



General Meeting

Minutes

22 April 2016

**The Tramsheds
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Launceston**

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**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.

Table of Contents

- 1. GOVERNANCE5**
 - 1.1 CONFIRMATION OF MINUTES *6
 - 1.2 BUSINESS ARISING *6
 - 1.3 CONFIRMATION OF AGENDA7
 - 1.4 FOLLOW UP OF MOTIONS*7
 - 1.5 PRESIDENTS REPORT7
 - 1.6 CHIEF EXECUTIVE OFFICER REPORT8
 - 1.7 MONTHLY REPORTS TO COUNCILS*10
 - 1.8 COUNCIL ROUND-UPS10
- 2. ITEMS FOR DECISION11**
 - 2.1 CHANGES TO LGAT RULES11
- 3. ITEMS FOR NOTING17**
 - 3.1 2016 ANNUAL CONFERENCE.....17
 - 3.2 ELECTED MEMBERS' WORKSHOP18
 - 3.3 PLANNING AND BUILDING REFORM18
 - 3.4 LGAT POLICY UPDATE*20
 - 3.5 STATE ROADS AUDIT24
 - 3.6 LOCAL GOVERNMENT REFORM26
 - 3.7 NATIONAL ACTIVITY28
 - 3.8 STATE OF THE STATE30
- 4. ITEMS FOR DISCUSSION31**
 - 4.1 CONSTITUTIONAL ROLE OF LOCAL GOVERNMENT31
 - 4.2 LOW INCOME HOUSING AND HOUSING FOR ITINERANT WORKERS.....32
 - 4.3 WASTE TYRE LEVY33
 - 4.4 ABANDONED VEHICLES.....34
- 5. Other Business & Close35**

* Denotes Attachment



GENERAL MEETING SCHEDULE

- 10.00** **Coffee on arrival**
- 10.30** **Meeting commences**
- 11.00** **John Perry**
Co-Ordinator General
- 11.30** **Denise Fassett**
Chair, Tasmanian Health Council
- 12.30 pm** **Approximately, lunch will be provided**

1. GOVERNANCE

The President welcomed Members and declared the meeting open at 10.30am.

Apologies were received from -

Mayor Robby Walsh	Waratah-Wynyard Council
Mr Michael Stretton	Waratah- Wynyard Council
Mayor Greg Howard	Dorset Council
Mr Tim Watson	Dorset Council
Mr Robert Dobrzynski	City of Launceston
Mayor Michael Kent	Glamorgan Spring Bay Council
Mayor Phil Vickers	West Coast Council
Mr Dirk Dowling	West Coast Council
Mr Robert Higgins	Sorell/Tasman Councils
Mayor Daryl Quilliam	Circular Head Council
Mr Tony Smart	Circular Head Council
Mayor Duncan McFie	King Island Council
Mr David Laughler	King Island Council
Mr Andrew Paul	Clarence City Council
Mr Peter Brooks	Glenorchy City Council
Mr Greg Winton	Derwent Valley Council
Mayor Deirdre Flint	Central Highlands Council
Ms Lyn Eyles	Central Highlands Council
Mr Adam Wilson	Central Highlands Council (A/GM)
Mayor Tony Foster	Brighton Council
Mayor Greg Howard	Dorset Council
Lord Mayor Sue Hickey	Hobart City Council
Simone Watson	Huon Valley Council
Peter Brooks	Glenorchy City Council

Prior to the commencement of formal discussions, Mayor Kristie Johnston of Glenorchy City Council advised the following -

I confirm that I have been advised by Council that in a closed section of a Council meeting (15 March 2016), which I was not present at, Glenorchy City Council has, by a majority, resolved that I did not, does not and will not have any delegated power to represent Glenorchy City Council.

Council also resolved that I was to represent Council at General Meetings, hence my physical presence at the meeting today. In the absence of any specific direction or authorisation from my Council in relation to any vote that may be required or any representation to be made on behalf of Council I confirm that in my opinion, and based the information provided to me, I cannot participate in any capacity other than as an observer. I would greatly appreciate if this can be recorded in the minutes and noted on every item where a vote was called for.

1.1 CONFIRMATION OF MINUTES *

Central Coast Council/Waratah Wynyard Council

That the Minutes of the meeting held on 12 February 2016, as circulated, be confirmed.

Carried

Background:

The Minutes of the General Meeting held on 12 February 2016, as circulated, are submitted for confirmation and are at **Attachment to Item 1.1**.

Glenorchy City Council abstained from voting.

1.2 BUSINESS ARISING *

That Members note the information.

Noted

Background:

At Attachment to Item 1.2 is a schedule of business considered at the previous meeting and its status.

Glenorchy City Council abstained from voting.

1.3 CONFIRMATION OF AGENDA

Burnie City Council/Kingborough Council

That consideration be given to the Agenda items and the order of business.

Carried

Glenorchy City Council abstained from voting.

Background:

Delegates will be invited to confirm the agenda for the meeting and the order of business.

1.4 FOLLOW UP OF MOTIONS*

City of Launceston/Break O'Day Council

That Members note the report.

Carried

Glenorchy City Council abstained from voting.

Background:

A table detailing action taken to date in relation to motions passed at previous meetings is at **Attachment to Item 1.4.**

1.5 PRESIDENTS REPORT

PRESIDENT/City of Launceston

That Members note the report on activity since the last General meeting.

Carried

Glenorchy City Council abstained from voting.

Meetings

- Weekly meetings with the LGAT CEO
- Visits to West Tamar and Tasman Councils.
- Participated in the ALGA Strategic Planning Workshop (Feb) and ALGA Board Meeting (March).

- Review of the Local Government Act Steering Committee.
- Mayor Kristie Johnston re GMC vacancy

Events

- Governor's Environment Awards

Media/Communication

- Fortnightly editions of The Pulse
- March edition of LGAT News
- Contribution to LG Focus
- Media on amalgamations, emergency management, letter to editor TasWater/LGAT Budget Submission

1.6 CHIEF EXECUTIVE OFFICER REPORT

Kingborough Council/Clarence City Council

That Members note the report on activity since the last general meeting.

Carried

Glenorchy City Council abstained from voting.

Key meetings and events.

- ALGA Board Meeting
- ALGA Strategic Planning Meeting
- CEO TasWater (regular catch up)
- Cricket Australia re grounds audit
- General Managers' Workshop
- Hosted a breakfast for CEOs from a range of peak bodies to build relationships and partnership opportunities.
- Judge for Volunteering Tasmania Awards
- Local Government Professionals Awards
- Manager and Director Primary Health
- MAV Insurance Board
- Mayor's Professional Development Day
- Meeting of Association CEOs
- Panellist at Engineering Australia Breakfast (Local Government Reform)
- Parliamentary Inquiry Into the Tasmanian Fire Commission
- Planning Taskforce
- Presenter at MAV Risk Conference (Hobart)
- RDA Tasmania Meeting
- Regular Meetings with the Local Government Division

- Road Safety Advisory Council
- Speaker and participant and an inter-jurisdictional forum of Directors of Local Government hosted in Hobart
- Visits to Tasman Council, West Tamar Council and Break O'Day Council

Strategic and Policy Activity

- Feedback on ALGA Budget and Election submissions
- Model Gifts and Benefits Policy review (with the Integrity Commission)
- Preliminary work on Federal Election document
- Preparation for new Local Government ad campaign
- Review of the Local Government Act including participation on the Steering Committee
- Supporting the implementation of the new Code of Conduct provisions
- Working with Australian Institute of Company Directors re Governance Training for Tasmanian Councillors

Media and Messaging

- LGAT Magazine article
- Opinion piece about being a councillor – Mercury and Examiner
- Media releases on Council Cost Index, State Roads Audit, Primary Health
- Media on Roads Audit and CCI, council amalgamations
- Supporting President with correspondence and media

Organisational

- Progression of joint LG Professionals/LGAT position including development of PD, advertisement, secondment agreement and contract. The position was readvertised when only one application was received. Thirteen applications have now been received suggesting it was a timing issue in the large part.
- Review of LGAT Rules as per this Agenda.
- GMC vacancy and related activity.
- Meeting with new Audit Team.
- Performance appraisal/probation review Policy Director.
- Budget preparations.

1.7 MONTHLY REPORTS TO COUNCILS*

Flinders Council/West Tamar Council

That Members note the reports for December 2015, January and February 2016.

Carried

Glenorchy City Council abstained from voting.

Background:

Monthly reports to Councils that briefly outline Association activities and outcomes for the previous months are at **Attachment to Item 1.7.**

1.8 COUNCIL ROUND-UPS

That Members note the presentation being provided by George Town Council.

Noted

Background:

George Town Council have offered to conduct a brief presentation on matters that are of interest in their municipal area.

The session allows time for questions and provides an opportunity to briefly share and highlight problems or opportunities facing councils.

2. ITEMS FOR DECISION

2.1 CHANGES TO LGAT RULES

Contact Officer - Katrena Stephenson

Waratah Wynyard Council/Kingborough Council

1. That pending further advice, the Rules be adopted in full including the amendments (replaced) as opposed to simply adopting the amendments, in accordance with legal advice.
2. Ensure differentiation between motions which seek LGAT to take an action (Directive) and those which are designed to secure a sectoral policy position (Standing Policy).
4. That it be made clear that authority to nominate for GMC must come from a council meeting decision or legal delegation.
5. That the nomination form be incorporated in the LGAT Rules.
6. That it be made clear that the voting delegate can also vote on amended motions at the General Meeting. That the terminology be changed to make it clear this is not a delegation under s22 of the Local Government Act.
7. That there is specific allowance for the suspension of the Rules for Items of Topical Discussion and guest speakers.
8. That references to the Welfare Fund be changed to LGAT Assist.
9. That the Rules reflect the changes that have resulted from the merger of Quadrant Superannuation to Tasplan.
10. That further clarity be provided in relation to the timing of an election triggered by a casual vacancy.
11. The Rule Changes agreed at the 2015 AGM be incorporated in the new/updated Rules document.

Carried

Waratah Wynyard Council/Kingborough Council

- 3 Allow GMC some discretion to reject motions based on agreed criteria.

Carried

Latrobe Council voted against this item.

Waratah Wynyard Council/Kingborough Council

12. That Members agree any modelling to be undertaken on subscriptions for consideration as a Rule Amendment at the 2017 AGM.

Lost

Glenorchy City Council abstained from voting on these three items.

Background

The LGAT Rules were adopted in 2004, with several modifications over the years. These have been:

- **2006:** Amendments to address the selection of proxies when filling a casual vacancy and limiting how long a Vice President can act as President before an election is required.
- **2007:** Amendment to revise subscription arrangements with deletion of some categories.
- **2010:** Amendment to shift the timing of the conference and AGM to July, to avoid conflict with the ALGA National General Assembly and further adjustment of the subscription formula to use Total Assessed Revenue as determined by the States Grant Commission.
- **2011:** Amendment to allow employees of Local Government owned entities to access LGAT Assist (reflecting water and sewerage reform).
- **2014:** Amendment to adjust for electoral reform and a new four year election cycle and to remove the as of right membership of Hobart City Council on GMC when Hobart City Council are not a member of LGAT.

Further, there have been a number of proposals regarding the Rules debated but not supported as motions to the General Meeting including: reducing the number of general meetings, setting a maximum term of four years for the President and moving to one vote per council.

The GMC also considered some other areas for review/amendment but determined that no change was required and the Rules were sufficiently robust with regard to payment of subscriptions/withdrawal without notice; casual vacancy of President and attendance by non Members at General Meetings.

Amendments for consideration:

1. LGAT has had initial advice in relation to another matter that for legal certainty, it would be timely to replace the Rules rather than simply amend them further. This has no impact on the structure, format or content of the Rules.
2. Directive vs Policy Motions
It would be useful from a resourcing and reporting point of view to be able to differentiate those matters which are designed to establish a sectoral position for longer-term advocacy but which do not require substantial (beyond a letter outlining the decision) action from LGAT from those which require prioritisation and resourcing by LGAT in order to achieve a particular outcome.

These two types of motions could be described as Standing Policy and Directive Motions respectively.

Most motions considered at a LGAT General Meeting are directive – for example make submissions, pursue an outcome, have a conversation, investigate options. On some occasions however the motion is posed as a directive but is in an area or at a sphere of Government where LGAT has little influence or opportunity to achieve a direct outcome. Such motions might be better framed as Standing Policy Motions, which could be referred to as appropriate and communicated through the LGAT Website.

Examples of Standing Policy Motions based on previous Meetings could be matters such as Constitutional Recognition, support for the introduction of a waste levy, a stance on compulsory voting, acknowledgement of the impact of climate change, concerns about Super Trawlers, and support for Indigenous recognition.

3. It has been suggested that the following powers should be introduced for the General Management Committee in order to ensure that motions are achievable, relevant to the sector, and are a priority for LGAT to resource in relation to the entire annual work-plan:
 - a. Introduce the ability for GMC to reject motions which have been debated within the last 4 meetings and where there is no significant change in context; and
 - b. Provide the GMC discretionary powers to reject motions which are seeking LGAT to do something which is clearly outside the organisation's or sector's domain or sphere of influence. Such motions may be better framed as Policy Motions.

In addition, when discussing this matter, GMC agreed that LGAT should make procedural changes to improve the relevance of motions including working with councils on possible amendments to motions so that the task for LGAT is clearer and clarifying that motions can be put forward for any General Meeting but that only the July General Meeting allows for time for State Government comment. It was also agreed that the form for submission of motions should encourage consideration of the State wide impact of a motion.

4. Nominations for President/GMC (and 5)

A query has recently been raised about authorisation of nominees to GMC. By way of background:

- Each member is entitled to make a nomination to GMC provided the nominee is from within the same electoral district;
- The nominee does not need to be the voting delegate to the General Meeting or a Mayor;
- The nominator must be authorised to lodge the nomination form on behalf of a member council; and
- Recent legal advice obtained by LGAT indicates that a nomination can only be authorised by Council through a valid council meeting (as per the Local Government Act and related regulations) or through a valid delegation.

The Rules as they stand do direct that a nominee must have the agreement of their council, even when nominated by another council.

The Rules do not indicate how someone is authorised to nominate.

Legal advice on another matter has suggested it is unusual for the nomination form to be left to the Tasmanian Electoral Commission with no appropriate reference or connection to the LGAT Rules. It is proposed this nomination form be updated and incorporated in the LGAT Rules.

The following changes are suggested:

- Clarification that a nomination can only be authorised via proactive decisions at a Council Meeting.
- Pending further legal advice, inclusion of a nomination form, amended to provide similar clarity, within the Rules. We would need to be sure flexibility to amend the nomination form is not compromised.

6. **Power of the Voting Delegate**
We have had on occasion voting delegates unable to vote on an amended motion because that had not been first considered formally by Council. It is suggested that the voting delegate should have the confidence of Council whereby they can vote on emerging issues so that matters do not have to be held over until the next General Meeting which can be some months away.

Similarly they should be able to represent their councils during 'topical discussions' so that as a sector, we have a reasonable understanding of the likely views on matters being debated. It is suggested the rules be clarified such that voting delegates can vote on amended motions provided the broad intent remains intact.

Further, it may be that the use of the term 'delegate' is confusing in the context of the Local Government Act which does not allow for delegations to individual councillors. It is suggested the term be changed to 'representative' to avoid any confusion.

7. **Topical Interest Debates/Speakers.**
In the last 12-18 months, LGAT has introduced 'Items for Topical Discussion'. It is suggested that there be a standing suspension of rules for items of topical discussion and for asking questions of guest speakers. This standing suspension could be incorporated in the Rules. This would align the Rules with current practice.
8. **Update to recognise LGAT Assist**
LGAT administers the LGAT Assist Program, under direction of the LGAT Assist Board, appointed by the GMC. The Rules still reference the Local Government Welfare Fund Board and should be updated.
9. **Quadrant/Tasplan**
Currently the Rules require GMC to determine the number and select the Employer Directors of the Board of Directors of Quadrant Superannuation Pty Ltd in accordance with the Trust Deed providing for the management and operation of the Quadrant Superannuation Scheme. This needs to be updated to reflect changes in the Tasmanian Local Government Superannuation industry, and in particular the merger of Quadrant and Tasplan.
10. **The Rules are not specific on the matter of the timing of filling a casual vacancy because they refer to the General Election Provisions which are on a two yearly cycle. LGAT seeks to make it clear that the process for an election to fill a casual vacancy should commence immediately upon the vacancy arising unless within 6 months of an ordinary GMC election.**
11. **In 2015 the following motion was carried:**
That the Local Government Association of Tasmania Rules 27 Regarding Term of Office of President, be amended that in the event that the President vacates office, the Vice President is to hold the position of President until the next election if within 12 months of an election.

Any Other Matters

12. **Subscription determination/ Voting**
The issue of voting has been raised in recent times with no support to move away from a population basis aligning with community representation. From time to time the subscription methodology is raised as needing consideration but there have been no motions with regard to the formula since the Rule changes of 2007.

The Rules currently are that each council will be placed within an AAV category according to the reporting in the Annual Report of the State Grants Commission. Each Council in the category pays an equal share of the categories percentage towards the Annual Subscription as determined by the Budget adopted at the AGM.

There are six categories as outlined in the table below.

Total Assessed Revenue Category	Average percent payable by the category towards the Association's annual subscription determined by the budget adopted at the Annual General Meeting
\$	Average %
0 – up to 4.5 million	1.85
4.5 million up to 7 million	2.70
7 million up to 10 million	3.60
10 million up to 20 million	4.10
20 million up to 30 million	4.60
30 million and over	5.10

On occasion a Council will move up or down a category.

In 2007 there was recognition that land valuations had increased considerably and that councils undergoing revaluations were being impacted significantly by the category structure. It was also noted that revaluations of Flinders, Tasman and King Island Councils were likely to have a dramatic impact on the proposed model and subsequent adjustments were made to the proposed structure as a consequence of those changed circumstances.

A net AAV basis had been viewed as the most equitable basis upon which to assign proportionate costs across councils for the operations of the Association. But in relation to the fluctuations a number of possible alternatives were considered ranging from setting subscriptions on the basis of the population of each council through to levying subscriptions on the basis of the relative general rates of councils, net of user charges.

There is sometimes criticism about the lack of alignment between the subscription formula and the voting formula. At present, the Association's voting arrangements are based on population. This recognises the concept of representation rather than a propensity to pay. The voting range (1-4) acknowledges the population of the councils across four categories and provides councils with a vote on Association proceedings in line with the number of people they represent in their municipality.

While a 4-level structure could be considered relatively narrow and inadequate, its origins reflect the fact that a one vote/one council system was not acceptable to the majority of the membership.

This matter has been revisited on a number of occasions but the present system has been agreed by the membership as one which provides a reasonable, if not perfect, level of equity.

The difficulty in any change is that there will be winners and losers and this makes it challenging to settle on a formula that all agree with.

Scenarios considered and rejected in 2007 included a population basis for subscriptions and a general rate basis. In the end a revision of the existing arrangements was agreed to smooth some category difficulties with the expectation that indexed valuations would prevent significant shifts in the future.

In most other jurisdictions the Rules are silent on the formula for subscriptions and are determined by the Board or through a resolution at a General Meeting.

The most common formula (applied in Queensland, NSW and Western Australia at this time) is: Firstly involved the determination of the total revenue requirement from all subscriptions (similar to LGAT) and then the calculation of individual membership using the following elements: a flat fee component (40% of total required revenue required divided by all members); a population based component (30% of total required revenue distributed across population bands) and an expenditure based component (30% of the total required revenue distributed across expenditure bands).

The LGA SA committed to review their formula last year but had been using a population and revenue based formula with a cap so that no Council paid more than three times the average or a five per cent increase related to population and revenue changes in any year.

Any move to a new formula will require some significant modelling and consultation and ample notice of change. It is suggested that if a new formula was agreed at this AGM, it would not apply until 2017-18. Further, given the lean resources at LGAT, that any modelling requirements being contained to a few likely scenarios.

13. Last year Members agreed to a change of Rule 27 to allow for the Vice President to hold the position of President until the next scheduled election in the case of the President vacating office. While the background text referred to "within 12 months of an election" the motion does not. LGAT is seeking clarity on the intent noting that the Vice President is elected around the table of GMC, not by the Members and that the Rule Amendment would mean a Vice President could act as President for more than 12 months (up to two years).

Budget Impact

There will be legal costs associated with preparation of amended Rules and will be funded from the LGAT Budget.

Current Policy

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. Voting on Rule Amendments will be undertaken at the AGM in July 2016.

Strategic Plan:

- Priority Area 1 Strategic Relationships

3. ITEMS FOR NOTING

3.1 2016 ANNUAL CONFERENCE Contact Officer - Stephanie Watson

Devonport City Council/Waratah Wynyard Council

That Members note the report.

Carried

Glenorchy City Council abstained from voting.

Background

From 20-22 July, the 104th LGAT Annual Conference will be held at the C3 Convention Centre in South Hobart. The theme of this years' conference is 'Metamorphosis: A Time of Change and Transformation', Former ABC radio host, Tim Cox, will MC the conference, and will facilitate the Panel Discussion.

On 20 July, a reception will be hosted for delegates at Government House by Her Excellency, the Hon Kate Warner, Governor of Tasmania. RSVPs are essential for this event. A shuttle service will provide return transport from Wrest Point to Government House for guests staying at the hotel.

The Conference Dinner will be held on 21 July in the Tasman Room at Wrest Point.

Confirmed plenary speakers include: highly successful and experienced executive manager and leader, Susan Law, whose experience spans the Housing, Health and Local Government sectors in New Zealand, Australia, South Africa and the United Kingdom; and author and multi award winning faculty member at Harvard Kennedy School's Center for Public Leadership, Dean Williams.

Workshop presentations will cover a range of topics including community engagement, spatial data technology, procurement, digital futures, being a change champion and investing in your community.

A block booking of rooms is being held at Wrest Point for delegates who wish to stay overnight. Accommodation bookings are required by 20 June and can be made online at <http://bookings.ihotelier.com/bookings.jsp?groupID=1511130&hotelID=11382>

The conference program will be available in early May.

Budget Impact

Full conference and dinner registration will cost \$800 (incl GST).

Councillors and staff from King and Flinders Island Councils are encouraged to utilise the Bass Strait Subsidy to help offset travelling expenses.

Current Policy

Strategic Plan: Priority Area 5: Sector Capacity

3.2 ELECTED MEMBERS' WORKSHOP

Contact Officer - Stephanie Watson

Devonport City Council/Waratah Wynyard Council

That Members note the report.

Carried

Glenorchy City Council abstained from voting.

Background

The Association held a successful two-day Elected Members' Weekend Workshop from 20-21 February at Wrest Point, in Hobart. The workshop was attended by 46 elected members from 21 councils.

The weekend's agenda included sessions on burying the hatchet with council colleagues, community engagement, the new Tasmanian planning scheme, the relationship with the general manager, managing conflicts of interest and an information session on the NBN.

Participants enjoyed the opportunity for further networking over dinner at the Hotel Grand Chancellor's Restaurant Tasman.

A great deal of positive feedback was received from delegates about the speakers, the topics and the overall value of the weekend.

Budget Impact

The registration fee for members covers the cost of running the workshop.

Current Policy

Strategic Plan: Priority Area 5: Sector Capacity

3.3 PLANNING AND BUILDING REFORM

Contact Officer - Dion Lester

Devonport City Council/Waratah Wynyard Council

That Members note the progress of the State Government's Planning & Building Reforms and the key issues for the Local Government sector.

Carried

Glenorchy City Council abstained from voting.

Members requested that the Association advocate that the Building reform roll out date be no earlier than 1 January 2017 to allow councils time to implement the appropriate processes that will be required.

Planning Reform

The State Planning Provisions (SPPs) of the Tasmanian Planning Scheme were publically exhibited in mid March, with the period for comments closing on the 18th May. After this period the Tasmanian Planning Commission (TPC) will have a three month period to undertake hearings and produce a report for the Minister on the SPPs, representations and any recommendations for modifications to the SPPs as a result of its assessment.

This period can be extended at the discretion of the Minister, however at this time it is not expected the Minister will exercise this discretion.

It is anticipated that the TPC will only have the resources and time available to deal with critical/urgent issues (such as legal or technical flaws) and priority concerns in the SPPs. The remainder of matters raised will likely be dealt with in subsequent amendments to the SPPs.

LGAT is running three full-day regional workshops throughout April (with Council Planners) to run through the SPPs and to capture collective concerns to inform a whole of sector submission.

In addition LGAT is meeting regularly with the Department of Justice and the TPC to discuss the process and also concerns being raised by the sector. It is hoped this early engagement (prior to the hearings) will aid the TPC in understanding and appreciating the key issues for the sector.

In addition LGAT is co-hosting two special interest workshops (on stormwater and natural assets) to discuss the State Codes that deal with these issues.

Councils will need to start considering their Local Provision Schedules very soon and LGAT is in discussions with the Department of Justice as to what support can be provided to Councils in this process.

Key Issues:

- The period the TPC has for undertaking the hearings and reporting on the SPPs is extremely short in the context of the period of time undertaken for the Interim Planning Scheme hearings through 2014 and 2015.
- The truncated timeframe for hearings and reporting will severely limit the TPCs ability to deal with all matters raised during the exhibition phase.
- The development of Local Provision Schedules needs to commence very soon and this is likely to require significant resources.
- Local Government will bear the brunt of implementation and community angst in relation to the new provisions.

Building Reform

LGAT notes that the level of direct engagement, consultation and responsiveness from Building Control (Department of Justice) with Local Government in relation to the Building Bill to date has been impressive and well received. The team responsible should be commended for its efforts.

However, there remain a number of concerns from the sector and in early April LGAT wrote to each member of the Legislative Council to outline those concerns, being:

- Increased compliance work and an anticipated reduction in funding/resources to undertake it. It is likely there will be an increase in the compliance burden coupled with an anticipated reduction in revenue as any compliance activities that involve property owners who have not complied with the new requirements, for example having category 3 work carried out without sign off from a building surveyor, will fall to Council. This will require investigative resources and currently there is no provision for these costs to be funded.

- Liability Issues - The proposal is for a more complex system that incorporates self-regulation and given the sweeping changes there is general concern that the chances of industry embracing the change is low and this may have adverse effects on consumers, community and councils. Councils won't know what they won't know in terms of industry notifying categories of work appropriately. If categorisation of work and notifications are not in fact undertaken properly, there will be flow on effects through the new system, with adverse impacts such as councils' ability to provide reliable and accurate s337 certificate information. This could lead to liability problems. Greater legislative protection alongside adequate training and compliance work is required to ensure this does not become a problem.
- Timeframe for implementation - previously councils have sought a six month implementation period. Building Control (Department of Justice) has indicated that if the legislation is passed in the April sitting session it will likely come into effect on 1 July 2016. This will place substantial pressure on councils to complete transitional arrangements, particularly in the case of having to transition digital platforms etc.

At the time of writing it had not been confirmed if the Bill would pass through the April Parliament sitting period or be held over until late May.

Budget Impact

Being undertaken within current resources, noting this currently forms a significant workload.

Current Policy

Strategic Plan:

- Priority Area 1: Strategic Relationships
- Priority Area 2: Sector Profile & Reform
- Priority Area 5: Land Use Planning & Environmental Sustainability

3.4 LGAT POLICY UPDATE* Contact Officer - Dion Lester

Devonport City Council/Waratah Wynyard Council

That Members note the report on current policy activity and in particular that:

- **LGAT have recently commenced a shared energy contract re-negotiation on behalf of interested councils**
- **There has been no response from the State Government on the Waste Tyre Working Group's initial report.**

Carried

Glenorchy City Council abstained from voting.

Energy Contracts

LGAT recently put out a call for anyone interested in participating in a shared process to re-negotiate energy contracts for Councils with contracts ending 30 June 2016.

Contract energy prices are currently facing significant increases as a result of Hydro energy storage dropping to unprecedented lows and the prolonged outage of the Basslink cable. Councils coming out of energy contracts in the next six month period are likely to experience price increases of around ten per cent.

The goal is to share the cost of the consultancy and get the best possible energy price by aggregating consumption.

The first stage is underway, involving the consultant accessing council's energy consumption data from the retailer in order to provide a quote for negotiating the new energy contract.

Workforce Planning

Skills Tasmania has appointed the Centre for Local Government at the University of Technology Sydney, in partnership with LGAT, Waratah-Wynyard, Circular Head and Burnie Councils to improve sector understanding of the benefits of workforce planning and build capacity to better workforce plan.

The key outputs from the project are:

- A workforce planning 'how to' guide for Local Governments in Tasmania (June 2016)
- A two-day capacity building program for senior staff to develop a workforce plan (September 2016).

The first phase of the project is now complete and has involved three regional half day workshops to explore the benefits of workforce planning, identify key workforce challenges and discuss elements to consider during the development of the Tasmanian Workforce Planning Guidelines.

It is anticipated the draft guidelines will be available in July.

Waste Tyres

The issue of the used tyre stockpile at Longford was raised at the October 2015 PLGC meeting. It was agreed at this meeting that Minister Groom, in his capacity of Minister for the Environment, would meet with the Northern Midlands Council to discuss the way forward.

Minister Groom formed a working group to discuss options for dealing with the issue.

The working group was made up of representatives from:

- Tyre Stewardship Australia
- The Northern Midlands Council
- The Local Government Association of Tasmania
- The Environment Protection Authority
- State Government (Chair Sarah Courtney)

The Working group considered and provided recommendations in relation to three separate matters:

- How tyres in the current stockpile at Longford can be disposed of appropriately and cost effectively;
- How disused tyres should be managed into the future; and
- What regulatory reform is needed to tackle this issue.

The interim report from the working group was provided to Minister Groom in mid-December. At the time of writing no response, beyond an offer to meet, has been received.

It needs to be recognised that while Tasmania has low volumes and in the foreseeable future no solution will be economically viable, we still require an appropriate disposal method to address this significant environmental issue.

Health

In early January the State Government released a Consultation Draft of the Healthy Tasmania Five Year Strategic Plan, which poses questions about a proposed new approach to preventive health in Tasmania, including the Government's priority areas for action and related initiatives that could be immediately implemented.

The Strategic Plan notes that "Local Government is a key to enabling a whole of community, whole of government approach to improving the health of Tasmanians".

LGAT provided a comprehensive submission on the Strategic Planning, providing some overarching comments, and including:

1. Information about the role of Local Government in enabling community health and well being;
2. Material that relates to successful and workable approaches to solving complex problems; and
3. A response to a number of the key questions and proposed initiatives.

In summary LGAT commended the Tasmanian Government for its goal to make Tasmania the healthiest population in Australia by 2025. However, we noted the target is ambitious and will require significant investment, planning, collaboration and support to be achieved.

The Strategy would be significantly enhanced if there was an increased emphasis placed on the benefits of a Social Determinants of Health and collaborative approaches to effectively delivering the desired health outcomes and how that might be done well.

In addition, while sectors such as Local Government are already participating in the delivery of health and wellbeing outcomes and may be willing to take on a greater role, the underlying issue of resourcing remains a challenge. Like many other organisations working to increase the health and wellbeing of communities, councils do not have the capacity to continue to take on a greater role without being resourced to do so.

Since the submission a number of LGAT staff have had meetings with key senior managers within DHHS to discuss these matters.

State Emergency Services Volunteer Funding

LGAT appeared before the Parliamentary Standing Committee Inquiry into the State Fire Commission on 2 March 2016. This followed a submission from LGAT into the Inquiry which focussed on proposed changes to the funding of the State Emergency Services (SES) including the potential move to a centralised funding model which has been the subject of discussion with Councils since July last year.

At the time of writing, the Parliamentary Standing Committee was expected to table its report on the Inquiry into the State Fire Commission in Parliament on Thursday 7 April 2016.

Separately, a working group chaired by the Tasmanian Fire Service (TFS), and involving members from LGAT, TFS, SES and TFS Corporate services has been established to explore options for the centralisation of SES volunteer services and the funding for State Emergency Service volunteer assets and resources.

Based on previous consultation with councils there is general support for a move away from the funding of the SES units at the municipal level to a more centralised model.

Once all of the information is made available and if a centralised model is agreed, there will need to be broad consultation on how such a model will work. Councils will continue to be consulted on the project and will be informed about the findings of the Audit and the Inquiry.

Cat Management Plan

The Tasmanian Government has committed to developing a Tasmanian Cat Management Plan. The draft plan is almost complete and will be released to stakeholders for comment in the coming weeks. LGAT will coordinate a sectoral response.

The plan aims to outline ways that Cats can be better managed in Tasmania, with key areas of focus being domestic, stray and feral cats, the breeding of cats, cat-borne diseases, environmental, agricultural and human health impacts.

A working group including Local Government is likely to be established in the near future to begin discussions around the roles and responsibilities of the different parties in the management of Cats.

National Procurement Network

The National Procurement Network (NPN) connects procurement services offered by Local Government Associations in all states and territories to provide national programs where it is beneficial to combine the purchasing power of councils Australia-wide. The NPN is a not for profit group that operates in the best interests of member councils.

The most recent National Procurement Network meeting was held in Brisbane on 17 and 18 March 2016. The meeting included discussion about future planning for new national contracts. LGAT is a member of the NPN and Deborah Leisser attended the meeting.

Use of NPN contracts allows councils to purchase goods and services without having to go out to tender themselves for the products – they can use a simple online RFQ process. In addition, councils are able to purchase goods locally.

Use of NPN contracts has been shown by a number of Tasmanian councils to save the councils significant money on the goods, and also time with the tender and RFQ process. In a 12 month period a number of councils have saved enough to more than cover LGAT membership fees.

Tasmanian Integrated Freight Strategy

The Tasmanian Government released its draft Tasmanian Integrated Freight Strategy in early 2016 for consultation. The draft Strategy identifies 33 key policy positions and actions, across four key areas:

- Supporting competition and service choice across Bass Strait and beyond.
- Efficient freight gateways.
- High-standard, responsive land freight connections.
- Delivering a single, integrated freight system.

LGAT tendered a submission on behalf of councils, voicing broad support for the development of an integrated freight strategy to optimise coordination of freight planning and investment across the State and emphasizing the need to acknowledge the significance of the local road network and associated critical infrastructure within the state-wide land freight network.

The submission also highlighted the need for Local Government involvement in regional and corridor planning, the importance of aligning transport hubs, industrial areas and major freight routes and taking into account the value of the State's ports.

A copy of the draft Strategy can be found on the Department of State Growth's website: http://www.stategrowth.tas.gov.au/_data/assets/pdf_file/0003/127434/Draft_Tasmanian_Freight_Strategy_Part_1.pdf

At Attachment to Item 3.4 is a copy of the LGAT submission.

Budget Impact

Being undertaken within current resources

Current Policy

Strategic Plan:

- Priority Area 1: Strategic Relationships
- Priority Area 3: Financial sustainability
- Priority Area 4: Sector capacity

3.5 STATE ROADS AUDIT

Contact Officer - Melanie Brown

Devonport City Council/Waratah Wynyard Council

That Members note the following report.

Carried

Glenorchy City Council abstained from voting.

Infrastructure Tasmania Roads Audit

Infrastructure Tasmania recently released its audit of the Tasmanian Road Network. The audit involved a review of systems and processes to understand the arrangements and practices used by the various road managers, (including State and Local Government, and third party owners such as Hydro Tasmania) and the processes they use to prioritise their expenditure, procure resources and manage their assets.

A number of recommendations were made in relation to management of the road network going forward, some of which involved Local Government to a greater or lesser extent.

Key observations

- The Parks and Wildlife Service (PWS) of the Department of Primary Industry Parks Water and Environment (DPIPWE) has limited in house capacity and capability to execute its road management function. Its prioritisation of works on key tourist roads is a sound strategy as is seeking to negotiate new ownership for these roads.

A risk for PWS is the potential for maintenance tasks and safety issues on the remainder of its network. It is proposed that PWS expedite its review of these roads and that in the longer term consideration be given to the possible transfer of the PWS road network to State Growth.

- Local Government has significantly improved its capacity to manage its road network over recent years. It continues to require additional funding for maintenance backlogs but better planning processes across its networks is allowing for targeted prioritisation and overall improvement. This is particularly apparent with bridges where councils have been working collaboratively with the State Government in response to heavy vehicle reform.

The audit proposes a process for councils to identify and trade roads with the State Government to improve efficiencies across both road networks.

Key recommendations likely to affect/involve Local Government:

1. In relation to the Department of State Growth:
 - That a process be established to clarify and resolve the uncertainty around road management functions related to line marking, traffic lights, street lighting and bus stops.
2. In relation to the Parks and Wildlife Services (PWS):
 - That the prioritisation on upgrading and resolving long-term ownership and management of high-use tourist roads be continued.
 - That where those road ownership arrangements involve State Growth, or where that agency could assist with packaging a trading of roads with local government, the process be expedited.
 - That PWS allocate the additional resources necessary to expedite the assessment of the roads transferred from Forestry Tasmania and take the actions necessary, including road closures or erecting barriers, to manage risk and improve safety.
 - That longer term consideration be given to whether the management of the PWS road network should be transferred to State Growth to ensure that the necessary expertise in managing the network can be provided.
3. In relation to Local Government specifically that:
 - Councils continue to work cooperatively to enhance the overall capacity and capability of its resources involved in asset management and network planning.
 - A period of six months will apply to the identification of Local Government roads that could be 'traded' to the Tasmanian Government.
 - The trade process to adopt cost-neutrality for all parties as a fundamental principle.
 - In the 12 months following the 'trade period', State Growth details a program of priorities for completing road-trades.

- The Department of State Growth and the City of Hobart conclude the agreement to transfer the Macquarie Street/Davey Street couplet to Tasmanian Government ownership on the basis of cost neutrality.
- The Department of State Growth and the City of Launceston commence discussions on the arrangements and timing for a transfer of the Wellington Street/Bathurst Street couplet to Tasmanian Government ownership on the basis of cost neutrality.
- Councils take a strategic approach to planning on their road networks through collaborative decision making on infrastructure priorities that support and enhance economic development both regionally and state-wide.

Budget Impact

Does not apply.

Current Policy

LGAT has been lobbying the State Government for resolution to the issue of ownership and maintenance of former forestry owned roads since 2014.

Strategic Plan:

- Priority Area 2 Sector Profile and Reform;
- Priority Area 4 Sector Capacity

3.6 LOCAL GOVERNMENT REFORM

Contact Officer - Katrena Stephenson

Devonport City Council/Waratah Wynyard Council

That Members note the following report.

Carried

Glenorchy City Council abstained from voting.

Mergers/Resource Sharing

Further to the report at the February 2016 General Meeting – a number of scenarios are being modelled in the South including a greater Hobart Council and greater South Eastern Council and various combinations and strategic resource sharing.

The Northern region had scoped a benchmarking proposal as a precursor to exploring resource sharing on a regional basis and the North West region has signed an MOU with the State Government in regard to modelling regional resource sharing.

Both the North and North West regions were asked by the Minister to consider extending any feasibility studies to include merger studies but broad agreement could not be reached at this time.

Review of the Local Government Act

The Review of the Local Government Act has commenced with two meetings of the Steering Committee, which includes the LGAT CEO and President. The focus of the first meeting was to agree on the scope of consultation. The review is to be targeted, focussing primarily on roles and responsibilities and some electoral matters.

The Steering Committee agreed it was important not to 'throw the baby out with the bathwater' and that a "corporate" governance model should be retained whereby the elected representatives operate as a board of non-executive directors chaired by the mayor.

The second meeting was to review the draft discussion paper and consider additional consultation mechanisms such as reference or advisory groups. It is anticipated the discussion paper will be released for public feedback at the end of April.

Code of Conduct

The sector has just provided feedback on the Regulatory amendments and draft state-wide Code of Conduct for Councillors which will support the implementation of legislative amendments made last year. The legislation is due to commence on 13 April.

The Local Government Division are currently updating their website to include information on how to make a code of conduct complaint (with a complaint form template) and will provide the following:

- General information sheet relating to the new process and transitional provisions (attaching process flow-chart);
- Information sheet for general managers (what to do when a complaint is received, including time requirements);
- Information sheet relating to the model code of conduct legislative requirements;
- Information sheet relating to the transitional provisions; and
- Information sheet for elected members (the model code of conduct etc).

The Director will write to all councils regarding commencement and directly provide all information sheets. He will also provide advice relating to the requirement to adopt the model Code of Conduct within three months.

LGAT has been working with the Integrity Commission with regard to our model Gifts and Benefits Policy and is in the process of updating it to ensure it complies with requirements under the new legislation and also deals with the issue of conferences which has come up recently. This will be provided to Councils in the near future.

Boards of Inquiry

There are still two Boards of Inquiry underway. The first, Huon Valley Council has reached the point where a report was provided to the Minister and on 10 March was provided to the parties for 2 weeks for comment/reply.

The second, Glenorchy is on hold pending the outcome of a Supreme Court case lodged by an individual councillor challenging the process.

Budget Impact

Does not apply.

Current Policy

Strategic Plan:

- Priority Area 2: Sector Profile and Reform

3.7 NATIONAL ACTIVITY

Contact Officer - Katrena Stephenson

Devonport City Council/Waratah Wynyard Council

That Members note the following report.

Carried

Glenorchy City Council abstained from voting.

Federal Election Campaign

As reported at the February 2016 General Meeting, the Australian Local Government Association (ALGA) with the State Associations, has been working on the development of a Federal Election Document.

The production timing has been escalated to allow for a July election should that eventuate.

There is strong alignment between ALGA's Election Document (Local Government's Plan for an Innovative and Prosperous Australia) and ALGA's submission to the Federal Budget.

The Key Priorities are:

- Restoration of the indexation of Financial Assistance Grants (FAGS) and an increase in their quantum linked to a fixed percentage of Commonwealth taxation revenue;
- A freight strategy supported by targeted investment and permanent doubling of Roads to Recovery;
- Investment in community infrastructure; and
- Support for councils to work with local business and communities to implement local and regional climate change plans.

ALGA secured supporting analysis which has mapped the cumulative Gross Domestic Product (GDP) benefit for each of the key priorities, as well as the annual employment benefit. If all were adopted the cumulative GDP benefit by year three would be \$7.463 billion matched by 19,300 jobs.

At the March ALGA Board Meeting, it was agreed that there would not be a national advertising campaign related to the election document. ALGA will provide the document to all Federal politicians, all major political parties and delegates to the National General Assembly. It will also be provided to all Mayors and General Managers in conjunction with State Associations.

LGAT is currently developing a Tasmania specific supporting document and it is intended that both will be provided to Councils after the General Management Committee meeting in early May. Councils will be encouraged to promote key priorities to all local candidates and where possible localise the initiatives.

For example, councils can promote the need for a Community Infrastructure Program at the national level and identify specific projects in the municipality that could be funded under the program.

In addition to the Federal Election Document, ALGA has worked with a range of key like minded and influential national organisations on a joint infrastructure statement to publically advocate for continued Commonwealth funding into infrastructure and this too will be launched in the lead up to an election.

ALGA Strategic Plan

On the 17-18 February 2016 the ALGA Board convened a facilitated strategic planning meeting to progress implementation of the current strategic plan (2014-17), and to identify actions for the 2016-17 Action Plan. There have been some clear shifts in Federal policy priorities and so for example, there is no need to continue to specifically reference the White Paper of the reform of the Federation and the White Paper on Taxation as they have fallen prey to a change in leadership.

It was agreed it was important to reflect a focus on innovation and digital transformation (related to productivity improvements) going forward.

It was recognised there had been some key achievements by ALGA over the last 12 months particularly in relation to raising the profile of Local Government at the Federal level including participation at key COAG meetings and the doubling of the Roads to Recovery funding to offset the Financial Assistance Grants indexation freeze.

The core priority areas for action by ALGA are:

- Local Government finances;
- Roads, and other transport and community infrastructure;
- Improving the natural and built environment;
- Regional equity and regional development;
- Community resilience and sustainability;
- Collaboration and connectivity;
- Whole of government collaboration; and
- Strengthening democratic processes.

Budget Impact

Does not apply.

Current Policy

Strategic Plan:

- Priority Area 1 Strategic Relationships;
- Priority Area 2 Sector Profile and Reform.

3.8 STATE OF THE STATE

Contact Officer - Katrena Stephenson

Devonport City Council/Waratah Wynyard Council

That the Members note the following report.

Carried

Glenorchy City Council abstained from voting.

Background

On 9 March 2016 the Premier provided his annual State of the State address to Parliament.

From a Local Government perspective there were no surprises with reference to modelling amalgamation and resource sharing; roll out of the Tasmanian planning scheme and mapping the freight task through the Integrated Freight Strategy.

Other main points included:

- The challenges of the recent fires, Basslink outage and energy crisis;
- A predicted budget surplus;
- A focus for 2016 on health, education, skills and the vulnerable;
- Commitment of \$28.5M to a fuel reduction program;
- The formation of the Tasmanian Energy Security Taskforce;
- The impending (mid year) report into potential irrigation schemes;
- Looking at how to identify future skilled worker needs and making it easier for small businesses to employ apprentices or trainees;
- Implementation of the One Health system including continued work on Royal Hobart Hospital renovations and changing the Mersey Hospital to a 23-hour elective surgery facility;
- Continued work on the extension of high schools to year 11 and 12;
- Redesign of the child protection system; and
- Changes to the Aboriginal eligibility test.

The next major update from the State Government is through the Budget process. This will be tabled in Parliament on Thursday 26th May 2016.

As with past years LGAT will attend the budget lock-up and disseminate a summary of key points to councils the same day.

Budget Impact

Does not apply.

Current Policy

Does not apply.

4. ITEMS FOR DISCUSSION

4.1 CONSTITUTIONAL ROLE OF LOCAL GOVERNMENT Council - Northern Midlands

This area is currently being considered by ALGA and it was determined this was the best forum.

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 appears to be increasing, precipitated through Local Government responses to changing community needs, increasing community expectations and 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.

LGAT Comment

The future role of Local Government is an interesting and important conversation. It was anticipated that there may have been opportunity to progress such a discussion under the Reform of the Federation White Paper and the Taxation White Paper processes which have fallen by the wayside of leadership changes at the Federal Level and a likely early election.

The sector’s ongoing and future role is certainly a key consideration in relation to major reform agendas - with a potential for conflict between economic and efficiency and drivers for place based service delivery.

It should be noted that this matter has previously been considered and carried at both the July 2015 LGAT General Meeting at the ALGA 2015 National General Assembly. In February 2016 LGAT reported that given the Federal Review processes had lapsed and with ALGA’s watching brief we would remove this from the follow up of motions report.

It will be difficult to form a directive action for the LGAT at this time, however it may be worth forming a broad policy statement through a motion to a General Meeting. This would then provide the imprimatur for LGAT to respond opportunistically to emerging agendas under the Turnbull Government and/or in a post election environment and at the ALGA Board Table.

This might include consideration at a high level in our Federal Election document.

This is an ongoing debate which is evolving. We already know following COAG's meeting of 1 April that there will be more work on tax reform (a more efficient federation for all Australians), including interest in tax sharing and responsibility reallocation.

It will be important that Local Government is a key part of those conversations and the ALGA President has already secured agreement that ALGA may contribute to the Treasury Task Force.

ALGA will continue to engage nationally and it will be important for our sector to provide informed feedback to them as the conversations progress.

4.2 LOW INCOME HOUSING AND HOUSING FOR ITINERANT WORKERS Council - Northern Midlands Council

This matter will be raised by the CEO at the State Government level with a motion formulated to be taken to a PLGC meeting for consideration.

Like many regional areas, the Northern Midlands Council relies heavily on tourism and agricultural/ horticultural farm sectors for its economic prosperity.

To service these sectors, the state has long been an attraction for backpackers and itinerant farm workers.

Accommodating backpackers and itinerant farm workers in safe and appropriate forms of accommodation has become a matter of importance for the Northern Midlands and we believe for the state.

The Northern Midlands Council believes the State Government needs to undertake greater strategic planning to cater for the housing needs of itinerant workers. Support, guidance and funding should be provided to local authorities to develop local and regional housing strategies that makes particular provision for itinerant workers.

LGAT Comment

This issue was also raised at the March General Manager's Workshop. LGAT had contemplated raising it through PLGC but following discussions with the Local Government Division have decided in the first instance to raise the issue with the Secretary of the Department of Premier and Cabinet for discussion through the Interdepartmental Committee.

4.3 WASTE TYRE LEVY

Council - Northern Midlands Council

The President advised that this matter will again be on the next PLGC meeting agenda and that it is also being picked up at a State and Federal level as it's a problem nationally.

No regulated tyre levy exists in Tasmania for end of life tyres ((ELT's), around 300,000 400,000 ELT's are generated each year in Tasmania. It is understood that at the point of sale, the retailer charges a fee to collect and dispose of the end of life tyre, estimated to be \$2.50 to \$8.00 per tyre.

Most end of life tyres are currently collected by a single operator and stockpiled in the Northern Midlands municipality.

As at 20 December 2016, no further end of life tyres will be accepted at the current stockpile. Council is concerned that by that date the current stockpile will exceed one million end of life tyres, with no viable solution to their recycling evident.

With no alternative stockpile site identified and approved, to our knowledge, retailers may have to:

- Stockpile end of life tyres on their own site;
- Gain EPA approval to transport end of life tyres to an as yet unknown destination;
- Require purchasers to take their old tyres, with this likely to lead to further loads on existing landfill sites and potentially illegal dumping.

A number of potential operators have proposed pyrolysis based solutions for recycling end of life tyres. However, these are yet to be commercially proven in Australia and no such plant has been developed at this time. All will require payment with each ELT.

One solution is chipping end of life tyres and export of the chips. A national firm, representing a number of national retailers as part of a tyre stewardship scheme, recently chipped and exported some 300,000 ELTs from the stockpile in the Northern Midlands.

Industry based solutions, such as the tyre stewardship scheme are not universally adopted in Australia, leaving a substantial volume of end of life tyres stockpiled or otherwise unaccounted for.

Northern Midlands Council believes the only practical solution is State Government intervention through legislation to require accurate accountability for every tyre brought into Tasmania and to fund its ultimate disposal.

The income generated from a legislated levy would be used for the collection of tyres, distribution to recyclers and research and development. This is an opportunity for Tasmania to lead in environmental sustainability.

LGAT Comment

This matter remains in the PLGC Agenda and we anticipate an update from the State Government at the May PLGC meeting.

4.4 ABANDONED VEHICLES **Council - Glenorchy City**

It was requested by the President, that the General Managers discuss this matter further with a view to tabling a possible course of action that may be progressed by the Association.

There has been a significant increase in abandoned vehicles being left in municipalities with no logical place to store and recycle.

With the current situation that scrap metal merchants are generally no longer accepting abandoned vehicles due to the depressed market and that anecdotally there appears to be a rise of abandoned vehicles being reported by at least one other Council (New Norfolk – Derwent Valley), this appears to be a growing issue across Tasmania.

Based on one vehicle a week at \$125, the cost to Glenorchy City Council is potentially going to be around the \$6,500 mark as part of its current disposal arrangements (this used to be a free service and prior to November 2015 Council were averaging one vehicle a month).

Anecdotally, Council has received information that tow truck operators are abandoning derelict vehicles in remote areas to avoid storage costs.

Also with respect to valuable airspace in municipal waste disposal cells, abandoned vehicles are not easily disposed of.

Under section 45(2) and (4) of the Local Government (Highways) Act 1982:

... article includes a vehicle or trailer, a part or component of a vehicle or trailer, and the carcase of an animal ...

Where it appears to the corporation that an article has, without lawful authority, been abandoned on a highway under local management, it may remove the article from the highway

Where it appears to the corporation that an article has, without lawful authority, been abandoned on a highway under local management, it may remove the article from the highway

Notwithstanding the discretionary element above, section 45(13) goes on to state:

The expenses incurred by the corporation under this section in respect of an article shall be regarded as expenses incurred by it in the exercise of its duty to maintain the highway from which the article was removed.

Section 21(1) covers that duty in brief:

Subject to this Act, the corporation of a municipality is charged with the duty of maintaining the local highways in the municipality that are maintainable by the corporation as shown on its municipal map, and, in any particular case, it shall discharge that duty in such manner as, having regard to all the circumstances of the case, it considers practicable and appropriate.

In short, whilst Councils are not mandatorily required to remove abandoned vehicles, being charged with the duty of maintaining the municipality's local highways, it would be difficult for a Council not to.

Is this a growing concern for other municipalities and is there scope for a cost-effective interim storage solution for affected Councils?

LGAT Comment

LGAT has not looked at this issue since 2011. At the time, following consultation with councils we noted that there are differences in the enforcement approaches adopted by Councils depending on whether the vehicle is abandoned on a road or private land. That is, the approach is not standardised.

Councils currently manage this issue through a number of methods including:

- Nuisance and Abatement provisions under Division 6 of the *Local Government Act 1993* (particularly in s199 (e) “constitutes an unsightly article or rubbish” or section 199 (b) causes, or is likely to cause, a risk to public health”);
- Management under the Planning Scheme (eg. West Tamar Council); and
- Management under related By Laws (eg. Brighton Council 'cleanliness of premises' by law

Feedback from councils indicates that application of Nuisance and Abatement provisions under Division 6 of the *Local Government Act 1993* appears to be the most successful approach however can be open to challenge.

5. OTHER BUSINESS & CLOSE

There being no further business the Meeting was declared closed at 1.55pm.

Attendance List General Meeting 22 April 2016

Name	Council
Mayor Mick Tucker, Mr John Brown	Break O'Day
Mr Ron Sanderson	Brighton
Mayor Anita Dow, Mr Andrew Wardlaw,	Burnie City
Mayor Jan Bonde, Ms Sandra Ayton	Central Coast
Apology	Central Highlands
Deputy Mayor Jan Bishop	Circular Head
Ald Heather Chong	Clarence City
Mayor Martyn Evans	Derwent Valley
Mayor Steve Martin	Devonport
Apology	Dorset
Mayor Carol Cox, Mr Raoul Harper	Flinders
Mayor Bridget Archer, Clr Heather Barwick, Clr John Glisson, Mr John Martin,	George Town
Clr Jenny Woods	Glamorgan Spring Bay
Mayor Kristie Johnston	Glenorchy City
Mr Nick Heath	Hobart City
Mayor Peter Coad	Huon Valley
Mayor Don Thwaites	Kentish
Mayor Steve Wass, Mr Gary Arnold	Kingborough
Apology	King Island
Mayor Peter Freshney, Mr Gerald Monson	Latrobe
Mayor Albert van Zetten	Launceston City
Mayor Craig Perkins, Clr Andrew Connor	Meander Valley
Mayor David Downie, Deputy Mayor Goss, Mr Des Jennings	Northern Midlands
Mayor Kerry Vincent	Sorell
Mayor Tony Bisdee	Southern Midlands
Mayor Roseanne Heyward	Tasman
A/Mayor Mary Dunium,	Waratah/Wynyard
Apology	West Coast
Mayor Christina Holmdahl, Mr Rolph Vos	West Tamar
President Doug Chipman, Dr Katrena Stephenson, Mr Dion Lester, Ms Christine Agostinelli	LGAT

		Business Arising	
		General Meeting - 22 April 2016	
Item No	Item	Action	
2	Items For Decision		
2.1	Changes to LGAT Rules	That Members agree in principle to the following changes to the LGAT Rules with drafting to be undertaken for, and formal endorsement to be received at the July 2016 Annual General Meeting: 1. That pending further advice, the Rules be adopted in full including the amendments (replaced) as opposed to simply adopting the amendments, in accordance with legal advice. 2. Ensure differentiation between motions which seek LGAT to take an action (Directive) and those which are designed to secure a sectoral policy position (Standing Policy). 3 Allow GMC some discretion to reject motions based on agreed criteria. 4. That it be made clear that authority to nominate for GMC must come from a council meeting decision or legal delegation. 5. That the nomination form be incorporated in the LGAT Rules. 6. That it be made clear that the voting delegate can also vote on amended motions at the General Meeting. That the terminology be changed to make it clear this is not a delegation under s22 of the Local Government Act. 7. That there is specific allowance for the suspension of the Rules for Items of Topical Discussion and guest speakers. 8. That references to the Welfare Fund be changed to LGAT Assist. 9. That the Rules reflect the changes that have resulted from the merger of Quadrant Superannuation to Tasplan 10. That further clarity be provided in relation to the timing of an election triggered by a casual vacancy 11. The Rule Changes agreed at the 2015 AGM be incorporated in the new/updated Rules document.	Refer Item 6 Annual General Meeting Agenda
3	Items for Noting		
3.1	2016 Annual Conference		No Further Action
3.2	Elected Members' Workshop		No Further Action
3.3	Planning and Building Reform		Refer Item 9.2
3.4	LGAT Policy Update		Refer Item 8.4
3.5	State Roads Audit		Ongoing
3.6	Local Government Reform		Refer Item 8.2
3.7	National Activity		Refer Item 8.3
3.8	State of the State		No Further Action
	Items for Discussion		
4.1	Constitutional Role of Local Government	This area is currently being considered by ALGA and it was determined this was the best forum.	No Further Action
4.2	Low income housing and housing for Itinerant Workers	This matter will be raised by the CEO at the State Government level with a motion formulated to be taken to a PLGC meeting for consideration.	Ongoing
4.3	Waste Tyre Levy	The President advised that this matter will again be on the next PLGC meeting agenda and that it is also being picked up at a State and Federal level as it's a problem nationally.	Refer Item 9.3
4.4	Abandoned Vehicles	It was requested by the President, that the General Managers discuss this matter further with a view to tabling a possible course of action that may be progressed by the Association.	Refer Item 14.2

Follow Up of Motions Report

Report to the General Meeting

This report details General Meeting motions where LGAT is still pursuing an outcome.

Local Government Legislation	
That the LGAT request a change to the Local Government Act to ensure a Mayoral vacancy does not trigger a by-election if the vacancy occurs within 12 months of an election.	Passed: July 2014 Notes: Referred to the Local Government Division (LGD) for consideration. LGAT will seek it be dealt with under any Amendments stemming from Review of the LG Act.
That LGAT supports the establishment of a state-wide Local Government Performance Index (for benchmarking and performance ranking).	Passed: July 2014 Notes: Referred to Governance Working Group under the Role of Local Government Project. Now being progressed under the Continuous Improvement Framework Project of the Local Government Division.
That LGAT request the Local Government Division 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.	Passed: July 2015 Notes: LGAT will seek it be dealt with under any Amendments stemming from Review of the LG Act.
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.	Passed: July 2015 Notes: The LGAT raised this matter as part of its submission to the Review of the Electoral Act and will seek it be dealt with through the Review of the LG Act.
The Local Government Association of Tasmania urge the State Government to review the eligibility for inclusion on the General Manager's Roll by reviewing the definition of occupier to better capture all citizens, inclusive of refugees and permanent residents living in a Local Government area.	Passed: July 2015 Notes: LGAT will seek it be dealt with under any Amendments stemming from Review of the LG Act.
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.	Passed: July 2015 Notes: LGAT will seek it be dealt with under any Amendments stemming from Review of the LG Act.
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.	Passed: July 2015 Notes: This motion was carried unanimously. The matter was raised at PLGC in December and the Minister for Local Government has committed to exploring the issue further.
That LGAT request the State Government to amend the Local Government Act and Regulations, consistent with legislation associated with the Legislative Council (Sect 162 of the Electoral Act 2004) to prevent donations to or expenditure by Local Government election candidates involving political parties which endorse and/or support that candidate.	Passed: October 2015 Notes: A matter for the Review of the LG Act.

Environment	
<p>1. That councils endorse the proposal to introduce a statutory waste levy of \$10 per tonne to be collected via public and private landfills;</p> <p>2. That the funding be allocated on the basis of 20% to regional waste bodies; 10% to the Environment Protection Authority (EPA) and 70% to the Waste to Resources Funding Pool;</p> <p>3. That these arrangements be on the basis that the funding is directly hypothecated to waste activities and is not consumed into the State Government Consolidated Fund;</p> <p>4. That the Waste Advisory Committee be formally acknowledged within the legislation as having an integral role in the disbursement of funds from the Waste to Resources Funding Pool, providing recommendations to the EPA Board in accordance with relative priorities in the Waste to Resources Strategy.</p>	<p>Passed: July 2012 Notes: See Paper this meeting.</p>
<p>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.</p>	<p>Passed: July 2015 Notes: The LGAT is liaising with the Local Government Division and with the LGAT Rep on the Animal Management Officers Group in relation to this matter.</p>
<p>That LGAT write to the Minister responsible for the Parks & Wildlife Service requesting that Councils are genuinely involved in the process of determining PWS priorities within Local Government areas, rather than being subject to token consultation.</p>	<p>Passed: October 2015 Notes: In 2015 LGAT and councils were directly consulted by Parks and Wildlife Service in relation to the expenditure of State funds in the three regions of the State, and councils were directly consulted on the prioritisation of infrastructure projects in their respective areas. It is acknowledged that there is a further need for LGAT to liaise with PWS and the regional authorities, tourism bodies and councils to ensure development of an appropriate channel of consultation for ongoing and future funding opportunities.</p>
Planning and Building	
<p>That the Local Government Association of Tasmania requests the State Government to amend the provisions of the Liquor Licensing Act, 1990 to require:</p> <ul style="list-style-type: none"> • That a liquor license cannot be granted until appropriate Planning or Development approval has been granted by the relevant Council; and further • That appropriate Planning or Development approval from the relevant Council or 	<p>Passed: November 2010 Notes: The State Government planned to introduce amendments to the Liquor Licensing Act in late 2015. Confirmation of this amendment is pending. Amendments included the addition of the principle of harm minimization.</p> <p>LGAT had requested that the Association is included and or consulted in the development of any guidelines regarding the implementation of the</p>

<p>evidence that approval is not required must accompany a liquor license application or application to vary a liquor license.</p> <ul style="list-style-type: none"> • That should planning or development approval not be required then the liquor licensing board be required to formally consult with the relevant council as part of its assessment process. • That we request that the State Government broaden the liquor licensing Act to take into account outlet densities and health and well being of the communities. 	<p>Act including the developing of assessment criteria for the Liquor Licensing Board.</p>
Roads and Infrastructure	
<p>1. That LGAT write to the responsible minister requesting that they seek changes to national electricity laws and regulations so that public lighting providers are required to better inform Local Government of the cost of existing and new public lighting. This should include disclosure of the generation, transmission and distribution charges associated with individual public lighting types, as well as the residual value of public lights. This information is a critical requirement for business case assessments of more efficient and environmentally sustainable public street lighting options.</p> <p>2. That LGAT enter into discussions with Networks Tas to obtain further information about the generation, transmission and distribution charges associated with individual public lighting types, as well as the residual value of public lights.</p>	<p>Passed: July 2014</p> <p>Notes: LGAT is continuing to work with TasNetworks on a number of projects including the current LED efficient street lighting replacement program. TasNetworks are providing significantly greater transparency on all components on public lighting.</p> <p>LGAT will shortly be meeting with TasNetworks regarding the next pricing proposal for the Australian Energy Regulator.</p>
<p>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.</p>	<p>Passed: July 2015</p> <p>Notes: The LGAT is pursuing this matter on behalf of councils. It has approached Infrastructure Tasmania to discuss its forward work program which includes the task of prioritisation of cycling projects and the development of a funding framework to upgrade and develop suitable bicycle infrastructure. As part of this process ITas will be consulting relevant stakeholders on cycling infrastructure needs and will develop a framework for funding priority projects. This work is expected to be completed by June 2016.</p>
<p>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</p>	<p>Passed: July 2015</p> <p>Notes: Infrastructure released its audit of the state's road network in March 2016, which included recommendations concerning future arrangements for forestry roads. The audit noted that:</p> <p><i>the prioritisation on upgrading and resolving long-</i></p>

sufficient budget funds to undertake the maintenance programs and undertake the work immediately.	<i>term ownership and management of high-use tourist roads be continued.</i> LGAT is continuing to engage with State Growth on this process.
Emergency Management	
That LGAT discuss with the State Government that in the event of a fire/flood the proposition of taking immediate action on temporary minor repairs to state roads and/or other infrastructure on the basis that funds are reimbursed within a reasonable time frame.	Passed: July 2012 Notes: LGAT drafted a MOU and has provided it to State Growth for comment. We are yet to receive comment from State Growth.
Local Government Business and Finance	
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.	Passed: July 2014 Notes: See earlier note re rating of commercial property in exempt areas.
That LGAT lobbies the Auditor General to have Federal Assistance Grants (FAGs) that are paid in advance prior to the financial year they are meant to be received in, recognised as income in the financial year they relate to, and not in the financial year received as is the current position.	Passed: October 2015 Notes: LGAT intends to raise this with the newly appointed A-G.
That Members agree LGAT should seek from the State Government, an independent review of Elected Member Allowances	Passed: February 2016 Notes: Not commenced yet
Other matters	
That Members approve the development of a Memorandum of Understanding between the Association and Tasmanian Regional Arts (TRA).	Passed: March 2013 Notes: LGAT met with the TRA Executive Director in April 2016 to consider the current priorities and activities of Tas Regional Arts. It was advised and determined that, taking into account the work still developing program and limited resources of TRA presently, the development of an MOU at this point in time would be premature and of little value to either party. This item will be removed after the July 2016 General Meeting.



Key LGAT Activity – March 2016

Issue in Focus

The State Planning Provisions (SPPs) of the Tasmanian Planning Scheme were publically exhibited in mid March, with the period for comments closing on the 18th May. LGAT are running three full day regional workshops throughout April with Council Planners to run through the SPPs and to capture collective concerns to inform a whole of sector submission. In addition LGAT are meeting regularly with the Department of Justice and the TPC to discuss the process and also concerns being raised by the sector – it is hoped this early engagement (prior to the hearings) will aid the TPC in understanding and appreciating the key issues for the sector.

Policy/Project Activity

- Appearance before the Parliamentary Inquiry into State Fire Commission.
- Assessment panel - Naturally Inspired grants program.
- Distributed a brief to five potential providers, for the creation of a 30 sec TV Commercial ("Better councils, better communities"). When completed (estimated July) the advertisement will be screened on commercial TV and SBS to help promote a positive image of the role of councils.
- Input into ALGA Federal Election document and commenced preparation of Tasmanian supporting document.
- Judging Panel Volunteering Tasmania Awards.
- Preparation of General Meeting Papers.
- Presentation at the MAV Risk & Insurance Conference.
- Presentation at the Northern Risk and Safety Network Meeting.
- Review of LGAT Rules.
- Review of the LG Act including participation on the Steering Committee.
- Scoping of a shared process to re-negotiate energy contracts for Councils with contracts ending 30 June 2016.
- Submission on the Consultation Draft of the Healthy Tasmania Five Year Strategic Plan.
- Submission regarding Tasmania's Climate Change Action Plan draft.
- Submission regarding the Model Code of Conduct.
- Supporting the implementation of the new Code of Conduct provisions.

Training and Workforce Development

- LGAT applied for a Tasmanian Workforce Development Fund grant application to assist councils with development of their workforce, in order to promote economic development in the local area. If successful LGAT will offer councils free economic development seminars and mentoring service from specialist providers to strategically plan economic development functions and understand the future skills needs of Economic Development Officers, and other roles in tourism marketing and other areas.

- Promoted council job vacancies and future careers with councils, at the Big Meet at UTAS Hobart along with the City of Hobart.
- Promoted council job vacancies and future careers at the State and Commonwealth Government Jobs Fair held in Burnie. The Jobs Fair attracted well over a 1000 people and council job advertisements accounted for around 20-25% of vacant positions.
- Progression of joint LG Professionals/LGAT position including development of PD, advertisement, secondment agreement and contract.

Professional Development Activities

- General Managers 2 day workshop.
- Local Government Growing Tasmania through better workforce planning workshops.
- Partnered with Engineers Australia for a breakfast panel event on Local Government Reform.

Communication

- Actively working with the Department of Justice to improve communication about planning reform activities.
- *The Pulse* e-newsletter 10th March & 24th March.
- Finalised appointment of Clr Mary Knowles (Northern Midlands) to the Family Violence Consultative Group.

Media

- Media Release re Local Government being a Key Partner in Preventative Health – 17 March.
- Media Release re Council Cost Index – 18 March.
- Media release re State Roads Audit Highlighting importance of local government roads - 21 March.
- CEO Opinion piece around the life of a Councillor – short version Examiner, expanded in The Mercury.
- Letter to editor re TasWater.

Meetings

- Aurora regarding future energy contracts.
- Australian Local Government Association (ALGA) Board Meeting.
- Black Spot Funding Program Panel Meeting.
- Cat Management Plan reference group meeting.
- Council visits to West Tamar and Break O'Day Councils.

- Integrity Commission regarding Gifts and Benefits Policy.
- Law Society and UTAS Law School regarding subdivision legislation reform.
- LGAT Assist Board Meeting - four loans approved.
- Manager of Heritage Tasmanian.
- Meeting to scope Regional Access Officer Business Case.
- Meeting with Council Emergency Management Reference Group and Tasmania Police regarding Web incident management technology.
- Meeting with new LGAT Audit Team.
- Meetings with Justice, the Tasmanian Planning Commission and the Planning Institute of Australia regarding the Tasmanian Planning Scheme.
- Mike Brewster, TasWater – Regular CEO Catch Up.
- National Procurement Network meeting in Brisbane.
- Nomenclature Board Meeting.
- Northern Asset Management Group Meeting.
- Northern Street Lights Project meeting.
- Page Seager to discuss the Policy and Procedure Suite.
- Participation in and speaker at inter-jurisdictional meeting of Directors of Local Government.
- Planning Reform Taskforce Meeting.
- Pre briefing meeting with Australian Institute of Company Directors regarding Good Governance - the Role of the Council and Councillor training.
- Regional Development Australia (RDA) Tasmania Meeting.
- Road Safety Advisory Council Meeting.
- Selection panel meeting Code of Conduct members with the Local Government Division.
- State Growth regarding bus stop infrastructure.
- Tasmania Flood Consultative Meeting.
- Tasmanian Bushfire Mitigation Grant Assessment Panel meeting.
- Various meetings with State Growth regarding Heavy Vehicle Reform.
- Workforce Planning Project inception meeting.

Key LGAT Activity – April 2016

Issue in Focus

The State Government have released the discussion paper for consultation on changes to the Local Government Act as part of a targeted review focussed on improving governance, providing role clarity and reducing red tape. The process allows for individual submissions but as always, LGAT will be working to map key issues of concern and common ideas for a broad sectoral submission.

In terms of process, LGAT will collect feedback from councils via written submission (letter or email) as well as provide specific forums for Mayor's and General Manager's given the particular focus on their roles. LGAT is happy to receive feedback directly from individual elected members but individual submissions won't necessarily be fully replicated by LGAT – we summarise common concerns – and so you are encouraged to also provide that information directly to the Local Government Division.

LGAT will need feedback for our submission by 3 June. Submissions to the State Government close on 10th June.

All the information you need can be found on the Local Government Division's website www.dpac.tas.gov.au/lgd.

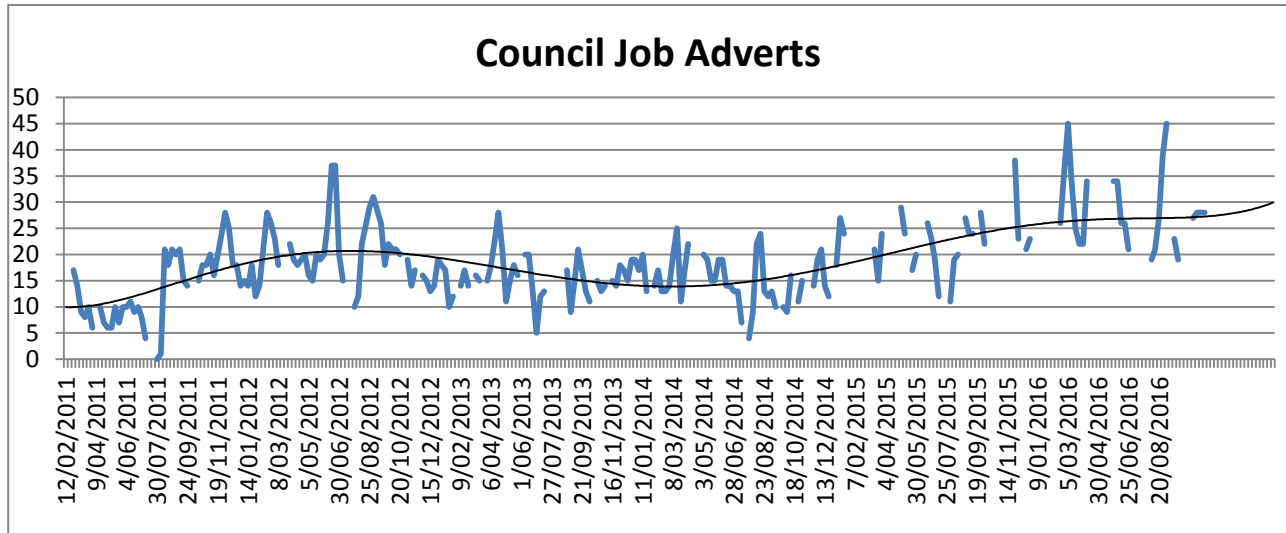
Policy/Project Activity

- Confirmed all sponsors and trade exhibitors for LGAT Annual Conference and finalised speakers.
- Coordinated shared energy procurement and rate benchmarking process buying group of 8 Members.
- Developed LGAT's Federal Election advocacy document: Partnering in Prosperity and preparation for launch on 3 May.
- Organised Pre-conference Land Use Planning Workshop.
- Sectoral submission on A Healthy Tasmania - 5 year Strategic Plan.
- Sectoral submission on the Coastal Hazards Package.
- Submission on Tasmanian Government Climate Change Action Plan
- Submission Biosecurity Legislation Review Discussion Paper.
- Submission Review of the Integrity Commission Act.
- Three (3) full day regional workshops with LG Planners on the Tasmanian Planning Scheme.
- Two (2) full day workshops with other LG staff on the Stormwater Code and Natural Assets Code.

Training and Workforce Development

- Agreed in principle to provide Engineering Australia (Tas) with data on the number and type of roles employed in Tasmanian councils and the estimated need for new graduates to 2040 based on LGAT's 'Local Government Workforce Report'. Engineering Australia has engaged a consultant to help improve the training 'pathways' to engineering, with TasTAFE being a particular focus for work.
- Continued to monitor Tasmanian council job vacancies, finding the average number of weekly council jobs vacancies for April was 28.

- From 2014 to date, the average number of job vacancies has been rising, and is now at its highest average number since monitoring began in 2010. Increasing amounts of part time work may be playing a role, as well as increasing staff turnover or the creation of new roles. It is likely that council vacancies will peak either side of the financial year end, where councils will be competing with other employers making hiring decisions in relation to budgets.



- Interviews for the joint LGAT/Local Government Professionals Executive Officer. Position offered and accepted.
- Liaison with the ombudsman’s office regarding Right to Information training for council officers.
- Preparation for, and delivery of training on Good Governance – the role of the council and councillor professional development by the Australian Institute of Company Directors
- Submitted Skills Tasmania Grant application for workforce development (Economic Development Officers)

Media and Communications

- The Pulse e-newsletter - 8 April and 21 April
- Submitted abstract for the International Cities Conference
- Media regarding the Federal Election, the West Coast High Court Decision (marine farms) and Glenorchy City Council.
- Announced 2016 Local Government Awards for Excellence. All councils encouraged to make applications for the Awards with winners to be announced at the LGAT Conference.
- Received and assessed three quotes for production of the “Better Councils Better Communities” TV commercial. Selected the winning bid from a local provider based on quality and price, and formed an agreement for the TVC to be produced quickly through June. LGAT has identified a range of council services to feature in order to promote the value of the sector, and will be approaching southern councils for assistance in making the TVC economically by supplying staff, equipment and locations very soon.

Meetings

- ALGA National Local Government Cultural Forum Meeting
- Attendance Good Governance- the role of the council and councillor professional development.
- Attendance Local Government Growing Tasmania through workforce development workshop.
- Australian Local Government Association meeting of communications officers.
- Building Risk Categories Workshop.
- Climate Change Action Plan Roundtable.
- Collaboration in complex systems workshop.
- Community Road Safety Grants Panel Session.
- CT Management Group, to discuss their analytical methods and services.
- Department of Health and Human Services regarding preventative health.
- Director Public Health and State Manager Environmental Health.
- Disability Access Working Group.
- General Meeting of the Association.
- Housing Industry Association on the Tasmanian Planning Scheme.
- Integrity Commission and Local Government Division re Code of Conduct for Audit Panels.
- Lara Giddings regarding the Tasmanian Planning Scheme.
- LG Professionals Tasmania Awards for Excellence.
- Mayor's Professional Development Day.
- Planning Policy Unit in the Department of Justice on the Tasmanian Planning Scheme.
- Planning Reform Taskforce Meeting.
- Premier's Local Government Council Officials Meeting.
- Project Steering Group meeting for sharing natural hazard information with the community project.
- Regional consultation meetings with planners regarding the Tasmanian Planning Scheme.
- Regular Meetings with the Local Government Division.
- Role of Local Government Strategic Action Plan Implementation Committee Meeting.
- Stormwater Code workshop.
- State Growth regarding State-wide Heavy Vehicle Access Networks.
- Targeted Review of the Local Government Act Steering Committee.
- Tasmania Audit Office regarding new accounting standards requirements for Councils.
- Tasmanian Planning Commission on the Tasmanian Planning Scheme.

Key LGAT Activity – May 2016

Issue in Focus

In early May, LGAT released the advocacy document *Partnering for Prosperity* for the 2016 Federal Election. The document seeks commitments from an incoming Australian Government under a range of key areas including: Financial Assistance Grants; roads, bridges and other community infrastructure; improved freight movement; climate change and human services. Key state and regional projects are identified such as the Bridgewater Bridge, water and sewerage infrastructure, the Cradle Mountain Masterplan and investment in the University of Tasmania's north and north-west campuses. The LGAT President, CEO and GMC have been actively advocating its key priorities to candidates and parties.

During May LGAT was also pleased to welcome Alyce Jordan to the team in the joint role of Executive Officer for LG Professionals Tasmania and LGAT. Previously, Alyce was the Business Excellence Manager for Oak Tasmania and she has a strong community services background.

Policy/Project Activity

- Commenced amendments to the LGAT Rules for consideration at the AGM
- Review of the Annual Plan and commenced drafting the 2016 – 17 Plan
- Preparation of LGAT Budget
- Updated Governance Framework for LGAT
- Updated model Delegations and Compliance Registers
- RFQ for IT upgrade at LGAT completed
- Preparation of GMC and PLGC Papers
- Development of a background paper on the Sharing Economy – particularly as it relates to accommodation options like Airbnb
- Contract management of energy purchasing for councils with contacts ending 30 June 2016
- Biosecurity Legislation Review position paper submission
- Advice to councils and provision of example motion regarding dissolving local code of conduct panels
- Distributed LGAT Annual Conference Program and Registration Form
- Announced 2016 Awards for Excellence Awards and distributed Guidelines
- Released Tranche 2 of the Personal Behaviours Toolkit, including an online training session for Alcohol and Other Drugs Policy and Procedure
- Collated sectoral feedback on the Toolkit process, and preferences for future policy development and support
- Secured speakers for the pre-Conference Planning Workshop
- Provided whole of sector advice on the key Federal and State Government Budget announcements, including a general overview and any local government specific policies or initiatives
- Provided feedback to ALGA on National General Assembly motions business papers
- Review of the Productivity Commission Inquiry's Issues Paper into Data Availability and Use

- Letter to DPAC on housing for itinerant workers
- Further input into the DPIPWE Good Neighbour Charter
- Whole of sector submission on the State Planning Provisions of the Tasmanian Planning Scheme
- Continued follow up with the EPA and Minister Groom's office on waste tyres

Training and Workforce Development

- LGAT was unsuccessful in obtaining a 'Tasmanian Workforce Development Fund' grant from the Tasmanian Government due to the Fund's "industry" focus. However, Skills Tasmania noted that the work outlined in our proposal was of particular value and was likely to be enabled in some way in the future.
- Preliminary investigations and discussions on availability of on-line learning/training modules for industry
- Delivered the '2IC' Full day workshop for aspiring General Managers

Media and Communications

- The Pulse e-newsletter - 5th & 23rd May
- Abstract for the International Cities Conference accepted.
- Media regarding election signage, the Federal Election, the State Government Budget, Federal Budget. George Town casual vacancy.
3 May - Launched the LGAT Federal Election Advocacy Document: *Partnering for Prosperity*.
9 May - Media release announcing 2016 Meritorious Service Awards
26 May - Media Release welcoming State Government funding for iPlan
- Created a draft 'shot script' for the 'Better Councils Better Communities' television commercial. The commercial will put forward a simple positive message about a range of common council services, including: roads/paths; parks/sports; galleries/museums; markets; recycling. The commercial will be very similar to the Local Government Association Queensland's commercial of the same name, which can be viewed on YouTube. The script will be finalised in early June and be shot in late June.

Meetings

- Local Government Professionals National Congress
- Regular meetings with the Local Government Division
- General Management Committee Meeting
- Premier's Local Government Council Meeting
- Volunteering Tasmania Awards (as executive judge)
- Update from Minister's Office on energy issues
- Meeting with the Governance Institute regarding training for Audit Panel Members
- General Managers Technical Reference Group – Review of the Local Government Act
- President and CEO Meeting with Julie Collins regarding election advocacy
- President and CEO Meeting with Federal Liberal members and candidates regarding election advocacy
- DPIPWE re cat management plan
- Tasmanian Planning Commission re process for hearings on TPS

- Page Seager re procurement capacity building
- Institute of Internal Auditors re training and capacity building opportunities
- Integrity Commission re Gifts and Benefits and expenses
- State Budget Breakfast
- Tasmanian Training Consortium executive meeting
- Office of the Economic Regulator Customer Consultative Committee Meeting
- Reforming Emergency Management Arrangements- Outputs Steering Committee meeting
- LG Pro Human Resources Special
- Breaking news! The revolution in modern print journalism - PRIA seminar
- Tasmanian Planning Commission on the Tasmanian Planning Scheme.
- Skills Tasmania re Economic Development skills and capacity in local government.
- Inception meeting for the “Mapping the Tasmanian Agricultural Estate” Project
- ALGA and the Regional Institute Full Day workshop on regional development
- State Government Budget lock up
- Minister Groom’s office regarding economic development and local government.
- North West Councils Regional Road Managers Meeting - heavy vehicles project work
- North East Councils Regional Road Managers Meeting - heavy vehicles project work
- Southern Regional Road Managers Meeting - heavy vehicles project work
- State Growth and National Heavy Vehicle Regulator re over size over mass vehicles project
- National Local Government Cultural Forum Executive (teleconference)



Targeted Review of the Local Government Act

June 2016

Contact:

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Introduction

The Local Government Association of Tasmania (LGAT) is the representative body of Local Government in Tasmania. Established in 1911, the LGAT is incorporated under the *Local Government Act 1993* with membership comprising the 29 Tasmanian councils.

The objectives of the Association are: -

- To promote the efficient administration and operation of Local Government in the State of Tasmania;
- To watch over and protect the interests, rights and privileges of municipal Councils in the State of Tasmania;
- To foster and promote relationships between Local Government in the State of Tasmania with both the Government of Tasmania and the Government of the Commonwealth of Australia;
- To represent the interests of the members of the Association generally, and in such particular matters as may be referred to the Association by its members; and
- To provide such support services to the members of the Association as the Association may by resolution in meeting determine.

General Comments

This paper has been developed following collaboration with member councils via submissions, meetings and forums. However, given the nature of the review and the different stakeholders encompassed within the LGAT Membership, it has been difficult for councils to develop formal consensus views. Accordingly, officers and Elected Members have been encouraged to make individual submissions. Any omission in this submission of comments that councils have made directly should not be viewed as lack of support by the Association for that specific issue. Where councils or particular stakeholders are not in agreement on a particular aspect of the policy or implementation guide, this is reflected in the text.

Specific Comments

Don't throw the baby out with the bathwater

There has been consistent feedback from LGAT Members that the legislation should not be amended to deal with specific issues, such as those that have triggered the two Boards of Inquiry in the South.

Most have seen it as critical that the contemporary Board style of governance is retained with a clear divide between the strategic (Councillors) and Operational (Staff) components of Council activity.

It was also seen as important by many, that the Act remain sufficient flexible to deal with a range of contexts and it was noted that increasing rigidity might expose more issues rather than reduce issues in council governance.

Improved guidance

Finally it was seen as important that there be an increased focus on guiding appropriate processes and behaviours but that this did not necessarily need to sit within the legislation itself. It was noted that use of guidelines may improve transparency on some matters, such as allowances and expenses.

Addressing the Questions

Role of the Mayor

Q1 What should the leadership role of the mayor include?

A few suggestions have emerged but in general there is not a strong desire for change in respect to the role of the Mayor. Further a number of responding councils declared that defining the role would not necessarily provide for better outcomes.

Specifically there was some support for the 6 functions listed with the exception of attendance at all Committees, which can be very time consuming for the large council Mayors.

It was felt that there would be benefit from clarifying the role of 'spokesperson' but not agreement on what the role should be with some suggestion the Mayor should only be representing the views of the council and others suggesting that the Mayor is a community advocate and should have the right to express a personal view.

The leadership role of the Mayor was seen as particularly difficult in the absence of either powers or guidance. It was suggested that some guidelines from the Director or Office of Local Government would be better than a change of provisions but these guidelines would need to have some weight under the Act.

It is seen as particularly problematic to undertake the functions relating to overseeing the performance of other councillors without any powers to direct them. One council suggested that providing the Mayor with the capacity to refer matters to the Code of Conduct panel without becoming a complainant might allow them to better oversee the performance of councillors.

At least one council identified that further legislating the role of Mayor could lead to a greater potential for disharmony within the council, particularly when there are strong personalities involved.

Q2 What should the requirement for the mayor to liaise with the general manager include?

Again, there was not a clear consensus position across the sector. Some felt that the Act is quite clear in the requirement to liaise but maybe guidance and specific examples of interactions would be a better approach than specifying a particular style or frequency. The act of meeting in itself does not necessarily resolve any difficulties between the two parties. One council suggested that the requirement around liaison should be outcome focussed such as "should liaise as required to ensure optimisation of the organisation".

As put by one council, "a functioning professional working relationship requires the parties to communicate and work together. The existing provisions provide the appropriate framework...making the Act more prescriptive will not necessarily solve any perceived or real problems".

Q3 Should mayors be required to undertake induction and training, particularly in the development of leadership skills?

There is broad support for introducing this requirement but no commentary on how and who should deliver such training and penalties for non compliance. LGAT notes that while we offer training, there would be resourcing difficulties in relation to offering it across a range of dates to accommodate all Mayors. There is a need for State Government investment in online and face-to-face training t. It was noted by one council that previously Mayor's had been required to have had some exposure to council as a councillor before standing for Mayor and this experience may have assisted leadership skills prior to assuming the role.

Any professional working relationship requires parties to communicate and work together and that legislating to fix specific issues, even a requirement to undertake training, may not cover all current or future issues.

It was also noted that as Mayors are selected by the community it is reasonable to assume leadership qualities exist. These can be further developed through offering professional development.

Q4 Should mayors be given a casting vote when decisions are tied, so that tied decisions are not automatically determined in the negative?

Generally there was not support for this, with the exception of planning matters which might reduce the risk of costs being awarded against council when by default, the Council votes in the negative on a planning matter.

Q5 Should the provisions requiring a person to be both a mayor and councillor candidate remain?

The predominant view point was that this should remain but with an emphasis in the legislation that the Mayor undertakes roles and functions as an individual councillor in relation to making decisions around the council table (and that aspect should be retained).

One council suggested there may be merit in holding separate elections such as is the model in South Australia and Geelong.

The advantages perceived are a reduced potential for friction between the successful Mayor and unsuccessful Mayoral candidates. The risks perceived are a loss of skilled and dedicated councillors or a reduced pool of Mayoral candidates.

Role of the Deputy Mayor

Q6 What should the role of deputy mayor include?

In addition to acting as Mayor in the Mayor's absence, it was suggested that the Deputy Mayor's role should be about supporting the Mayor, sharing the role of mentoring new Councillors and regular liaison with the Mayor and General Manager.

It was suggested that rather than use the word absent, the word unavailable be substituted to make it clear that the Mayor may be unavailable from time to time for other reasons such as multiple events, illness, family and personal commitments.

Q7 Should deputy mayors be appointed by the council rather than popularly elected?

There was no consensus on this matter with some supporting the proposition of round the table election of Deputy Mayors, some against it and one suggestion that the Mayoral candidate with the second highest votes after distribution of preferences become Deputy Mayor. However it was also noted that this might not provide the Deputy Mayor with the appropriate level of recognition or respect.

At the July 2012 General Meeting, LGAT Members considered a range of electoral reforms (many of which were introduced in 2014) and determined that a move to elected Deputy Mayors from around the table should not be supported.

The perceived advantage of election around the table is that it removes the requirement for a separate process for standing for Mayor and Deputy Mayor but also does not compel someone to stand for Mayor who is really only interested in Deputy Mayor (contrary the suggestion of 1st and 2nd past the post filling the offices).

Councillor Roles and Responsibilities

Q8 How should mayors fulfil their role of overseeing councillors in the performance of their functions?

Most of the suggestions related to guidance and best practice as opposed to legislative amendments. These included:

- Mayor has an open door policy
- Respect for all opinions around the table.
- Mayor to ensure councillors undertake induction.
- Development of communication protocols between Mayor and Councillors.
- Development of issues resolution processes with Code of Conduct as the final point.
- Mayors to work collegially with others.
- Informal get togethers from time to time.

It was also suggested that the performance of councillors be more specifically tied to the Code of Conduct provisions.

Q9 What protocols should councils develop to guide interactions between council staff and councillors?

There was general agreement that protocols could be useful but perhaps better suited to a council by council basis, involving all the processes. Further, any such protocols needed to be developed in a consultative way.

There was a suggestion that protocols be determined by the Mayor and General Manager and aligned with Code of Conduct provisions and also that Mayors and Deputy Mayors be able to contact Managers directly.

Q10 Should elected members be required to participate in induction and professional development programs and, if so, what sort of training should they do?

The majority of responding councils felt there should be compulsory induction following elections and that even returning councillors should participate. Others felt that returning councillors might not require the full induction, more a tighter, tailored briefing in recognition of their experience. The focus of any compulsory training should be on governance, planning and meeting procedures and supported by an ongoing professional development program. At the July 2015 LGAT General Meeting a motion regarding compulsory training for councillors was amended and carried as follows: *That all Councillors be encouraged to undertake training courses ie Planning, Legislation, Code Of Conduct, Meeting Procedures etc.*

General Manager Appointment and Review

Q11 What role should mayors have in relation to the appointment and performance appraisal of general managers?

Most councils agreed that the Mayor should have the lead or Chairing role in this process but this could be moderated in the event an external agency was used to undertake or lead the process.

Q12 Should the Act include principles for the selection, reappointment and performance appraisal of general managers?

The responses were fairly evenly split across no legislative change required verses support for inclusion of principles. A number of responding councils noted support for the concept but not support for it to be contained in the legislation. Instead it was suggested that a good practice guide or similar be developed to assist councils. Ultimately the contract was deemed as the appropriate place to put specific matters, not legislation.

It was suggested that the requirement to invite application in a daily newspaper s61(3) be removed.

Further it was suggested that the General Manager's responsibility under the *Work Health and Safety Act* should not include responsibility for councillors as the General Manager is not responsible for them under the *Local Government Act*. Further it was suggested that the Code of Conduct provisions might be enhanced to allow bully and harassment claims, involving elected members, to be better dealt with.

Role of the General Manager

Q13 What should the requirement for general managers to liaise with mayors include?

In general there was no support for amending the legislation in this regard as it was considered situationally specific. Ultimately the General Manager and Mayor should liaise as required to ensure optimal outcomes for and running of the Council. Further changes were deemed to make the Act too prescriptive and doomed to failure where there were personality conflicts or breakdown in a working relationship. That is, legislative amendment would not be able to fix the identified problem.

Q14 What level of information should be provided to the council by the general manager?

Again, largely it felt the current provisions in the Act were sufficient. In a well functioning council this is not an issue and information is readily provided to Council to assist in decision making. Providing further prescription may create an unnecessary compliance burden.

One specific suggestion to improve clarity was that *section 65* should be amended to make it clear that qualified advice is to be provided to council in an officer report to ensure decisions are not made without proper consideration.

Operational vs Strategic

Q15 Is a council's organisational structure a strategic or operational matter?

While largely this was deemed an operational matter there was some support for the South Australian model of requiring consultation with council when determining significant change to the organisational structure. It was noted that it would be difficult to legislate for specific definition of strategic matters which can be context dependent – for example a change to organisational structure of the outdoor workforce may not be strategic in nature if it provides the ability to deliver the council asset management plans and service levels and is within budget.

Q16 Should the strategic matters that are the responsibility of the council and the operational matters that are the responsibility of the general manager be clarified?

While some councils expressed a desire to have better clarification of what constitutes 'day to day operations and affairs of the council' others suggested that such matters are almost impossible to define legislatively. Case studies and guidance notes may be a more appropriate mechanism.

Local Government Board

Q17 Is it necessary to have two separate bodies to perform the functions of conducting strategic reviews of and investigations into councils, or should the two be combined?

There was not support for change in this space, noting that the Local Government Board and Boards of Inquiry have distinct and different roles. Having said that the Local Government Board, largely because it has been inactive, is seen as ineffective and it was suggested that there be a review of the Local Government Board's roles and functions.

Q18 Can the processes for a Local Government Board review or Board of Inquiry investigation be improved?

Most councils did not make comment in relation to this question however it was noted that there may be benefit from strengthening and clarifying the investigative powers of the Board of Inquiry to ensure that any inquiry can proceed without questioning of process and procedures.

Q19 Are the potential outcomes of a review or inquiry sufficient? Or should the Act provide additional potential outcomes following an inquiry or review, such as the suspension or dismissal of an individual councillor?

A number of councils did not specifically comment on this issue however others noted that when dysfunction can clearly be attributed to an individual councillor that it would be reasonable that the Minister have the power to deal with that person specifically. This would limit the risk of disenfranchising a community by removing a whole council unnecessarily. Further it was raised by one council that there should be appeal rights provisions in relation to such sanctions.

Director of Local Government

Q20 Should the Director of Local Government have the power to summons councillors and council staff as part of his/her investigation?

There was no consensus on this issue with a number of councils suggesting no change is required and others noting that this seemed reasonable. One council noted that the Director should have the power to dismiss frivolous and vexatious complaints.

Q21 Does the Director of Local Government have sufficient power to enable him/her to support councils and councillors to practice good governance and comply with the Act (especially following an investigation)?

Generally it was felt the Act was sufficient in this regard and provided the Director with enough powers. Although, one council noted that further clarification may be beneficial but ultimately resourcing for the Director was critical in influencing ability to undertake the functions.

Sanctions

Q22 Should the Act contain a mechanism to dismiss a council and/or individual councillor following an investigation by the Director of Local Government?

This was not supported and it was strongly felt that this was a matter for the Minister, based on the recommendation of a Board of Inquiry. This highlighted the need to reconfigure the Board of Inquiry process to enable the Board to make recommendations in relation to individuals.

Q23 Should the Act provide a mechanism for more rapid intervention (such as a performance improvement order) in the instance where it is evident a council and/or individual councillor's performance is significantly impacting on the governance of the council and/or the service provided to the community?

There was general support for a timely resolution process but a lack of agreement on what form that should take. One suggestion was the issuing of Performance Improvement Orders. Another was a stand down provision while the Director of Local Government undertakes the investigation.

Q24 Does the Act provide sufficient powers to suspend or dismiss an individual councillor for breaches of the Act?

Again there was division in responses but a slight majority suggested the powers were insufficient.

Q25 Do the penalty provisions in the Act need to be both increased and broadened to include other important sections of the Act?

There was no support for increasing or broadening penalty provisions.

Financial Management

Q26 Should councils be required to report to the Minister on the actions taken in response to the Auditor-General's findings on their financial statements?

Councils overwhelmingly indicated there was no support for this, noting they are already required to report to the Auditor-General and therefore this secondary reporting to the Minister is unnecessary and would likely lack the relevant context.

Q27 Does the Act provide for best practice in relation to keeping record of and reporting financial activities and transactions?

It is felt the Act provides sufficiently in this regard. No change is deemed necessary particularly given the recent (2014) amendments and the requirement to comply with the Australian Accounting Standards.

Q28 Has recent reform of Part 7 (Administration) and Part 8 (Financial Management) of the Act achieved the desired outcomes in relation to financial management and reporting?

Yes this is considered to be working well and is consistent with contemporary financial management. Any additional requirements in this regard should be subject to a cost benefit analysis as the compliance costs may exceed the benefits.

General Manager's Roll

Q29 Should the general manager's roll be retained in its current form, amended or abolished?

All responding councils supported retaining the General Manager's Roll but with a review of eligibility criteria to minimise the risk of misuse. It was suggested that this review would best be undertaken by the Tasmanian Electoral Commission.

Q30 If it is retained, should the general manager's roll be amended so it includes only Australian citizens or permanent residents living in the municipality, not non-permanent residents?

The General Manager's Roll should ensure fairness and inclusion and maximise potential participation in the electoral process.

At the July 2015 LGAT General Meeting, the following motion was carried by Tasmanian Councils: *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.* Further Members also agreed, via motion, that *the Local Government Association of Tasmania urge the State Government to review the eligibility for inclusion on the General Manager's Roll by reviewing the definition of occupier to better capture all citizens, inclusive of refugees and permanent residents living in a Local Government area.*

Q31 If it is retained, should the general manager's roll continue to include people who own or occupy a property in the municipality or are the nominee of a corporate body in the municipality?

Yes, these people do have a direct interest in the municipal area and should be able to vote in council elections.

Q32 If the general manager's roll is retained, should it be amended so a person cannot vote in their own right as well as on behalf of a corporate body in a single municipality?

There was majority support for the one vote, one value principle but it was not unanimous.

Q33 If the general manager's roll is retained, should it be amended so a person may only vote in one municipality, rather than in any municipality where they own or occupy a property?

There was NO support for such a change.

Election Advertising/ Donor Disclosure

Q34 Should electoral campaign advertising expenditure limits be abolished, retained or increased?

All agreed that limits of some form should be retained but a number of councils supported determining a basis for reviewing these in relation to future increases. A form of indexation was suggested.

It is worth noting that at the July 2012 General Meeting the following resolution was passed:

That the Local Government Association of Tasmania request that the Federal Government:

- *Review the current maximum thresholds set for Local Government candidate election expenses which it recognises as a legitimate deduction for income taxation purposes; and further,*
- *Consider the introduction of a suitable indexation mechanism to enable currency of the revised threshold to be maintained.*

That the Local Government Association of Tasmania urge the Australian Local Government Association (ALGA) to lobby the Australian Taxation Office to consider greater taxation relief for candidates who stand at Local Government elections.

It is also worth noting that should the spending thresholds be raised, that without a corresponding increase from the Australian Taxation Office in relation to what can be deducted, there would be a restriction on what many candidates could afford to spend.

Q35 Should there be restrictions on the donations local government electoral candidates are permitted to receive? If so, what should the restrictions include?

The majority of councils supported restrictions on donations, with limits that are reasonable in the context of spending limits. Once council noted that because Local Government is largely not party based the context of donations is different and may lead to potential conflict of interest. As such they suggest that Local Government candidates should not be able to receive donations.

Q36 Should local government electoral candidates disclose who they receive election campaign donations from and the monetary value of the donations?

There was agreement that there should be full disclosure.

This echoes the decision made at the LGAT General Meeting in July 2015 where the following motion was carried by Members: *That 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.*

Further, it was also agreed by Members in October 2015 that: *That LGAT request the State Government to amend the Local Government Act and Regulations, consistent with legislation associated with the Legislative Council (Sect 162 of the Electoral Act 2004) to prevent donations to or expenditure by Local Government election candidates involving political parties which endorse and/or support that candidate.*

Q37 If candidates are required to disclose donations received, should there still be limits on campaign advertising expenditure?

It was agreed that irrespective of donation disclosure that limits on expenditure should be retained to avoid the 'buying' of an election outcome.

Q38 Should online electoral campaign advertising be included in the existing advertising regulations?

While generally it was agreed that online advertising should be included at least one council suggested it would be too hard to monitor and that there would need to be clarification of what constituted advertising costs in this context. For example does this include data costs?

Q39 Should internet advertising be included in the expenditure limit (if there is a limit)?

Yes if there is an expense incurred it should be included but note the comment above about clarifying what is included and how costs are determined. Certainly paid advertising should be treated in the same way as any other form of advertising.

Q40 Should an electoral candidate be able to name another candidate in campaign advertising?

Not without permission was the clear response.

Regional Bodies

Q41 Should the regional bodies have a common governance structure or should there be a flexible approach on how they operate?

It was agreed by the majority that there should be a flexible approach given the different roles and functions. One council did think there would be benefit from a Common Governance function but in general there was little direction from responding councils with respect to the Regional Authorities. A few suggested the provisions in the Act around the establishment of joint authorities were sufficient.

In February 2015 LGAT raised with Members a range of issues relating to the current structures and functions of the Regional Bodies noting in particular that:

- LGAT is established under the *Local Government Act 1993* to represent the interests of councils in Tasmania; promote efficient and effective Local Government and to provide services to our Members. LGAT is governed by an elected Board – the General Management Committee (GMC).
- Each of the three Tasmanian regions have established a body to represent the respective regional interests. The principle objectives and governance of these organisations is different.
- Each of the organisations has an important function in supporting the role and responsibilities of councils. LGAT provides a formal function for interaction between Councils and State Government whereas the regional bodies provide a voice and vehicle for activities on a regional scale.
- The CEOs of the organisations agree that there is a compatible and constructive functionality between them, however opportunities exist to improve the delivery of their services for the benefit of the councils.
- There is significant variance between the organisations scale, funding and governance arrangements as well as staffing and functions. Although common to the three regional organisations is a focus on regional cooperation and engagement, regional advocacy and regional development (in varying forms).
- Economic Development has been a particular focus and is a potential strength, particularly in the North and Northwest but overall role clarity is weak and there is a lack of consistency of approach.
- There is a new dialogue between the four Local Government organisations that has not previously existed.
- The State Government is focussed increasingly on economic activity but there is no longer a regional economic development role provided by State Government.

- All four organisations (including LGAT) can be destabilised by Member withdrawal and must work in recognition of the financial pressures on councils.

At the LGAT Meeting Members noted the work being undertaken between LGAT and the regional authorities to clarify roles and responsibilities and identify opportunities to collaborate. Members also agreed to highlight issues for consideration in clarifying and enhancing the respective roles of the regional authorities but have struggled to coherently progress this.

Q42 How will legislative recognition and prescription of common over-riding functions add value to regional decision making? How will it add value to the sector as a whole?

It was not felt that legislation could add value in this regard.

Q43 What roles and functions of regional bodies should be specified in the Act?

Generally there was not support for prescription.

Red Tape

Q44 Are there any opportunities for reducing red tape in the Act to enable councils to more effectively govern themselves?

One suggestion was to amend the requirements under the Act to reflect that documents can be published on a council website or made available electronically.

Another suggestion was to amend Sections 28A to 28D in relation to information provision so that there was a single process to access information, which is already articulated in the *Right to Information Act*.

It was suggested that common standards and protocols used across councils with respect to areas such as access to information, allowances, credit card use, and building access would reduce duplication of effort and potentially support governance improvements.

Other

It is noted that some individual submissions have submitted possible changes to the Act which fall outside the broad scope of the review. For example in relation to councillor expenses, rates exemptions, online petitions and by-laws and the introduction of a Capital City Act. Some of these issues, if pursued under this review may need to be further tested with the sector more broadly.

There was also some commentary on the functions of Councils under the Act, both with respect to Economic Development and Health and Welfare and the need to ensure manageable and realistic expectations on what councils can and cannot do. This issue may need further consideration depending on the outcome of feedback on the regional bodies.

The role of councillors in setting the strategic direction of the council was also raised noting that other than requiring the development of the strategic plan there is little to indicate how this is best achieved. It was suggested perhaps there should be some direction on the strategic planning process- even with regard to timing (e.g. within x months of a new council being sworn in).

INFORMATION SHEET

CONSTITUTIONAL RECOGNITION OF TASMANIAN ABORIGINAL PEOPLE

JUNE 2016

The Premier and Minister for Aboriginal Affairs, Will Hodgman MP, has announced a proposed amendment to the Tasmanian Constitution to provide for constitutional recognition of Tasmanian Aboriginal people.

What is constitutional recognition?

The draft amendment to the preamble of the *Tasmanian Constitution Act 1934* is a factual statement that acknowledges and recognises the significant history of Tasmanian Aboriginal people.

The draft amendment is consistent with the recommendations of the House of Assembly Standing Committee on Community Development *Inquiry into the Constitutional Recognition of Aboriginal People as Tasmania's First People*, tabled in November last year.

Tasmania is the only state in Australia that has not already provided for constitutional recognition of Aboriginal people.

The Tasmanian Government views constitutional recognition as an important symbolic statement, although it is only one part of its package of reforms in relation to Aboriginal affairs that aims to make a real difference to outcomes for Tasmanian Aboriginal people.

The draft amendment is set out in full on the second page of this Information Sheet.

Have your say

The Tasmanian Government wants to hear your views on the draft amendment to the Tasmanian Constitution.

Feedback is open until **Friday 29 July 2016** and can be forwarded to the Department of Premier and Cabinet by:

Email: policy.admin@dpac.tas.gov.au

Mail: Policy Division, DPAC
Department of Premier and Cabinet
GPO Box 123
HOBART TAS 7001

For further information, please contact the Policy Division of the Department of Premier and Cabinet by telephone on (03) 6232 7550.

Draft amendment

The draft amendment to the preamble of the *Constitution Act 1934* is set out below. The proposed amendment is shown as underlined text. The underlined text would be inserted into the existing preamble as shown.

Preamble

Whereas by an Act of Council intituled an Act to establish a Parliament in Van Diemen's Land and to grant a Civil List to Her Majesty (known as the Constitutional Act and later as the Constitution Act) passed in the eighteenth year of the reign of Her Majesty Queen Victoria by the Governor and Legislative Council of the Colony of Van Diemen's Land in pursuance of the provisions of an Imperial Act called the Australian Constitution Act 1850, it was enacted for the purpose of securing the peace, welfare, and good government of the said Colony, that in place of the said Legislative Council there should be one Legislative Council and one House of Assembly, constituted as therein provided, which should exercise all the powers and functions of the then existing Legislative Council, and that the Governor and Legislative Council and House of Assembly together should be called the Parliament of Van Diemen's Land:And whereas Her said Majesty Queen Victoria, by Order-in-Council directed that, on and after 1st January 1856, the name of the said Colony should be changed to Tasmania:And whereas by force of the Commonwealth of Australia Constitution Act 1900, the said Colony, on the establishment of the said Commonwealth, was constituted and became a State of the Commonwealth of Australia:And whereas many of the provisions of the Constitution Act have been repealed or replaced, and numerous amendments have been made therein, and it is desirable to make certain other amendments therein, and that the said Act and its amendment should be consolidated in one Act:

Whereas the Parliament, on behalf of all the people of Tasmania, acknowledges Aboriginal people as Tasmania's First People and the traditional and original owners of Tasmanian lands and waters; recognises the ongoing spiritual, social, cultural and economic importance of traditional lands and waters to Tasmanian Aboriginal people; and recognises the unique and lasting contribution that Tasmanian Aboriginal people make to Tasmania.

Be it therefore enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:



TASMANIAN VOLUNTEER FIRE BRIGADES ASSOCIATION

"As the representative body of members the Association will advance and support their interests, well being and skills."

State President

Robert Atkins AFSM
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State Secretary

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12th February 2016

Mr John Martin
General Manager
George Town Council
PO Box
George Town Tas 7253

Dear John

This document is in response to your request at the recent George Town Safety Committee meeting and the matter of "speed restrictions" at the scene of an emergency incident.

I thank you and your Safety Committee, for their interest in the safety and welfare of emergency service workers and volunteers regarding the limitation of speed at road side incidents.

The Tasmanian Volunteer Fire Brigades Association represents approximately 4000 volunteer fire fighters all across Tasmania and this very issue has been part of a long campaign dating back several years and one which, despite protracted heavy campaigning with successive State Governments has yet to be resolved in any way.

We firmly believe that, like road workers, a lower limited speed backed by legislation to enact enforcement would go a long way towards mitigating much of the risk associated with working on and alongside roadways.

Current advice from the fire authority within Tasmania (TFS) to reduce speed by passing motorists is by parking the fire vehicles across the road. I consider this still a dangerous situation as the firefighters (and other emergency personnel, place of work obviously include their fire vehicle(s).

From our research the South Australia government in association with local government support has achieved legislation in their state to restrict speeds whilst passing emergency incidents.

Our members are skilled and ever keen to assist anyone and any property when they are called upon and they do so. The environment they work in is often high risk enough without the added hazard of high speed traffic to contend with.

Anything your Council and the Local Government Association can do to assist in this matter will be greatly appreciated by every volunteer fire fighter in the State.

If you would like further information or have any queries please don't hesitate to contact me.

Thank you once again,

Yours sincerely,

Don Mackrill AFSM ESM OAM JP
State Vice President TVFBA
Member George Town Safety Committee.