elements in 2015 was at 70%, up 1 point from 2013 and steady when compared to the figure recorded in 2009 and 2011.
- The individual elements to receive the highest level of satisfaction from residents surveyed in 2015 were "staff being friendly and polite", "staff having a professional; attitude and presentation" and "household garbage collection" all recording average satisfaction scores of 80% or greater.
- Only 35% of residents had direct dealings with their local council in the last 12 months – a decrease of 11 percentage points from 2013.
- Only 53% of residents had direct dealings with their local council in the last 12 months – a decrease of 11 percentage points from 2013.

- The primary reason for contacting a local council within the last 12 months remained consistent with 2013 data, with 19% doing so in relation to a “building/planning permit or query” and 14% for a matter related to “rates or taxes”.
- Strong results were recorded with respect to council direction with 77% of residents surveyed stating that they thought their local council was currently heading in the right direction while 12% believed they were heading in the wrong direction.
- 77% of residents surveyed believed it was important that their council is involved in discussions about reform in their area. While only 4% believed this to not be important. The primary reason given for the importance of being involved was that regardless of the eventual outcome of discussions, residents believed their councils had a duty to stay informed and involved in the process.

Survey costs for the 2015 survey Statewide were \$31,350 (inc GST) which includes:

- Fieldwork
- Data analysis
- Development of a consolidated research report
- One bound copy of the final report for each Local Council
- An electronic copy of full data tables
- A presentation of key survey findings at the LGAT Conference in July 2015

Councils may have chosen to conduct a piggy back survey using the State-wide Survey questions as a basis for accessing reliable information for their local area. Costs to do this depend on the size of the population in the local area and range between \$7,700 and \$9,900 (inc. GST) for the basic survey. Piggy back surveys and any specific additional questions a local area may require are negotiated directly between a Local Council and EMRS.

Budget Impact

Councils contribute annually via the subscription process to fund the bi-annual survey.

Current Policy

Strategic Plan - Priority Area 2 – Leading Recognition and Reform (*improving the image of Local Government*)

7 ITEMS FOR DECISION

7.1 Local Government Reform Contact Officer: Katrena Stephenson

Decision Sought

That the Members discuss the difficulties being faced in identifying and finalising models and provide direction to LGAT on the areas of support required moving forward.

Background Comment:

The Minister for Local Government, Peter Gutwein, will be addressing the General Meeting, and it is anticipated he will provide a comprehensive update on the progress of reform conversations.

By way of background, in February 2015, the Minister met with the Mayors, Deputy Mayors and General Managers of Tasmanian councils at regional meetings in Hobart, Ulverstone and Launceston to discuss voluntary council amalgamations and strategic resource sharing. The Minister stated at the meetings that some principles must be met before any amalgamations will be considered. The principles are that amalgamations must:

1. Be in the interest of ratepayers;
2. Improve the level of services for communities;
3. Preserve and maintain local representation; and
4. Ensure that the financial status of the entities is strengthened.

Councils had until June to provide advice to the Minister on proposals they wished to have tested.

In June, a Request for Tender Process was conducted to identify a panel of providers for feasibility studies.

At the April General Meeting, LGAT expanded the number of participants and engaged speakers who could talk about reform from differing perspectives. The Papers related to that Meeting are available on the LGAT Extranet.

LGAT is currently establishing a Local Government Reform section on the Extranet to allow for inclusion of current and topical information as we progress through these dialogues.

In June, LGAT surveyed councils with regard to their intent. It was clear at that time, that while there was a reasonable level of interest in both mergers and resource sharing across the Sector, there was difficulty in progressing to some firm proposals and identifying partner councils. Further, a number of councils agreed it was important to first undertake some benchmarking work in order to inform any future proposals.

It will be difficult in that context to meet the Government's timeframe however it is clear that conversations are progressing in many municipalities, not stagnating.

Budget Impact

Nil at this point.

Current Policy

Support for Members through this process is an agreed priority for the Association.

MOTIONS FOR WHICH NOTICE HAS BEEN RECEIVED

8 GOVERNANCE

8.1 Motion – Council Customer Service Charter Council – Dorset

Decision Sought

To alter section 339F (4) Local Government Act 1993 from requiring a council to review its customer service charter at least once every 2 years to within 12 months after a council election.

Background Comment

Dorset Council reviewed the Dorset Council Customer Service Charter in March 2015.

Dorset Councillors noted during the review that given Councillors are now elected for a four year term it would be logical to extend the review requirement from two years to four. Dorset Council is therefore proposing that the review period be changed to within 12 months after a council election.

This is consistent with the current requirement for the code of conduct and extends the review period to four years based on the current electoral cycle.

LGAT Comment

This seems a sensible proposition in line with other review requirements.

Tasmanian Government Agency Comment

Reviewing customer service charters within 12 months of a council election is a reasonable proposal that aligns with the review period of other major council documents such as the strategic plan, financial and asset management plans and councils' code of conduct.

The Local Government Division is planning a select review of the *Local Government Act 1993* with a focus on red tape reduction. The review is expected to commence during the 2015-16 financial year. The proposed amendment to section 339(F) will be taken into consideration as a part of the review.

8.2 Motion – Administration of General Managers Roll Council – Hobart City

Decision Sought

That the Local Government Association of Tasmania urge the State Government to support the transfer of the administration of the General Manager's Roll to the Tasmanian Electoral Commission.

Background Comment

Currently the Tasmanian Electoral Commission manages and maintains the electoral rolls for Federal, State and Local Government elections. Given the knowledge and expertise of the Tasmanian Electoral Commission staff in managing and maintaining electoral rolls and, for the sake of consistency across all levels of government, the Tasmanian Electoral Commission should also administer the General Manager's Roll.

LGAT Comment

There is general support for this proposition and this matter was raised in the LGAT Electoral Act Submission.

Tasmanian Government Agency Comment

It is unlikely that the Government will support the proposal to transfer management of the General Managers' roll to the Tasmanian Electoral Commission.

Consideration of this issue will need to occur in the context of the outcomes of the ongoing Legislative Council Committee inquiry into the administration of the *Electoral Act 2004* and the Tasmanian Electoral Commission.

8.3 Motion – Eligibility for Inclusion on General Managers Roll Council – Hobart City

Decision Sought

The Local Government Association of Tasmania urge the State Government to review the eligibility for inclusion on the General Manager's Roll to better capture all citizens, inclusive of refugees and permanent residents living in a local government area.

Background Comment

A review of the eligibility for inclusion on the General Manager's Roll will enable the better capture of all citizens living in a Local Government area.

LGAT Comment

Anecdotally there appears to be a high level of support for this proposition from Members which would be good to ratify through passing a motion. The matter was raised in brief in the LGAT submission to the Legislative Council Sessional Committee, Government Administration B: Tasmanian Electoral Commission.

Tasmanian Government Agency Comment

Currently, a person is eligible to nominate for a Local Government election if they are on the General Managers' roll for the relevant electoral area, or on the electoral roll for the House of Assembly in respect of an address within that electoral area.

A person is eligible to be on the General Managers' roll if the person is an owner or occupier of land in the electoral area or is nominated by a corporation to vote in respect of the electoral area on behalf of the corporation. This eligibility requirement effectively does not exclude refugees and permanent residents.

The Government acknowledges the Hobart City Council's view that the General Managers' roll should better capture all citizens, including refugees and permanent residents living in a Local Government area.

Consideration of this issue will need to occur in the context of the outcomes of the ongoing Legislative Council Committee inquiry into the administration of the *Electoral Act 2004* and the Tasmanian Electoral Commission. The matter will be considered prior to the next Local Government elections.

8.4 Motion – Compulsory Local Government Elections Council – Hobart City

Decision Sought

The Local Government Association urge the State Government to consider making Local Government elections compulsory and that voting take place at the ballot box.

Background Comment

The Hobart City Council has supported the move to compulsory voting by attendance at the ballot box for Local Government elections for some years. The Council's view is that the underlying principles that support compulsory voting include:

- Increasing participating in local democracy;
- Engaging the full electorate;
- Building the relevance of Local Government, and
- Providing consistency across all levels of government.

LGAT Comment

Significant electoral reform, in relation to Local Government, was enacted last year with the move to all-in, all-out elections, four year terms for Mayors and Deputy Mayors and the waiving of the requirement of Mayoral candidates to have served 12 months as a councillor. This resulted in a significant shift in the makeup of elected members (14 new Mayors and around 90 new Alderman/Councillors).

The General Management Committee of LGAT, agreed in December 2014 that the Association would support exploration of other possible areas of electoral reform during the next year or two. Members have already commenced informal conversations about issues such as compulsory voting, postal versus ballot voting and disclosure of campaign donations and the Association will formalise the debate in the months ahead.

At this stage, there are no formal recommendations associated with these areas, but the matters of compulsory voting and postal vs ballot box voting have previously been debated and the formal position on record is that compulsory voting is not supported (by majority vote) nor is a move to ballot box voting. The Association is yet to test whether this general view has shifted in light of the returns last election. This motion provides that opportunity.

Tasmanian Government Agency Comment

The Government has no plan to introduce compulsory voting in Local Government elections by postal ballot.

The previous Government considered and consulted on this matter in 2012, as part of the *Local Government Amendment (Elections) Act 2013*. As a result of consultation, the introduction of compulsory voting for all councils by postal ballot was included in the Local Government (Elections) Bill 2013. The Bill was passed by Parliament with the provisions relating to compulsory voting removed.

8.5 Motion – Disclosure of Candidates Political Donations Council – Hobart City

Decision Sought

The Local Government Association of Tasmania urge the State Government to support the expansion of the Local Government Act and Regulations to require candidates to disclose political donations.

Background Comment

Tasmania is the only state in Australia that has no requirement for Local Government candidates to disclose who funded their campaign.

While regulations under the Local Government Act 1993 limit political advertising to \$5000 for candidates for a councillor position or \$8000 for those contesting elections both as councillor and Deputy Mayor or Mayor, there are two large loopholes:

- The first is that the advertising spending limit for the 2014 Local Government elections only applied for expenditure incurred between 14 August and 28 October, and;
- The second is that there are no restrictions on whom donations can be accepted from and the identity of donors remains a secret no matter how much they contribute.

The only disclosure requirement for candidates is that within 45 days of the declaration of the election results a statement must be submitted from candidates detailing what campaign advertising they paid for. These returns are available for public inspection for 12 months following an election.

Tasmania is inconsistent with other States in relation to its approach in dealing with electoral donations. In other jurisdictions in Australia the matter of disclosing political donations is addressed by State legislation and requires that candidates provide some form of disclosure to an appropriate body.

LGAT Comment

Anecdotally there appears to be a high level of support for this proposition from Members which would be good to ratify with a motion. The matter was raised in brief in the LGAT submission to the Legislative Council Sessional Committee, Government Administration B: Tasmanian Electoral Commission

Tasmanian Government Agency Comment

The State Government is not planning any changes to the requirements for Local Government candidates to disclose political donations.

Any consideration of this issue would need to occur in the context of the outcomes of the ongoing Legislative Council Committee inquiry into the administration of the *Electoral Act 2004* and the Tasmanian Electoral Commission. This matter will be addressed prior to the next Local Government elections.

8.6 Motion – Elected Member Training Council – Derwent Valley

Decision Sought

That all Councillors as a requirement of being elected to Council are to within six months of being elected undertake training courses in the following areas:

- 1. Meeting Procedure**
- 2. Planning**

Background Comment

The Local Government Association of Tasmania provides numerous courses during the year for elected members and some of these have provided some basic information that will up-skill councillors to help them perform their tasks as a Councillor. It is unfortunate, possibly due to work commitments, many of the courses have to be cancelled due to lack of participation or possibly lack of interest but as a minimum it should either be enshrined in legislation or as a policy of Councils that a course in meeting procedure and planning should be a minimum requirement once becoming an elected member of Council.

LGAT Comment

The Local Government Association has re-established a professional development calendar that provides Local Government specific training for Elected Members and Local Government Staff. As part of the calendar and to align with the all in all out elections, LGAT facilitated an intensive one day Local Government 101 session for elected members and provides regular elected member professional development workshops.

The sessions are extremely well received and since the elections over 50% of newly elected members have attended at least one of the sessions. Topics at these sessions include planning and meeting procedures. The Local Government Division is also working on some on line professional development modules for elected members.

Mandated training is not a requirement of elected members at the State level.

Tasmanian Government Agency Comment

Local Government elected members are currently not required to undertake any training although a range of training opportunities are available.

Compulsory training for elected members has been proposed in the past. The State Government would prefer to support an environment that focuses on continuous improvement rather than taking a narrow focus on mandatory training.

At this stage, the State Government does not intend to mandate training for Local Government elected members, instead trusting that Local Government elected members will self-select for training where required

8.7 Motion - Election of Mayor & Deputy Mayor Council – Derwent Valley

Decision Sought

That the Local Government Association of Tasmania request a change to the Local Government Act 1993 for the conduct of Local Government Elections by allowing the Mayor and Deputy Mayor to be elected by Council.

Background Comment

The last Local Government Elections were held under the new procedures, that is all in all out election for all council positions, and also for a four year term.

It would now appear appropriate to consider the following so as to help minimize the current confusion in the voting for Mayor and Deputy Mayor and also voting for them as a Councillor.

This could occur by utilizing one of the following procedures:

To not hold elections for Mayor or Deputy Mayor but instead hold elections for the number of councillors for the City or Municipal area and then from those elected appoint one of their own to the position of Mayor and Deputy Mayor.

If adopted the Council at its first meeting would call for nominations and conduct a secret ballot on the same night with the count being undertaken by the General Manager.

In saying the above and based on the fact that there is no requirement for the person to have any experience in Local Government, then it would now seem to be appropriate that Local Government elect one of their own to be the Mayor and Deputy Mayor, in the same way as the leader and deputy leader of Major Political Parties are elected.

That at each Council election there would be two statutory positions those being Mayor and Deputy Mayor. Electors would be asked to vote on those positions.

There would also be held at the same time an election for Councillors for each City/Municipal Area.

This process means that a person standing for the position of Mayor or Deputy Mayor does not have to also stand for the position of Councillor. The down side being that if you are not elected to the statutory position (Mayor or Deputy Mayor) you are not elected to Council.

LGAT Comment

LGAT agrees that there is public confusion about the need to elect a person as both Mayor/Deputy Mayor and Councillor and the solution is not clear.

There are pros and cons to popularly elected Mayors as described in the 2012 Australian Centre for Excellence in Local Government Paper: Australian Mayors: What Can and Should They Do?

The merits of popular election include the “value and importance of having a personal mandate to enable them to appeal directly to constituents, to represent a diverse range of community interests, to work more effectively with central governments, business and other key partners, and to exercise more influence within the council organisation, both in negotiations with other councillors and with senior management”.

A further argument is that “elected mayors have provided more visible and accountable ‘facilitative leadership”.

On the converse side, risks of popularly elected mayors identified included: “personality politics and the potential for candidates with greater resources to ‘buy’ the mayoralty, the mayor might veer ‘out of control’, running a purely personal agenda, or conversely that there could be gridlock between the mayor and an opposing majority of councillors”.

There are risks also around indirectly elected Mayors including increased likelihood of party politics, factions and perpetual lobbying/election mode (when Mayors are elected every 12 months). This could be countered by ensuring a term of not less than two years but as ACELG notes, “it is difficult to see how indirect election for extended periods would be democratically justified or how it would make a significant difference in practice, since the mayor would still lack a personal mandate”.

Consideration could also be given to changing electoral processes so that candidates could run for Mayor/Deputy Mayor or Councillor but not both (and or a combination with indirectly elected Deputy Mayors). This however brings the risk that a fear of losing position on council might reduce the number of potential Mayoral candidates and would likely give greater value to incumbency.

Finally, another option is to make a greater community educative effort at election time, now only every 4 years, as a partnership between LGAT, the Tasmanian Electoral Commission and the Local Government Division.

Tasmanian Government Agency Comment

The Government does not intend to change the process for election of Mayors and Deputy Mayors.

Currently, Mayors and Deputy Mayors are popularly elected and a candidate must choose between nominating for Mayor or Deputy Mayor. A candidate must also nominate as a councillor and be successful in that position in order to take up any role as Mayor Or Deputy Mayor.

The previous Government considered and consulted on possible alternatives to the process for election of mayors/deputy mayors in 2012, as part of *the Local Government Amendment (Elections) Act 2013*. This included an associated discussion paper which was released to councils and to the public. At the time, the proposal to introduce ‘around the table’ election of mayors/deputy mayors received support from eight councils, however there were a range of legitimate concerns raised, which led to the view that it was not the right time to pursue this option.

The Government acknowledges that there is the remote possibility that a candidate elected as mayor/deputy mayor is unable to accept the position, due to failing to be elected as a councillor.

8.8 Motion – Composition of Legislative Council Council – Derwent Valley

Decision Sought

That the Local Government Association of Tasmania pursue on behalf of Local Government the option that the role of the Legislative Council (House of Review) be undertaken by the Mayors of the 29 Council in Tasmania.

Background Comment

There has been much debate over several years in regard to Governance in Tasmania. Most of this debate in the past has related to the number of elected members to Council.

With this said the Number of elected members charged with the Governance of this state extends further than just elected members for Local Government.

The Governance structure is as Follows:

Local Government Elected Members	283
Legislative Council	15
House of Assembly	25
House of Representatives	5
Senate	12

Total **340**

In an attempt to circumvent debate only on Local Government we propose that the Mayors of Local Government be empowered to take on the Role of the Legislative Council as the House of Review.

The Mayors are elected by popular vote, and now will be elected for a four year term as opposed to Legislative Councilors who are elected for a six year term. It will also reduce the number of elections required in Tasmania.

LGAT Comment

This motion was considered at the July 2013 General Meeting and was previously lost.

8.9 Motion – Constitutional Recognition Council – Northern Midlands

Decision Sought

That the Local Government Association make representation to the Prime Minister requesting a referendum to facilitate the recognition of Local Government in the Australian Constitution.

Background Comment

Local Government in Australia is often referred to as the “third tier” of government, with Federal and State Government the first and second tiers respectively.

Local Government was not a party to the federating process in the late 1890s and early 1900s, despite the establishment of Local Government in the 19th century.

The Australian Constitution was made law on 1 January 1901. The Constitution does not include Local Government and therefore, Local Government has no constitutional status.

The role and powers of government have changed considerably since 1901. Federal Government now collects the majority of taxation revenue (formally a state function until World War II), and has direct involvement in a wide range of community activities including, health, transport and education. Local Government’s role has expanded beyond “rates, roads and rubbish” and today provides significant community services and infrastructure.

Local Government works in partnership with the Federal Government through programs such as Roads to Recovery and is a member of the 8 COAG Councils.

Recognising Local Government by amending the Australian Constitution is critical, as the lack of constitutional recognition is detrimental to the activities and future of Local Government in Australia.

Constitutional recognition should not only be reliant on the direct funding from Federal Government to Local Government, it should also be on dignity.

Constitutional recognition is integral to federal democracy in Australia, recognising all spheres of government, local, state and federal and will hold all accountable to the Australian community.

LGAT Comment

There are a number of motions already on the books that provide similar endorsement to such an action.

LGAT fully committed to the National Campaign spearheaded by ALGA. While good traction was gained, ultimately Kevin Rudd’s call for an early election meant the plan would not proceed (it could not comply with legislative timeframes).

At the time there was bipartisan support, however it is fair to say that the Indigenous Recognition Campaign is currently front and centre with the Federal Government and there is little appetite to revisit the Local Government issue.

The ALGA Board have determined, given the changed climate, to focus instead on a campaign addressing the reduction in Financial Assistance Grants. LGAT does not see advantage in advocating for Constitutional Recognition for Local Government out of step with our National Peak body and other Jurisdictions and suggests that this matter be revisited at a later date, subject to deliberations and outcomes by the ALGA Board.

9 PUBLIC POLICY - GENERAL

9.1 Motion – Land Handbacks and Dual Naming Council – Circular Head

Decision Sought

1. **Member Councils of LGAT recommend that the State Government does not proceed with land handback within Tasmania, but proclaims STATE RESERVES, for significant, valued aboriginal heritage and cultural areas;**
2. **LGAT recommends that the State Government or the Nomenclature Board do not proceed with any dual naming of towns or lands without firstly being endorsed via a Motion from the appropriate Council.**

Background Comment

Land hand back discriminates between Aboriginal groups.

Land hand back to the wrong Aboriginal group will create difficulties in the future as each lay claim to areas and there may never be a solution.

Land hand back stops access to land and sea areas for all Tasmanians.

Additional ongoing resources will be required to control fire and weeds.

State reserves are nominated and proclaimed to protect values. They are maintained by state land managers and also allow access and education for all people.

Land hand back will not enhance reconciliation and is not required by law within Tasmania.

Local Aboriginal groups and community are not consulted with the proposed naming within their area.

Local areas are known to be different to named areas by others.

Origin of names and importance to community are not explained to the locals for acceptance.

Reconciliation will be harder to achieve if all groups are not part of future naming.

MABO does not apply in Tasmania due to the land not being continuously inhabited by the recipients.

Land handbacks and dual naming are being done by a select few, for political purposes, and without a mandate or legal requirement to do so, without adequate consultation with local communities.

Referring to two reference books, *Beyond Awakening* by Ian McFarlane, and *Van Diemen's Land – an Aboriginal history* by Murray Johnson and Ian McFarlane, identify that nine Aboriginal territories with forty-eight tribes are mapped throughout Tasmania, and also Aboriginal names, totally different from those being bandied around at present and submitted to the Nomenclature Board by the TAC.

It is believed that until this and local communities reach consensus on these matters, the State Government would only be creating problems that may never be solved and at present our state reserve hierarchy protects heritage values.

LGAT Comment

LGAT represents Local Government on the Nomenclature Board. The Association has recently been working closely with the Office of the Surveyor General to make the Nomenclature Process more streamlined and consistent for Councils.

Rules and processes around the Aboriginal and Dual Naming Policy and the Nomenclature Board's Rules and Processes for Naming Places in Tasmania require consultation with the Aboriginal community and the broader community respectively. Local Government is included as part of this process as a key stakeholder. Councils may respond directly to the Nomenclature Board as part of this process and may also contact LGAT to raise issues on their behalf at Nomenclature Board meetings.

Tasmanian Government Agency Comment

The Tasmanian Government does not support the motion put forward by Circular Head Council regarding land handbacks and dual naming.

Resetting the relationship with the Aboriginal community is a priority for the Tasmanian Government, as committed to in the Premier's March 2015 State of the State address and *Our Plan for the Next 365 Days*. The Government aims to achieve a greater understanding between Tasmanian Aboriginal and non-Aboriginal people in a way that acknowledges Aboriginal history and culture.

The Premier is currently consulting with the Aboriginal community statewide to gain an understanding of issues that are a priority for them. The Premier is meeting with a range of people and organisations, in recognition of the fact that all members of the Aboriginal community may not be represented by the one body. This is an important step in developing a genuine partnership with the Aboriginal community.

A number of issues have already been raised and the Government is progressing an agenda across three broad outcome areas: connection to country and culture, recognition of Aboriginal people and closing the gap on disadvantage.

While the full outcome of these consultation sessions cannot be pre-empted, a number of actions have already been identified, including consideration of land return, joint land management, supporting Aboriginal tourism enterprise in Tasmania, and the continuation of dual naming.

Land Handback

The Aboriginal community has a strong connection to its land. While the *Aboriginal Lands Act 1995* provides for certain parcels of land in perpetuity for the Tasmanian Aboriginal community, the Government is committed to considering proposals put forward by the Aboriginal community for further land return.

Any proposals regarding further land return will entail careful consideration of a range of issues including management regimes, Aboriginal heritage issues, access and stakeholder views.

Dual Naming

The Government is committed to the continued implementation of the *Aboriginal and Dual Naming Policy*. This Policy allows geographical features and places to be given both an introduced and Aboriginal language name. The *Aboriginal and Dual Naming Policy* provides a clear and consistent approach for the acknowledgement and use of *pakana kani* language to dual-name areas of *pakana* history.

Processes contained within both the *Aboriginal and Dual Naming Policy* and the Nomenclature Board's Rules and Processes for Naming Places in Tasmania require consultation with the Aboriginal community and the broader community respectively.

The Aboriginal and Dual naming Policy is publicly available at http://www.dpac.tas.gov.au/divisions/csrt/oa/aboriginal_and_dual_naming_policy and the Nomenclature Board's Rules and Processes for Naming Places in Tasmania are publicly available at <http://dpiwwe.tas.gov.au/land-tasmania/place-naming-in-tasmania/rules-and-processes>

9.2 Motion – Review of Southern Tasmanian Council Authority (STCA) Council – Derwent Valley

Decision Sought

That the Local Government Association of Tasmania request the Local Government Board to undertake a full review of the STCA Governance and Service Delivery report undertaken by the Expert panel Chaired by Jude Monroe.

Background Comment

This report was commissioned by the STCA with Grant funding from the Australian Government. It is somewhat disappointing that after all this time the report continues to gather dust sitting on shelves in Council offices.

There is, and will continue to be, criticism on Local Government by some sectors of the community because Local Government of their own motion is not seen to seriously consider reforms unless they are pressured by other tiers of Government. This type of comment in the most part is unfounded, but if we receive funding to undertake a review and continue to ignore it we leave ourselves open to criticism.

With this in mind, and in view of the fact that much of the criticism of the report was based on the financial assumptions, it may be now prudent for an independent review of this report to be carried out by the Local Government Board.

This review may also consider some changes to the proposed Greater Hobart model, or may find that some of the criticism on the financial savings may be substantiated.

This is possibly more appropriate to consider now based on the State Government wishing Local Government to consider voluntary mergers/resource sharing.

LGAT Comment

The LGAT believes this is a matter for the collective members of the STCA to determine but is happy, if members agree, to facilitate a conversation between STCA Members and State Government about a Board Review.

9.3 Motion – Determination of the Roles of the Levels Of Government Council – Northern Midlands

Decision Sought

That the Local Government Association make representation to the relevant Australian Government Ministers seeking support for the development of a consistent basis for determining whether a particular function is best carried out by Local, State or Federal Government.

Background Comment

The Northern Midlands Council is seeking support for the development of a consistent basis for determining whether a particular function is best carried out by Local, State or Federal Government.

With overlapping rules and responsibilities amongst the three tiers of government, the development of a consistent basis is not only appropriate, but necessary for Local Government to be effective. The inter-relationships must be responsive to all government agencies operating at the local level.

Subsidiary principle:

The “subsidiary” principle means that services should be delivered by the lowest level of government that has the capacity to effectively deliver them. While some functions may be best undertaken at a regional, State or Federal level of governance, higher levels of government should not perform functions that can be provided at a lower level.

The breadth of Local Government functions appear to be increasing, precipitated through Local Government responses to changing community needs, increasing community expectations, devolution of functions, particularly from State Government.

It is believed that we need to consider the current functions and how those may change in future. We need to review functions and give consideration to extending the role of Local Government into areas where it could effectively deliver on effective service.

The norm/trend is for higher tier levels of government to devolve functions to Local Government without devolving the necessary revenue capacity.

This is still an important issue to be assessed, particularly identifying how the increase in functions is impacting on the sustainability of communities and Local Government.

An Australia wide approach to determining a considered basis for determining a particular function is best carried out by Local Government, State or Federal agency if required, with the determination on an adequate policy framework to ensure productive working relationships with all three spheres of government, along with appropriate funding capacity delivered to Local Government.

LGAT Comment

If supported, the Local Government Association believes this matter would be best raised for consideration by the ALGA Board as it is a national issue.

Tasmanian Government Agency Comment

The Commonwealth Government has committed to producing a White Paper on the Reform of the Federation (Federation White Paper) and Tax Reform (Tax Reform White Paper) within two years of being in government. The Commonwealth Government has indicated that it would take the reform actions of the White Papers to the next Federal election on or before 14 January 2017.

The Commonwealth have committed to working with the states and local government on the Federation White Paper through a standing item on the COAG agenda (and through COAG Senior Officials Steering Committee meetings). Local Government is represented at COAG and on the Officials Steering Committee by the Australian Local Government Association.

COAG agreed the goal of federation reform is to improve the standard of living and wellbeing of Australians. It was also agreed that the current fragmentation of services can create confusion and affect outcomes. Improved arrangements are key to improving the quality of the services Australians receive. The objective of change has to be better services for the people of Australia. COAG also agreed that federation reform cannot be achieved by one level of government alone.

A special COAG retreat will be held in July where these issues are to be considered with a view to optimising outcomes for patients and students in particular.

10 ADMINISTRATION

10.1 Motion – Recording of Voting at LGAT Meetings Council – Derwent Valley

Decision Sought

That the Local Government Association of Tasmania ensure that the vote of each Council is recorded in the Minutes including the number of votes cast by each Council and details of any proxy votes exercised.

Background Comment

The reason for this request is only for discussion and it is recognised that the Association is not bound by the same rules as Council in regards to the recording of those who voted but it is the view of the Derwent Valley that to ensure due process and the ability for the Association and those Councils who are members of it to be open and transparent that the way in which each Council voted on each resolution should be included in the Minutes of the Association.

It is also recognised that at all LGAT meetings any Council who wishes to have the way they voted recorded may do so. We recognise that it may also be difficult to administer this request but feel that it should be at least discussed and determined if there is an appropriate mechanism for the recording of the way each Council voted.

At the meeting in November 2014 there was discussion on this matter more in line with the difficulty to administer, and the fact that councils have the right now to request the way they voted recorded in the minutes.

There was also debate in regard to the view that having the vote recorded allowed Councils considering similar motions at a latter stage, knowledge in regard to how Councils may vote and therefore providing Councils the opportunity to lobby prior to the meeting to gain support on their motions.

It also gave Councils the opportunity to talk to like minded councils in regard to the development of future motions for LGAT meetings.

LGAT Comment

The concerns previously raised by LGAT are noted in the background, namely the difficulty in administering this and the fact that councils have the right now to request the way they voted recorded in the minutes.

10.2 Motion – Video Conferencing at General Meetings Council – Derwent Valley

Decision Sought

That the Local Government Association of Tasmania consider changes to the Rules of the Association to allow for General Meetings by skype video conferencing to the three regional locations.

Background Comment

Some councils are currently investigating video conferencing of their Council Meetings as well as looking at ways Councillors can become involved with Committee Meetings by video conferencing.

As this technology is continuing to be improved and, based on the NBN network now rolling out in Tasmania, it would now be prudent for General Meetings of the Association to be conducted by this method into the three regions.

This will minimize travelling times and will also enable more councilors to be able to attend these general meetings and gain a better understanding of how decisions are made, based on the further debate on the motions at the meeting. It would also give those members of Council who find travelling to Launceston difficult, the opportunity to attend.

LGAT Comment

Councils recently considered the matter of videoconferencing in relation to Council Meetings as part of the review of the Local Government (Meeting Procedures) Regulations.

The feedback from Councils was as follows:

It would be fair to say, that the majority of councils still feel that this should not be allowed until a number of specific issues are considered and addressed. These include defining the circumstances that would justify the use of virtual attendance, the period of notice required of a councillor, the ability to deal with defined 'emergency' situations, a cap on the individual use of the virtual attendance option, a definition of 'instant electronic communication' and what forms are deemed sufficient for purpose.

However two elected members and two councils made specific representations, seeking that the opportunity not be closed off with one suggesting at least the option to opt in under s37 of the Regulations "A council may determine any other procedures relating to meetings it considers appropriate". They argued that prohibiting virtual attendance on the basis of technology uncertainty is extreme and that virtual attendance should be allowed on a limited basis in special circumstances decided by the council in response to a formal request of an elected member. Virtual attendance at meetings is accepted in many other areas of business, volunteering and medicine so it seems inequitable that those wanting to maintain involvement in council business are denied the opportunity because of physical location.

The reasonable expectation that Aldermen are present active and accessible within the community that they serve is the underlying objective in preferring/ requiring meeting attendance in person. Notwithstanding this, it is considered that it would be useful for Councils to have the ability to enable such participation to occur and there is scope to place some limitation on an Alderman's use of electronic meeting attendance (ie based on extenuating circumstances, temporary in nature limitation on the extent of the periods of use etc) so that it is not able to be used as a simple alternative to the more representative and favourable "physical" attendance at meetings.

Given the lack of consensus about videoconferencing for Council Meetings where no more than ten are required to vote, and each vote is of equal weight; and where those physically attending the meeting are in a relatively confined space it is easy to imagine that General Meetings undertaken virtually would be logistically challenging. There are only four General Meetings a year, one of which is our conference. The April General Meeting showed the potential benefits that can be obtained with greater interactivity at meetings and more use of meaningful speakers and LGAT would rather focus on improvement through that path.

11 FINANCE

11.1 Motion – Rates on Commercial Development in Exempt Areas Council – Huon Valley

Decision Sought

That the Local Government Association of Tasmania request the State Government to review Section 87 of the *Local Government Act 1993* to make commercial development in the exempt areas in sub-section (1) subject to the payment of general rates, special rates or averaged area rates and be specifically excluded from the exemption.

Background Comment

Section 87 of the *Local Government Act 1993* provides that all land is rateable except for specified land which is exempt and includes land held or owned by the Crown amongst others that is national park, conversation area, nature recreation area, nature reserve, regional reserve, state reserve or game reserve or within the meaning of the *Nature Conversation Act 2002*.

While the Crown as owner of the land may agree to pay general rates on the land under Section 87(2) of the Act, there is no obligation to do so.

The current State Government has been progressing tourism investment opportunities in the Tasmanian Wilderness World Heritage Area, national parks and reserves under a policy of unlocking Tasmania's nature areas to allow for "exciting new tourism experiences" that are complimented by sensitive and appropriate tourism infrastructure.

The government is currently going through an expression of interest process in respect of tourism investment opportunities.

The proposal has raised the issue in relation to rating of development in those areas.

In accordance with Section 87 as set out above, any development in these areas are *prima facie* exempt from the payment of rates.

While some of these developments may be in remote areas they will still have the potential for impact on Councils in relation to Council provided infrastructure and services. These impacts include general Council support particularly economic development and tourism aspects and infrastructure services which may include road networks and town infrastructure.

There is also an equity issue in relation to such developments. Similar commercial developments, not within these areas, are liable for payment of full general rates.

These developments have the potential for positive impact for Councils in increased tourism and exposure. It is though, considered important that such developments are on the same footing as other commercial development opportunities and it is considered appropriate to request a review of Section 87 of the *Local Government Act 1993* to exclude commercial developments on exempt land as being exempt from the payment of rates.

LGAT Comment

There have been a number of relevant previous motions. For example:

2011 *That the financial reform process adopted between the State Government and councils ten years ago be reviewed.* Carried

2013 *That the Local Government Association request the State Government under its current review of the role of Local Government, undertake a review of the financial relationship between State and Local Government.* Carried

2014 *That the Local Government Association of Tasmania pursue with the newly elected Liberal Government the rating of Hydro and also the rating of all Crown Land that is leased for commercial developments including National Parks and Reserves.* Carried.

2014: *That the Local Government Association of Tasmania pursue with the newly elected Liberal Government a review of the Financial Relationship between State and Local Government.* Lost

There has been consistently no support from State Government for review.

LGAT notes that it is true that the financial reforms were negotiated in good faith a decade ago with a commitment to simplification and transparency. When the review took place in the early 2000s, the net result was that, in large part, councils would pay state taxes and charges and the State Government would pay rates to councils. Exemptions were made on each side of the ledger for charges associated with national parks, recreational parks, etc.

The analysis demonstrated that there would be a significant windfall to Local Government in this process. The review had been conducted on the basis of revenue neutrality being agreed as an outcome. The means by which this was “artificially” achieved was to exclude particular charging from the process. While several possibilities were available it was the exclusion of Hydro rates that was ultimately resolved. The impact and reach of this decision was considered in the context of how the reforms would not only affect the sector but the individual councils.

In the broad scheme of things Local Government benefited only marginally from the cross transactions to the extent of some \$2million per annum.

However it is not clear as to why there should not be a review a decade on as circumstances have likely changed considerably. In undertaking negotiations in good faith it was always envisaged that there would be slight changes to land holdings on both sides but the extent of transfer proposed under the Forestry IGA arrangements were never envisaged. It is also unclear as to why new power generation assets continue to be quarantined from rating.

The Association is of the view that there is merit in reviewing the financial arrangements, not on the basis of unbundling them but, on the basis of returning to the initial principles of simplification and transparency.

Tasmanian Government Agency Comment

The State Government is not planning to review the rating provisions of the *Local Government Act 1993* or considering any changes to current rating practices relating to the payment of rates on State owned land.

11.2 Motion – Payment Of Rates On All State Owned Land Council – Break O'Day

Decision Sought

That LGAT asks the State Government to pay rates on all State owned land, including National Parks, Reserves, Conservation Areas, etc.

Background Comment

The State Government has set the precedent by paying rates for Forestry. Now with camping fees, National Park entry fees and leases being paid for ventures in National Parks, the State Government has a revenue stream like Forestry.

Councils such as Break O'Day have huge areas of State owned land which limit our rates base. Councils provide access to these areas with Council owned roads and bridges. This is compounded when Forestry roads are not being maintained, and the responsibility is falling onto Councils to maintain them as they provide access to some of our tourism icons and also have private residences on them.

LGAT Comment

Comment is as per **Item 11.1** above.

Tasmanian Government Agency Comment

As part of the Statewide Partnership Agreement between the State and Local Government on Financial Reform signed in 2003 the *Local Government Act 1993* was amended. These amendments required State Government to pay council rates on crown land, apart from certain types of reserves, roads, bridges and associated infrastructure. The reforms also resulted in councils paying all State Government taxes including payroll and land tax.

The State and Local Government Financial Reforms were negotiated in good faith with a commitment from both levels of government to the aim of simplifying and making financial relations more transparent.

The reforms were underpinned by a criterion of revenue neutrality for both levels of government based on the 1999-00 reference year. The SLGFR context was always a “no regrets” initiative with no expectation that revenue neutrality would be either sustained through time or subject to periodic review.

It is noted that by the time that the legislation took effect on 1 July 2004, State taxes had reduced and council rates increased relative to 1999-00 revenue neutrality reference year, such that rather than being revenue neutral the reforms resulted in a material positive net financial transfer to Local Governments from the State Government.

Subsequent reductions in state taxes, such as reductions in land tax in 1 July 2010 and increases in payroll tax thresholds in 1 July 2013 would have further favourably impacted Local Government.

The State government does not support the motion.

In relation to the maintenance of Forestry roads the State Government has commenced a review of the existing road network within the Future Potential Production Forest (FPPF) lands to identify the range and extent of existing uses and the priorities for ongoing management. The State Government has formed a Steering Committee to develop and implement a Tourism Supply Strategy. The Steering Committee will, among other things, address the ongoing maintenance of roads that were previously maintained by Forestry Tasmania or Gunns that are of significance for tourism.

The Government will not consider any changes to current rating practices relating to payment of rates on all State owned land, including National Parks, Reserves and Conservation Areas as, stated above, they are considered to be non-commercial and provided for the public good.

11.3 Motion – Review of Financial Relationship with State Government Council – Derwent Valley

Decision Sought

That the Local Government Association request the State Government under its current review of the role of Local Government, undertake a review of the financial relationship between State and Local Government.

Background Comment

Some ten years ago the Financial Management Act was enacted which made changes to legislation relating to the taxing arrangements in place for State and Local Government.

During this time some tax exemptions for Local Government were revoked and the non-payment of rates by Government Agencies was also revoked. Some council’s received a financial advantage at that time but this has in many cases eroded over time.

It was also enshrined in the Legislation that Local Government was not permitted to take advantage of Government Agencies paying rates by using differential rating for properties owned by the Crown, but the Crown was able to circumvent some of their agencies rate payments by inserting in some Acts anti competitive Legislation.

This relates in the most part to Power Generation Companies and some lands with National Parks.

As it is now some 10 years since the Financial Relationship between State and Local Government commenced it is now time it was reviewed.

LGAT Comment

Comment is as per **Item 11.1** above.

11.4 Motion –Trails & Bikeways Funding Program Council – Northern Midlands

Decision Sought

That LGAT lobby the Minister for Infrastructure, Hon. Rene Hidding, advocating for the reinstatement of a State Government trails and bikeways funding program, the development of an inventory of what work is still required to fill in the many gaps in the network of trails and pathways, and the establishment of a permanent fund that will meet the growing demand now apparent in cycling tourism and in the use of bicycles for sport and leisure.

Background Comment

The former State Government's Trails and Bikeways Grant Program provided grants to Local Government and community groups for trails and bikeways construction projects; with the expectation that applicants would contribute at least half of the project funding. The Trails and Bikeways Grant Program has not been continued by the present State Government.

Bicycle Network promotes, advocates and supports bike riding in Tasmania as a healthy, enjoyable and environmentally sustainable form of transport, recreation and tourism, through engagement with the community, government and industry at all levels.

In early 2015 Bicycle Network wrote to Tasmanian Councils to express concern about the demise of the Trails and Bikeways Grant Program and argued the case for the reinvigoration of investment in quality trails and bikeways infrastructure by the State Government.

All Councils were asked for support in convincing the State Government to restore the Trails and Bikeways funding, begin an inventory of what work is still required to fill in the many gaps in the network of trails and pathways, and establish a permanent fund that will meet the growing demand now apparent in cycling tourism and in the use of bicycles for sport and leisure.

LGAT Comment

The Association is cognisant of the opportunities provided by grant initiatives such as the Trails and Bikeways Grant Program, and its discontinuation at this time is disappointing, particularly in light of burgeoning cycling tourism within the State.

The advice from State Government regarding its current budget situation and grant program funding appears self explanatory. The LGAT makes no additional comment at this point.

Tasmanian Government Agency Comment

The Government supports the objectives of the Trails and Bikeways Program and the opportunities it provided through funded projects. However, the current budget situation requires a tightening of grant program funding. The Trails and Bikeways Program was not able to be continued in such circumstances.

The Government is, however, committed to improving the health and wellbeing of Tasmanian communities and funded 41 projects under the Trails and Bikeways Program between 2008 and 2014. This represented a \$4.2 million investment which resulted in over \$13.2 million in trail and bikeway developments in Tasmania.

The Government recognises the growth and popularity of cycling tourism in Tasmania and, through Communities, Sport and Recreation Tasmania (CSRT), continues to provide support and advice to councils and other organisations regarding trails and bikeways projects.

12 INFRASTRUCTURE AND SERVICES

12.1 Motion – Responsibility for Forestry and Parks & Wildlife Roads Council – Huon Valley

Decision Sought

That the Local Government Association of Tasmania lobby the State Government to make a decision as to which of its Departments will be responsible for all Forestry Tasmania and Parks and Wildlife Service Roads throughout the State, determine a priority maintenance programme for these roads in conjunction with the relevant Council, provide sufficient budget funds to undertake the maintenance programs and undertake the work immediately.

Background Comment

The issue of responsibility and funding for Forestry and Parks Roads has been discussed at previous General Meetings of LGAT.

At the July 2013 General Meeting, a motion was put forward by Glamorgan Spring Bay Council and carried as follows:

That LGAT request the State Government to confirm who has responsibility for roads and bridges that were previously owned by Forestry Tasmania or Gunns and requests an outline of the future actions government is considering for these roads.

At the July 2014 General Meeting where a motion was put forward by Circular Head Council and carried as follows:

That the Local Government Association of Tasmania is asked to seek discussions with the State Government regarding negotiations on the handover of Forestry Tasmania roads to Parks, due to a negative effect that will occur on communities and tourism due to deterioration if no funding is available for continued maintenance.

The Tasmanian Government Agency comments in July, 2014 noted that legislation was then before parliament whereby the land is to be transferred for management by Parks & Wildlife Service and it is expected that appropriate funding will also be provided to manage the land.

Unfortunately, despite both motions, the matter remains unresolved to the extent that these roads remain in a poor deteriorating condition with no agency appearing to take any interest in or responsibility for those roads let alone any clear direction as to what maintenance programme will be undertaken long term and to what standard that these roads will be maintained.

This continues to have a detrimental impact upon communities who rely upon roads for access to enjoy their properties and for business purposes and for the Tourism industry as well.

Accordingly it is considered appropriate that the LGAT lobby the State Government to make a decision as to which of its Departments will be responsible for all Forestry and Parks Roads throughout the State, determine a maintenance programme for these roads in conjunction with the relevant Council, provide sufficient budget funds to undertake the maintenance programmes and undertake the work immediately.

LGAT Comment

The Association has been seeking State Government clarification regarding responsibility and future management intentions for former Forestry Tasmania roads since 2013, pursuant to the motions on this issue mentioned in the background comment above.

Since July 2014 the Association has raised the matter of former Forestry Roads at numerous meetings of the Premier's Local Government Council (PLGC), emphasising the concerns voiced by member councils regarding the ramifications for access, amenity and safety on affected roads if no framework is established for ongoing funding and maintenance.

In late 2014 the LGAT sought specific information from member councils in relation to significant roads and routes that are either currently being affected by a lack of maintenance funding or scheduling, or are likely to be affected in the future by the changes brought about by the transfer. From the information received a collection of 'case studies' was compiled and provided to State Government, outlining how the transferral of forestry roads and lack of organised maintenance had resulted in detrimental impacts and pressures being observed or borne by councils and local/regional communities.

The Association continues to pursue this issue through the PLGC and relevant State Government agencies. It notes the State Government comments above regarding a possible whole-of-government approach to road management and looks forward to exploring this proposition further.

Notwithstanding that the broader issue of responsibility for former Forestry roads remains unresolved, it was pleasing to see allocations in the 2015-16 State Budget for 'high priority' Parks infrastructure renewal and maintenance (\$8M) and for non-commercial Forestry activities, including road maintenance for public use (\$4M).

Tasmanian Government Agency Comment

Since early 2014, asset audits have focused on built infrastructure on land that was transferred to the management of the Parks and Wildlife Service (PWS) in December 2013.

The PWS is currently conducting an audit of the roads associated with this land to determine the extent of the road network and road conditions. These audits are expected to be completed by December 2015.

Audit results so far have identified that many of the bridges and culverts are at end of life.

Existing resources are used to manage public risk through the application of load limits and closures where bridges and culverts have failed.

Any remaining resources available for road maintenance are directed to roads accessing major parks and reserves where popular tourist and visitor facilities exist.

The Government is not in a position to maintain all roads to a standard previously maintained by Forestry Tasmania as many of these roads were constructed purely for the purposes of forestry timber harvesting operations.

The PWS has traditionally focused on management of natural resources, recreational and tourism facilities associated with parks and reserves. Whilst the PWS has had some road management responsibilities, they have relied on Forestry, Local Government or contractors to provide expertise in road management.

Recent funding announcements by both State Government (\$8 million for tourism infrastructure over 2 years) and the Federal Government (\$2.4 million for road and bridge catch-up works in the TWWHA extension area) will provide some means to address some of the road maintenance concerns raised by LGAT.

It has been identified that a holistic approach is now required that involves State and Local Government together with representative groups such as the Regional Tourism Organisations to determine which roads need to be retained for ongoing use and what order of priority should be applied to respective roading needs within the limited resources available. The Minister for Environment, Parks and Heritage has asked PWS to facilitate this discussion.

An interagency meeting has been held to discuss a possible whole-of-government approach to road management, and there are expected to be further discussions to progress this. Communications with Local Government would need to be considered as part of these discussions

13 PLANNING AND DEVELOPMENT

No Motions Received

14 ENVIRONMENT

14.1 Motion – Trawlers Targeting Small Pelagic Fisheries (SPF) Council – Break O'Day

Decision Sought

That LGAT lobby the major State and Federal political parties seeking a cessation in the use of super trawlers and industrial factory trawlers operating in Australian waters targeting small pelagic fisheries (SPF), pending an assessment of the impact of these activities on the biomass of the fisheries being targeted in Australia's Exclusive Economic Zone (EEZ).

Background Comment

We believe that the more spheres of Government that take up this issue placing pressure on the Federal Government to ban trawlers targeting small pelagic fisheries the better likelihood there is of success.

Large Industrial Factory Trawlers and Super Trawlers represent a massive increase in capacity to exploit the fishery at a time when there are unresolved questions over threats to dolphins and seals, stock biomass, how to avoid localised depletion and impacts on recreational fishers and commercial fishing industries.

The introduction of any form of industrial level fishing specifically targeting small pelagic fisheries or any for that matter that affects the food chain should never be allowed. It is reprehensible that the Federal Government is even considering this proposal to support a vessel that has already been part of the demise of this type of fishing around the world.

Whether the trawler is classed as a super trawler (ie over 130 metres in length) or a smaller factory trawler, the nets used by these trawlers still have the same capacity and still have the potential for the unwanted by catch as well as potential harm to dolphins and seals.

If an Industrial Super/Factory Trawler was to be allowed to fish in Australian waters and they were to fish of the East Coast of Tasmania the local and regional economy of St Helens would be irreversibly downsized. Losses in domestic and export fishery revenues and related employment will be significant. Alternative local/regional employment will not be available, and the majority of the profits from such an enterprise would all go overseas with no financial benefit to local commercial or recreational fisheries.

2012-13 Survey of Recreational Fishing in Tasmania, JM Lyle, KE Stark & SR Tracey, December 2014

"In the 12 months prior to October 2012 almost 98,000 Tasmanian residents aged 5 years or older fished at least once in Tasmania, representing an overall participation rate of 22%, or just under one in four Tasmanians.

Saltwater represented 79% of the effort.

Recreational fishers were estimated to have spent about \$93 million on goods and services relevant to fishing in Tasmania during 2012-13, equivalent to just over \$1000 per fisher.

In addition to direct expenditure, there is a significant investment in boats, with around 28,000 boats used for fishing in 2012-13, valued at about \$439 million.”

\$93 Million per year.

\$14.8 Million GST for the state to do as it wants.

LGAT Comment

This matter was considered at the September 2014 election. The following motion was tested:

That LGAT supports the position of all state parties in their election commitments to lobby the major federal political parties in opposing super trawlers operating in Australian waters, and support immediate federal legislation to permanently ban super trawlers in Australia’s Exclusive Economic Zone (EEZ) but not to affect current fishing operators.

Following the presentation made by Les Scott, Australian Longline Pty Ltd, there was much discussion and debate on this matter with consideration of various changes to the wording of the original motion. The original motion was eventually tested and lost 21 to 23.

Tasmanian Government Agency Comment

The Tasmanian Government supports appropriate sustainable fishing operations based on sound science and good process for implementing appropriate fisheries management regimes. It also supports the ongoing Commonwealth Government ban on 'super trawlers', which have been deemed under Commonwealth legislation as vessels larger than 130 metres.

The Small Pelagic Fishery (SPF) falls under Commonwealth jurisdiction, and is thus managed by the Commonwealth Government through the Australian Fisheries Management Authority (AFMA).

The Commonwealth Government has a documented, overarching Harvest Strategy Policy stipulating the performance that is required for all Commonwealth fisheries. This policy provides minimum benchmark levels that must be achieved, particularly around exploitation rates to ensure the long term sustainability of fish stocks.

The SPF is managed by catch quotas that directly control the amount of each species that may be taken each year. The SPF fishery has a Harvest Strategy in place that provides the decision making framework to set the total allowable catch limits - depending on the amount of scientific information available. This strategy recognises the ecological importance of these species and sets a correspondingly low rate of harvest as a proportion of total species biomass. These catch limits are also set independently of the number or size of vessels that might fish in a fishery.

The exploitation rates have recently been reviewed by the CSIRO with a report suggesting some exploitation rates should be amended down slightly, and that others might be increased marginally.

The *Geelong Star* is subject to a tailored Vessel Management Plan and to 'move on' provisions around proportions of the allowable catch that can be caught in an area before it must 'move on'.

The recent dolphin and seal deaths as a result of the *Geelong Star's* operations is being addressed by the Australian Government. The regulator, AFMA, is addressing this issue and additional measures are being imposed to protect dolphins and other marine mammals.

The Tasmanian Government encourages the Australian Government and its regulators to continue working with the recreational fishing sector and the small pelagic fishing sector to ensure that the science and management controls for freezer trawlers are properly understood.

Large freezer vessels operate in a number of other fisheries around the country and have done so for many years.

15 PUBLIC HEALTH & NUISANCE

No Motions Received

16 ANIMAL CONTROL

16.1 Motion – Dog Control Act Council – Southern Midlands

Decision Sought

That the Local Government Association of Tasmania, through either a separate working group or through referral to the Animal Management Officers Group, undertake a review of the provisions contained within the *Dog Control Act 2000* relating to the declaration (and subsequent management) of dangerous dogs, with the aim of identifying a more practical, timely, and cost effective process for dealing with dangerous dogs.

Background Comment

Following a declaration of a dangerous dog made by the General Manager in accordance with section 29 of the *Dog Control Act 2000*, the owner of the dog has the right to appeal against the declaration to the Magistrates Court (Administrative Appeals Division) within 14 days after service of the notice.

Firstly, an appeal may take many months to be scheduled before the Magistrates Court (Administrative Appeals Division), and assuming the dog(s) have been impounded pending the conduct of this appeal, significant costs are incurred in pound fees, which the majority of times cannot be recovered from the dog owner.

Note: In a recent case involving the Southern Midlands Council, two dogs were impounded for a period of approximately ten (10) months.

Following the appeal process, and assuming the Magistrate Court (Administrative Appeals Division) confirms the General Manager's declaration, notice must then be given to the owner to undertake the necessary works to comply with the 'control of dangerous dog' provisions prior to releasing the dog(s). The Act provides for a further twenty-eight days to comply with these requirements.

If the owner fails to comply, the General Manager may then proceed to destroy the dog, but prior to doing so must, notify the owner of the general manager's intention to destroy the dog. An owner served with such a notice may, within 14 days after being served with the notice, appeal to the Magistrates Court (Administrative Appeals Division) against the General Manager's decision to destroy the dog.

The Magistrates Court (Administrative Appeals Division) may order that this decision is confirmed or the decision be set aside. A process that may yet again take many months. Whilst the owner of a dog that is detained is liable for the costs of detaining the dog until it is released or destroyed, in some cases the owner may not have the resources to meet these costs and the Council finally bears the overall cost.

It can be seen that the current process is impractical; time consuming and extremely expensive, particularly given the involvement of the Magistrates Court (Administrative Appeals Division).

Whilst Council fully appreciates and values a persons' appeal rights, a more timely and cost effective system must be identified and implemented.

LGAT Comment

A number of Dog Act issues have been raised recently outside of the recent review of the Act.

LGAT is supportive of establishment of a working group at an appropriate time for a comprehensive review and will work with the Local Government Division on that basis.

Tasmanian Government Agency Comment

The State Government is not considering further changes to the *Dog Control Act 2000* aside from the issues raised in the *Dog Control Act 2000 Issues Paper 2013*.

If further changes to the Act are planned, the Local Government Division will consult with key stakeholders, including councils, to identify potential amendments.

17 COMMUNITY & SOCIAL DEVELOPMENT

17.1 Motion – Funding for Arts Initiatives Council – Launceston City

Decision Sought

That the Local Government Association of Tasmania make urgent approaches to both the Australian Government and the State Government respectfully seeking assurances that recent federal funding changes to arts initiatives will not adversely impact upon or disadvantage key local arts groups from convening viable arts activities and events across the State.

Background Comment

There are many vibrant arts communities across the State that demonstrably benefit the cities and regions in economic, social and cultural ways. Federal funding provides a critical platform for these activities, and this support is valuable in leveraging further investment from the State, Local Government and other partners. With recent changes to the delivery of federal arts funding previously administered through the Australia Council, there is uncertainty around the future of funding for a number of key local initiatives and programs. The Tasmanian community sees value in these programs continuing, and therefore the Council seeks support from Local Government through the LGAT to obtain some clarity and assurance around the Federal Government's on-going commitment to regional investment in the arts, for the benefit of the State.

LGAT Comment

The LGAT understands that a total of \$105 million (around 15 per cent of its previous budget) will be diverted from the Australia Council to fund a new entity called the *National Program of Excellence in Arts* (NPEA) where grants are decided by the Federal Arts Ministry. The purpose of the new NPEA is to 'expand' funding to a different range of artists and arts organisations, with an emphasis on attracting private-sector support.

The Australia Council will continue to be the principal Federal arts funding body, and will distribute approximately \$185m to artists and organisations annually. It is understood that the Australia Council's funding of the country's 29 major performing arts companies will continue unaffected.

18 CLOSE