



ANNUAL GENERAL MEETING

MINUTES

Submitted to the

ONE HUNDRED AND THIRD SESSION OF THE ASSOCIATION

Held on
22 July 2015

The Tramsheds
Launceston



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* Denotes Attachment

FORMAL NOTICE OF MEETING

NOTICE IS HEREBY GIVEN THAT

**The Annual Conference of
Local Government in Tasmania
will be held
commencing
Wednesday 22 July, 2015**

**NOTICE IS ALSO GIVEN THAT
the Association's Annual General Meeting
will be held at
The Tramsheds, Launceston.
Commencing at 10.30am
on
Wednesday 22 July, 2015.**

**NOTICE IS ALSO GIVEN THAT THE
One Hundred and Third General Meeting
of the Association
will be held at
The Tramsheds, Launceston
commencing immediately following the conclusion
of the
Annual General Meeting
on Wednesday 22 July, 2015**

**To consider
Local Government Policy and Motions
from Member Councils**

**Katrena Stephenson
CHIEF EXECUTIVE OFFICER**

2015 CONFERENCE PROGRAM



WEDNESDAY 22 JULY 2015

10.30am	AGM	
	General Meeting	Commences immediately following the conclusion of AGM
12.30pm	Lunch	<i>With thanks to Aerus Technologies</i>
1.30pm	Meetings continue	
4.15pm	JLT Night at the Museum	

THURSDAY 23 JULY 2015

8.00am	Registration Desk Opens	
8.45am	Welcome and Opening	
9.00am	Ian McBurney	
9.45am	Moving Moment	
9.55am	Associate Professor Roberta Ryan	
10.30am	Morning Tea	<i>With thanks to Dial Before You Dig</i>
11.15am	Local Government Awards for Excellence	
11.50am	Mayor Troy Pickard	
12.30pm	Lunch	<i>With thanks to Dial Before You Dig</i>
1.30pm	Workshop Program	
3.00pm	Afternoon Tea	<i>With thanks to Commonwealth Bank</i>
3.45pm	Panel Discussion	
4.45pm	Happy Hour	<i>With thanks to Commonwealth Bank</i>
7.15pm	MAV Insurance Conference Dinner	

FRIDAY 24 JULY 2015

9.00am	Workshop Program	
10.30am	Morning Tea	<i>With thanks to Integrity Sampling</i>
11.15am	Sir Bob Barker	
12.10pm	Moving Moment	
12.15pm	Mayor Brad Pettitt	
1.05pm	Conference wrap up	
1.15pm	Lunch	<i>With thanks to Integrity Sampling</i>



2015 ANNUAL GENERAL MEETING

The Acting President, Mayor Daryl Quilliam, welcomed Members, accepted apologies and declared the Annual General Meeting open at 10.35am.

Apologies were received from -

Lord Mayor Sue Hickey	City of Hobart
Mr Peter Brooks	Glenorchy City Council
Mayor Deirdre Flint	Central Highlands Council
Ald Doug Chipman	Clarence City Council
Ald Peter Cusick	Clarence City Council
Mayor Christina Holmdahl	West Tamar Council

A copy of the Rules of the Association are available on the Association's website at - [LGAT Rules](#)

1 PRESIDENT'S REPORT

Central Coast Council/Devonport City Council

That the President's report be received.

Carried

There is a Pretenders song - 'Hymn to Her', which goes "Some things change. Some things stay the same". That is somewhat true of this last 12 months but perhaps more-so than usual, some things have definitely changed.

And not all the changes have been happy ones. We both gained - and lost - a President named 'Barry' at last year's elections, and we have subsequently acknowledged the sad passing of Mayor Barry Jarvis in early June. I would like to start today with a minutes silence in recognition of a great champion of Local Government.

The two past Presidents Barry have left hard shoes to fill and I wish the best of luck to all those nominating for the role of LGAT President.

In the meantime it is my honour as LGAT's Acting President to present a brief account of the activities and achievements of LGAT over the last year. I would note that it is difficult to reflect the size and diversity of the task and output delivered by LGAT and I encourage you all to keep track of the Organisation's ongoing work through the monthly reports which are sent out to all elected members.

With the entry of 14 new Mayors and around 90 new Alderman/Councillors into Local Government following last October's elections, LGAT has promptly focused on supporting those elected members to build an understanding of their new roles. The Association updated the Mayoral and Councillor resource kits and provided materials to a number of councils to support their induction processes.

In November, LGAT delivered professional development opportunities for Mayors and Councillors across the three regions; it then went on to facilitate a weekend workshop for elected members in February this year. These opportunities for collegial interaction and valuable information exchange were well received by those who attended.

These workshops were also just some of the many and varied professional development opportunities offered by LGAT through its training calendar over the past year, with topics offered ranging from good governance, contract management, planning for healthy communities, compliance and enforcement, street lighting and heavy vehicle regulation to name a few. This year LGAT provided a new forum for deputy General Managers in addition to its regular General Managers' workshops, and we commenced our annual 'Breakfast' program with the Minister Peter Gutwein as our inaugural speaker. The attendance for those forums was terrific.

We also continued to focus on how to attract skilled workers to Local Government. Three new videos were placed on to the Think Big website, describing the council roles of Early Childhood Educator and GIS Officer, as well as the benefits of council-student research partnerships.

LGAT analysed data gathered from 19 councils to develop workforce reports which will help participating councils to understand their priority occupations and strategically combat turnover due to resignations and retirements from now to 2030.

As always, significant attention has been given by the Association to the preparation of submissions, developing responses and facilitating inputs to legislative and policy proposals generated by the State and Federal Governments.

For example, the work under the 'Role of Local Government' Project culminated in May with a strategic plan being endorsed by the Premier's Local Government Council with a number of the plan's key projects already well underway.

Supporting planning and heavy vehicle regulatory reform processes have taken significant resources but LGAT's advocacy efforts have clearly delivered positive outcomes. These include changes to intended Government policy in the planning space such as increased timeframes for permitted use development. In the area of roads and heavy vehicle regulation LGAT has played a key role in securing an allocation of funds through the State Budget process to support councils in the assessment of local road infrastructure for heavy vehicle access.

We continue to work to raise awareness of LGAT's procurement program, with significant savings being delivered to councils who make use of the National procurement network/Local Buy opportunities through LGAT. Savings to the sector are currently estimated at \$500,000 a year with plenty of room for growth.

By working through LGAT as a sector, we have achieved cheaper energy costs for councils in the area of public lighting, leveraging off the opportunity delivered through a newly competitive market. This was the first time the process had been undertaken in Tasmania and involved extensive effort from LGAT but as a consequence, our Members will see significant savings on their bills. We estimate another half a million saved sector wide.

In this last year, LGAT became the first Local Government Association to have proactively completed the Award modernisation process, avoiding the continuing complexity of having separate, state-based Awards. In the Industrial Relations space, a suite of policies and procedures for councils to provide support in Workplace Health and Safety compliance is nearing completion after rigorous consultation.

We hope you are noticing our changes to our communications. This time last year we launched our Twitter account and now have over 300 followers. Further we have launched 'The Pulse', our new electronic Newsletter, we have reviewed and continued to add content to our Extranet, and we have commenced work with a new provider for the quarterly LGAT News Magazine.

And of course, you will have noticed that we have expanded our conference to become a Local Government 'Week', taking advantage of the move to Launceston to deliver something a little different.

Another big change in the last year was the departure of our former LGAT CEO, Allan Garcia. I am sure you will agree, Allan made a significant contribution to the sector over the last 15 years and we wish him well in his new job heading up Infrastructure Tasmania. In the middle of June, we were pleased to appoint Katrena Stephenson to the role of CEO. Of course Katrena is a familiar face to many of you as the former Policy Director.

A key focus over the next 12 months for Katrena and the General Management Committee will be to support Members as we continue the conversations around Local Government reform.

Earlier this year, 120 Mayors, councillors and council officers attended an expanded LGAT General Meeting at the Derwent Entertainment Centre in April to focus on the reform issue. The facilitated forum included speakers presenting on council amalgamations, resource sharing, lean thinking and private sector mergers and the day's valuable program provided much fuel for thought.

In a recent meeting with the Minister, Katrena and I discussed some other opportunities for sectoral improvement that exist and LGAT will work up some proposals around lean thinking, procurement and planning for the Members and Minister's consideration in the coming months.

As we look forward, this year we will be active at the Federal level too. The freezing of Financial Assistance Grants indexation has meant a reduction in real terms to Tasmanian councils of some \$17 million per annum over a three year period. Although some consolation has been received recently with increased Roads to Recovery funding, efforts are continuing at the national level to obtain relief in relation to FAGS, and LGAT will be working with all Associations on the national campaign.

I would like to finish up by sincerely thanking the team at LGAT for their dedication and professionalism. When you are a councillor and not directly involved with the Association's activities, it can sometimes be difficult to realise just how much work the staff at LGAT do behind the scenes and on behalf of the sector; but I can assure you that our small Tasmanian team punches well above their weight, is highly respected and does secure wins for Local Government in this State.

Thank you.

2 MINUTES OF 102ND ANNUAL GENERAL MEETING *

Brighton Council/Kingborough Council

That the Minutes of the 102nd Annual General Meeting, held 23 July, 2014 be confirmed.

Carried

The Minutes of the 102nd Annual General Meeting of the Local Government Association of Tasmania, held in Hobart on 23 July, 2014 as circulated, are submitted for confirmation.

The Minutes are at **Attachment to Item 2.**

3 FINANCIAL STATEMENTS TO 30 JUNE 2014 *

Brighton Council/Central Coast Council

That the Financial Statements for the period 1 July 2013 to 30 June 2014 be received and adopted.

Carried

The General Management Committee recommends consideration and adoption of the Association's Financial Statements for the period 1 July 2013 to 30 June 2014, an abridged version of which is included at **Attachment to Item 3.**

A full version is available from the Association's offices.

A copy of the Association's Profit and Loss report for the period 1 July 2014 to 16 June 2015 is also included at **Attachment to Item 3** to provide members with an indication of the current financial position of the Association.

At the time of preparation of this report two weeks remained to the end of the Financial Year with year end adjustments also pending. It is anticipated that there will be a small surplus with items below being of note -

Workshops/Training	There was higher than anticipated uptake of training by Elected Members, in particular by the new Elected Members. An LGAT Training Program and Regional Breakfast Series were introduced resulting in increased registration income.
Membership	The return of Hobart City Council resulted in additional pro-rata subscription membership income.
Departure of the CEO	While reducing staff entitlement accruals there were non-budgeted recruitment expenses.
Council Careers	There is an amount of unexpended funds that have been earmarked for additional advertising in July 2015
Salaries	The Procurement Officers term was extended to the end of this financial year and this position has been budgeted going forward.

4 PRESIDENT AND VICE PRESIDENT HONORARIUMS

Brighton Council/City of Launceston

That the President's and Vice President's allowance for the period 1 July 2015 to 30 June 2016 be adjusted in accordance with the movement in the Wages Price Index.

Carried

Derwent Valley and Flinders Councils voted against this motion.

The Rules of the Association provide that the Annual General Meeting will grant an annual allowance to the President and Vice President.

In the past an independent review of allowances was undertaken in the same financial year as the review of allowances for Local Government Elected Members, with the last review undertaken in 2009. The result of that review was to retain the basis of the present allowances unchanged for the two positions with movements to be in conjunction with the wages price index. This brought the escalation factor for allowances in line with Elected Member allowances across councils.

The escalation factor used for elected member allowances remains the wages price index and it is deemed appropriate that the President and Vice President Honorariums continue to escalate on the same basis.

If in the future, the escalation of Elected Member Allowances is reviewed or alters, the Honorariums can also be reviewed.

The resultant application of the wages price index has meant allowances for 2014/15 were:

- President allowance \$44,185 per annum.
- Vice President allowance \$11,046 per annum.

Central Coast Council/Southern Midlands Council

That subscriptions be increased by 2.48% to meet the operating costs of the Association.

Carried

Burnie City and Derwent Valley Councils voted against this motion.

The application of the LGAT formula for subscriptions involves using the Total Assessed Revenue of councils, in accordance with State Grants Commission data, with an application of the Council Cost Index then applied across the various categories of councils.

The result this year sees Glamorgan Spring Bay and Latrobe moving up a category with Break O'Day, West Coast and Waratah Wynyard moving down a category.

The total to be received from subscription revenue next year is \$1,049,081. It should be noted that the payment structure associated with outstanding subscriptions from Hobart City Council is not reflected in the budget as the debt is recognised in the balance sheet. The Hobart instalment attributable to its past subscription will be reflected in a change to debtors in the balance sheet.

A copy of the Subscriptions are at **Attachment to Item 5** for reference.

City of Launceston/Flinders Council

That the Meeting adopt the Budget as presented.

Carried

Derwent Valley Council voted against this motion.

There are only minor variations to the budget for the upcoming year. GMC has determined to reduce the salary of the incoming CEO and this has been reflected in the budget. However, salaries remain largely unchanged as the salary of the officer managing the sector procurement task has been brought into the budget proper. This function was previously funded from some savings achieved in the broader salary budget. With the revenue being generated from procurement activity and the demands being placed on the role by councils seeking to improve their procurement processes and access to goods and services, much of the salary will be offset by the increase in income received via commissions on goods purchased. In fact a further \$10,000 is anticipated in revenue for fees and commissions this year. A projected 3% increase in salaries has been built into the budget.

Other employee entitlements have been reduced by almost \$20,000. This acknowledges the provision made for Long Service Leave and untaken annual leave. The outgoing CEO had significant balances in both areas while an incoming CEO will have no accruals to be provisioned for.

Provision has been made for the secondment of an officer to the Drafting Team of the Planning Task Force. This is effectively an in and out entry with LGAT simply collecting the funds from councils and on paying them to the State Government/host council as a contribution to salary of that officer.

The budget bottom line is break even with the imposition of an increase in subscriptions of 2.48% in line with the Council Cost Index.

A copy of the budget is at **Attachment to Item 6.**

7.1 Term Of Office Of President**Derwent Valley Council/City of Launceston**

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.

Carried

Background Comment

The rule change proposed is in the event that the President vacates office for one of the following reasons:

- (i) Resigns by notice in writing addressed to the Chief Executive Officer;
- (ii) Is absent without leave for three consecutive meetings of the General Management Committee; or
- (iii) Ceases to be a Councillor or Alderman;

And if the office of President becomes vacant more than six months before the next AGM where the President is due to take up office in accordance with Rule 27(a), a new President shall be elected in accordance with the procedures in Rule 26.

It is council's view that to save the cost of an election consideration should be given to the following option:

That in the event that the President vacates office in the 12 month period prior to the next AGM, the Vice-President shall assume the office of President and that an election for President be held at the next appropriate election date.

LGAT Comment

It should be noted that this motion was not in response to the death of Barry Jarvis, having been received well in advance.

However, if the rule was in existence, it would have been applied in this instance. While unusual circumstances, in that the President had by resolution had his term extended and was not facing election this year, which meant the Vice President, Mayor Quiliam would have been filling the vacancy created for two years without an election.

7.2 Motion – Voting Entitlements *

Derwent Valley Council/West Coast Council

That the Local Government Association of Tasmania Rules Regarding Conduct of General Meeting be amended by deleting from rule 16 voting by population categories and replacing it with one (1) vote per Council.

Lost

Background Comment

This matter has been discussed at General Meetings and rejected on the basis of the Scale of fees payable, but it is our view that the Local Government Association of Tasmania does not represent the public (ratepayers) they represent the member councils.

The current process in our view is not democratic by having weighted voting at meetings of the Local Government Association of Tasmania.

In reading the rules of the Municipal Association of Victoria for meetings and for State Council meetings the rules state as follows:

14. Voting Entitlements at Meetings

At any meeting of the Association other than a meeting of State Council members will vote by a show of hands and the Chairperson in taking the sense of the meeting will put the question first in the affirmative, then in the negative, and the result of the vote will be recorded in the minutes.

15. Voting Entitlements at State Council Meetings

15.1 At any meeting of State Council, voting entitlements on any motion or amendment will be

15.1.1 the representative of each participating member council paying an annual subscription to the Association which exceeds the mid point between the lowest and highest subscriptions will have two (2) votes; and

15.1.2 the representative of each participating member council paying an annual subscription to the Association which does not exceed that mid point will have one (1) vote.

15.2 and questions will be decided on the basis of the votes of the representatives voting.

Should there be an equality of votes on any question before a meeting the Chairperson has the casting vote.

The method used in Victoria appears slightly better than that used in Tasmania, but that is only because the maximum vote is two (2) as opposed to four (4) in Tasmania.

It would in our view, be an option for the Local Government Association of Tasmania to trial for a twelve month period one (1) vote for all members councils and then review the situation at a future Annual General Meeting.

This matter was further discussed at a General Meeting of the Association on 13 February 2015. At that meeting after much discussion Council was asked to provide details in relation to subscriptions as a percentage of Council Rate Income. This spreadsheet is appended to this Agenda Item.

This matter was the subject of some debate at the last Annual General Meeting of the Association. It is the view of the Derwent Valley Council that that Local Government should cease the practice of weighted voting, and replace it with one vote per council.

Motions on Notice LGAT General Meeting 13th February 2015

At the General Meeting in November 2014, Derwent Valley Council raised the following items for discussion:

1. That the Rules Of The Association be amended to provide for one vote per council.

Council prior to that meeting was requested to provide additional information and this was as follows:

I wish to advise that through the process of election for President of the LGAT one of our councillors wrote to each person who nominated asking for their comments in regard to the one vote per Council. The response received from most was that they were prepared to consider this matter at a future meeting of the Association if they were successful in their endeavors to become President. It is for this reason that we request further discussion in regard to this matter, bearing in mind it was raised by Derwent Valley at the most recent Annual General Meeting of the Association and was not supported.

At the meeting in November Council advised that as a percentage of rates smaller councils were contributing a greater portion, this comment received some sympathy and we were asked to provide this information for further debate on the matter.

At **Attachment to Item 7.2** is a spreadsheet detailing the percentage of rates required to service the LGAT Subscriptions. The spreadsheet also shows subscriptions based on rate revenue and population.

8 REPORTS FROM BOARD REPRESENTATIVES *

Listed below are the bodies on which the Association had statutory representation in the 2014/15 financial year.

Representatives on Bodies are requested to provide a report for Conference and are also requested to provide regular reports back to the Association during the year.

- **Animal Welfare Advisory Committee**
Clr Andrew Downie
- **Assessment Committee for Dam Construction (ACDC)**
Mr Neil Blaikie
- **Community Review Committee - Threatened Species Protection Act 1995**
Ms Liz Quinn, Kingborough Council
- **LGAT Assist**
Mr Kay Reeves
- **Local Government Board**
Mrs Liz Gillam
- **Marine Farming Planning Review Panel**
Mayor Jock Campbell, Clarence City Council
- **State Fire Commission**
Mr Rod Sweetnam, Launceston City Council, Clr Hannah Rubenach, Break O'Day Council
- **State Fire Management Council**
Dr Stephen Bresnehan, Hobart City Council
- **State Grants Commission**
Mr Grant Atkins and Mr Rodney Fraser
- **Tasmanian Heritage Council**
Ms Danielle Gray, Kingborough Council; Ald Robin McKendrick, City of Launceston
- **Tasmanian Library Advisory Board**
Ald Sandra French, Burnie City Council, Ald Doug Chipman, Clarence City Council and Clr Susan Nolan, Kingborough Council, Ms Kym Matthews, Break O'Day Council;
- **Tasmanian Planning Commission**
Ms Sandra Hogue

The reports received for presentation are at **Attachment to Item 8.**

City of Launceston/Kingborough Council

- (a) **That the reports from representatives on various bodies be received and noted.**
- (b) **That Conference acknowledges the time and effort put in by all Association representatives on boards, working parties, advisory groups and committees etc.**

Carried

9 CLOSURE

There being no further business, the Acting President declared the Annual General Meeting closed at 10.55am.

**Statement of Financial Position
as at 30 June 2015**

	Note	Assist 2015 \$	General 2015 \$	Assist Restated 2014 \$	General Restated 2014 \$	General Restated as at 1 July 2013 \$
Assets						
Current assets						
Cash and cash equivalents	3	798,648	664,783	685,666	673,411	949,666
Trade and other receivables	4	-	116,786	-	69,623	43,005
Financial assets	5	250,961	1,925,000	429,762	2,050,000	1,922,478
Other assets	6	905	42,687	972	60,989	50,013
Total current assets		1,050,514	2,749,256	1,116,400	2,854,023	2,965,162
Non-current assets						
Financial assets	5	113,373	-	60,542	-	-
Property, plant and equipment	7	-	1,035,937	-	1,014,779	1,015,861
Intangible assets	8	-	2,798	-	890	1,476
Total non-current assets		113,373	1,038,735	60,542	1,015,669	1,017,337
Total assets		1,163,887	3,787,991	1,176,942	3,869,692	3,982,499
Liabilities						
Current liabilities						
Trade and other payables	9	9,711	260,201	5,088	277,064	306,172
Unexpended grants	10	-	-	-	-	-
Provisions	11	-	71,902	-	249,186	227,735
Total current liabilities		9,711	332,103	5,088	526,250	533,907
Non-current liabilities						
Provisions	11	-	88,873	-	65,639	45,463
Total non-current liabilities		-	88,873	-	65,639	45,463
Total liabilities		9,711	420,976	5,088	591,889	579,370
Net Assets		1,154,176	3,367,015	1,171,854	3,277,803	3,403,129
Equity						
Accumulated surplus		1,154,176	3,359,378	1,171,854	3,277,803	3,403,129
Asset revaluation reserve		-	7,637	-	-	-
Total Equity		1,154,176	3,367,015	1,171,854	3,277,803	3,403,129

The above statement should be read in conjunction with the accompanying notes.

LOCAL GOVERNMENT ASSOCIATION OF TASMANIA

Notes to the Financial Report For the Year Ended 30 June 2015

	General 2015 \$	General Restated 2014 \$
Note 16 Detailed statement of general account - revenue and expenditure		
Revenue		
Government grants	80,000	66,966
Fees and commissions	76,732	79,202
Interest - general account	88,547	94,216
Interest – building proceeds	3,389	3,308
Surplus/(Deficit) on sale of plant and equipment	(45)	1,500
Sponsorship, conferences/seminars	341,367	228,574
Subscriptions	1,050,613	997,405
Other Subscriptions	146,313	138,449
Other	223	191,491
	1,787,139	1,801,111
Expenditure		
Advertising	1,041	1,268
Accommodation expenses	1,345	676
Accounts administration	13,180	12,629
ALGA	113,524	106,345
Amortisation - computer software	491	586
Annual conference	137,933	155,789
Auditors' remuneration	14,400	14,115
Bad Debts Expense	(50,920)	50,920
Catering	7,105	3,524
Cleaning	5,166	4,363
Consultancy fees	88,434	9,005
Council careers and skills shortage	69,248	112,710
Community Satisfaction Survey	17,100	8,100
Conferences and seminars	30,758	15,036
Constitutional Recognition	-	159,627
Cost Recovery - grant administration	(55,387)	(79,399)
Depreciation - computers	10,255	6,897
Depreciation - motor vehicles	16,301	18,954
Depreciation - furniture and equipment	3,685	2,953
Division 43 Deduction	1,441	1,441
Fringe benefits tax	10,397	10,458
Land & Buildings Running Costs	2,389	3,934
Insurance	29,871	29,545
Members emoluments	60,459	58,959
Motor Vehicle - running expenses	9,657	7,609
Motor Vehicle - repairs and maintenance	3,121	1,166
Network and internet	13,531	12,782
Other expenses	51,746	7,886

LOCAL GOVERNMENT ASSOCIATION OF TASMANIA

Notes to the Financial Report For the Year Ended 30 June 2015

	General 2015 \$	General Restated 2014 \$
Note 16 Detailed statement of general account - revenue and expenditure (cont'd)		
Postage	5,426	5,534
Power	8,469	9,543
Printing and publications	7,025	5,612
Rates and taxes	9,000	8,566
Rentals	1,334	1,888
Salaries, wages and employee benefits (incl. Grant Staff)	771,406	788,414
Software	2,459	4,085
Sponsorship	1,500	1,700
Stationery	2,289	2,558
Subscriptions - general account	9,502	9,236
Superannuation contribution (incl. Grant Staff)	93,715	92,793
Telephone	17,451	19,622
Travelling Expenses	24,033	16,090
Government grants expenditure (excluding wages and superannuation):		
Environmental Dispute Resolution	-	3,783
Tasmarc - Climate Connect	-	3,107
26TEN - Plain English Guide	13,500	27,570
Container Deposit Scheme	-	18,562
Coastal Adaption Pathway Project	-	10,000
Healthy Communities	15,915	-
LG Reform	90,455	72,018
LG IT Strategies	25,814	49,880
LG Liveable Places	-	38,000
Total expenses	1,705,564	1,926,437
Operating surplus/(deficit) - general account	81,575	(125,326)

Charges incurred for the administration of both the LGAT Assist account and grant projects have been recharged to LGAT Assist or the specific project. The recovery of these costs is then shown as Cost Recovery so that the expenses on the General Account are more accurately reported.

LOCAL GOVERNMENT ASSOCIATION OF TASMANIA

Notes to the Financial Report For the Year Ended 30 June 2015

	Assist 2015 \$	Assist 2014 \$
Note 17 Detailed statement of general account - revenue and expenditure		
Revenue		
Interest on Loans	35,124	39,505
Other Interest Revenue	24,042	24,552
	<u>59,166</u>	<u>64,057</u>
Expenditure		
LGAT Assist Accounts Administration	35,009	34,298
Auditors Remuneration	4,800	4,705
Bad Debts Written Off/(Recovered)	(2,402)	1,659
Donations and Research Projects	20,500	13,000
Grants to Members – Welfare	18,118	17,500
Other Expenses – Welfare	819	150
Total Expenses	<u>76,844</u>	<u>71,312</u>
Operating surplus/(deficit) – LGAT Assist	<u>(17,678)</u>	<u>(7,255)</u>

Note 18 Commitments

At 30 June 2015 the Association had no outstanding commitments.

Local Government Association of Tasmania
Profit & Loss [Budget Analysis]
July 2015 through June 2016

		Selected Period	Budgeted	\$ Difference	% Difference	
4-0000	Income					
4-0500	Annual Conference	\$327,370.93	\$220,000.00	\$107,370.93	48.80%	Actual for 2015/16 FY \$205,036 end year adjustment required
4-1000	Conferences/Seminars	\$53,112.18	\$30,000.00	\$23,112.18	77.00%	Good take up of E/member workshops & LGAT Breakfasts
4-1500	Cost Recoveries	(\$717.40)	\$0.00	(\$717.40)	NA	
4-1600	LGAT Training	\$360.51	\$0.00	\$360.51	NA	
4-2000	Fees & Commissions	\$100,753.23	\$90,000.00	\$10,753.23	11.90%	
4-3000	Interest	\$34,947.76	\$80,000.00	(\$45,052.24)	-56.30%	Interest accruals to be input at year end
4-3100	Interest - building proceeds	\$2,384.39	\$3,000.00	(\$615.61)	-20.50%	
4-3500	Other	\$222.01	\$0.00	\$222.01	NA	
4-4000	Rentals	\$3,133.07	\$0.00	\$3,133.07	NA	STCA LG Professionals office rental
4-5000	Profit Sale on Plant/Equip.	(\$9,166.94)	\$0.00	(\$9,166.94)	NA	
4-6000	Subscriptions	\$1,049,083.00	\$1,049,081.00	\$2.00	0.00%	
4-6100	Subs Council Careers	\$125,013.00	\$125,000.00	\$13.00	0.00%	
4-6115	Subs Comm Satisfaction Survey	\$14,002.00	\$14,000.00	\$2.00	0.00%	
4-6120	Subs - Planning Secondment	\$40,000.00	\$40,000.00	\$0.00	0.00%	
4-7000	Indust Awards - HR/IR Tools	\$87,952.50	\$90,000.00	(\$2,047.50)	-2.30%	
	Total Income	\$1,828,450.24	\$1,741,081.00	\$87,369.24	5.00%	
6-0000	Expenses					
6-1050	Accomm exp - GMC	\$1,574.93	\$1,000.00	\$574.93	57.50%	
6-1100	Accounts Administration	\$13,175.00	\$14,500.00	(\$1,325.00)	-9.10%	
6-1200	Advertising	\$1,939.38	\$1,500.00	\$439.38	29.30%	
6-1250	ALGA - Meeting expenses	\$17,725.80	\$20,000.00	(\$2,274.20)	-11.40%	
6-1300	ALGA Subscription	\$91,732.91	\$92,000.00	(\$267.09)	-0.30%	
6-1350	Annual Conference	\$183,082.87	\$160,000.00	\$23,082.87	14.40%	Actual for 2015/16 FY \$150,847, end year adjustment required
6-1400	Auditors Remuneration	\$5,250.00	\$19,300.00	(\$14,050.00)	-72.80%	
6-1450	Bank Fees & Gov. Charges	\$2,700.86	\$3,000.00	(\$299.14)	-10.00%	
6-1500	Catering / Entertainment	\$4,700.04	\$5,000.00	(\$299.96)	-6.00%	
6-1600	Cleaning and Supplies	\$8,472.65	\$5,000.00	\$3,472.65	69.50%	
6-1610	Community Satisfaction Survey	\$0.00	\$14,000.00	(\$14,000.00)	-100.00%	
6-1650	Conferences/Seminars	\$32,098.85	\$15,000.00	\$17,098.85	114.00%	
6-1700	Consultants Fees	\$13,080.00	\$10,000.00	\$3,080.00	30.80%	

6-1705	Consult Fees - HR/IR Tools	\$80,000.00	\$80,000.00	\$0.00	0.00%	
6-1710	Council Careers/Skills Short	\$143,336.73	\$125,000.00	\$18,336.73	14.70%	Advertising campaign funded from underspend last FY
6-1800	Equip & Venue Hire	\$0.00	\$1,000.00	(\$1,000.00)	-100.00%	
6-1850	Elections - GMC Bi-annual	\$1,433.12	\$2,000.00	(\$566.88)	-28.30%	
6-1900	Fringe Benefits Tax	\$12,055.96	\$14,500.00	(\$2,444.04)	-16.90%	
6-2000	Depreciation Expense	\$46,323.70	\$30,000.00	\$16,323.70	54.40%	
6-3100	Insurance	\$34,214.16	\$32,000.00	\$2,214.16	6.90%	
6-3200	Land & Buildings Running Costs	\$2,743.54	\$6,000.00	(\$3,256.46)	-54.30%	
6-3400	Members Emoluments	\$54,076.33	\$62,000.00	(\$7,923.67)	-12.80%	
6-3410	President travel expenses	\$5,941.71	\$10,000.00	(\$4,058.29)	-40.60%	
6-3450	Motor Vehicle lease/hire	\$65.38	\$500.00	(\$434.62)	-86.90%	
6-3500	Network & Internet	\$13,511.25	\$10,000.00	\$3,511.25	35.10%	
6-3580	Office Requisites	\$1,052.06	\$1,500.00	(\$447.94)	-29.90%	
6-3600	Other & Miscellaneous	\$614.23	\$1,000.00	(\$385.77)	-38.60%	
6-3800	Other Employment Entitlements	\$13,006.80	\$24,500.00	(\$11,493.20)	-46.90%	
6-3850	Planning Taskforce Secondment	\$0.00	\$40,000.00	(\$40,000.00)	-100.00%	Awaiting invoice
6-3900	Postage	\$5,313.41	\$6,000.00	(\$686.59)	-11.40%	
6-4000	Power	\$9,374.05	\$10,000.00	(\$625.95)	-6.30%	
6-4100	Printing & Publications	\$6,141.85	\$6,000.00	\$141.85	2.40%	
6-4300	Rates & Land Tax	\$11,332.26	\$11,000.00	\$332.26	3.00%	
6-4310	Rentals	\$1,300.29	\$1,500.00	(\$199.71)	-13.30%	
6-4350	Repairs & Maintenance	\$2,841.68	\$1,500.00	\$1,341.68	89.40%	
6-4400	Salaries & Wages	\$706,599.33	\$760,000.00	(\$53,400.67)	-7.00%	
6-4500	Software	\$2,456.46	\$3,000.00	(\$543.54)	-18.10%	
6-4600	Stationery	\$1,739.94	\$3,500.00	(\$1,760.06)	-50.30%	
6-4700	Subscriptions - Membership etc	\$15,574.43	\$10,000.00	\$5,574.43	55.70%	
6-4800	Superannuation	\$88,080.59	\$95,000.00	(\$6,919.41)	-7.30%	
6-4900	Sponsorship/Research/Donations	\$2,750.00	\$5,000.00	(\$2,250.00)	-45.00%	
6-5100	Telephone	\$16,734.37	\$19,000.00	(\$2,265.63)	-11.90%	
6-5200	Travelling Expenses	\$22,605.54	\$12,000.00	\$10,605.54	88.40%	
6-5250	Staff Training	\$7,950.03	\$9,000.00	(\$1,049.97)	-11.70%	
6-5300	Uniform Expense	\$0.00	\$281.00	(\$281.00)	-100.00%	
6-7000	Motor Vehicle Expense	\$10,711.00	\$19,000.00	(\$8,289.00)	-43.60%	
6-7960	Grant Cost Recoveries	(\$3,278.53)	\$0.00	(\$3,278.53)	NA	
6-7970	LGAT ASSIST - Cost recoveries	(\$29,810.00)	(\$31,000.00)	\$1,190.00	3.80%	
	Total Expenses	\$1,662,324.96	\$1,741,081.00	(\$78,756.04)	-4.50%	
	Operating Profit	\$166,125.28	\$0.00	\$166,125.28	NA	

8-0000	Government Grants Income					
8-1000	Enviro Dispute Resolution	\$46,152.62	\$0.00	\$46,152.62	NA	
8-1500	Coastal Adapation	\$33,946.79	\$0.00	\$33,946.79	NA	
8-2150	LG Reform Fund	\$251,554.38	\$0.00	\$251,554.38	NA	
8-3000	Healthy Communities	\$64,085.43	\$0.00	\$64,085.43	NA	
	Total Government Grants	\$395,739.22	\$0.00	\$395,739.22	NA	
9-0000	Government Grants Expenditure					
9-1500	Coastal Adaptation Pathways Pr	\$20,000.00	\$0.00	\$20,000.00	NA	
9-2150	LG Reform Fund	\$1,000.00	\$0.00	\$1,000.00	NA	
9-3000	Healthy Communities	\$42,089.41	\$0.00	\$42,089.41	NA	
9-6000	LG IT Strategies	\$19,286.35	\$0.00	\$19,286.35	NA	
9-9990	Loss On Revaluation	\$45,903.91	\$0.00	\$45,903.91	NA	
	Total Government Grants Expenditure	\$128,279.67	\$0.00	\$128,279.67	NA	
	Net Profit/(Loss)	\$433,584.83	\$0.00	\$433,584.83	NA	

**LOCAL GOVERNMENT ASSOCIATION OF TASMANIA
ESTIMATES OF INCOME & EXPENDITURE
FOR FINANCIAL YEAR ENDED 30 JUNE 2017**

	2015/16	2016/17	Comparison
Income			
Annual Conference and seminars	250,000	260,000	10,000
Fees and Commissions	90,000	92,000	2,000
Interest (Excl. Interest on grants)	80,000	75,000	-5,000
Interest on Capital from Building	3,000	2,500	-500
Profit on Sale of Plant & Equip	-		0
Project Admin/Cost Recovery		25,000	25,000
Assist Revenue	31,000	33,000	2,000
Subscriptions	1,049,081	1,179,099	130,018
Rentals	-	14,500	14,500
Industrial Awards - HR/IR Tools	90,000	90,000	0
Extraordinary Income via Subscriptions			0
Community Satisfaction Survey	14,000	8,000	-6,000
TV Advertising	125,000	65,000	-60,000
Planning Taskforce - Secondment	40,000		-40,000
Total Income	\$1,772,081	\$1,844,099	72,018

Expenditure			
Accommodation Expenses - GMC	1,000	2,000	1,000
Accounts Administration	14,500	14,800	300
Advertising	1,500	2,000	500
ALGA Subscriptions	92,000	91,000	-1,000
Auditors' Remuneration	19,300	15,000	-4,300
Bank Fees and Govt Charges	3,000	3,000	0
Catering, receptions, etc	5,000	4,000	-1,000
Cleaning and Supplies	5,000	8,000	3,000
Community Satisfaction Survey	14,000	8,000	-6,000
Conferences/Seminars	175,000	185,000	10,000
Consultants' Fees	10,000	30,000	20,000
Consultants Fees - HR/IR Tools	80,000	80,000	0
TV advertising	125,000	65,000	-60,000
Depreciation Building Division 43	1,000	20,000	19,000
Computers	7,000	10,000	3,000
Furniture & Equip	1,000	2,000	1,000
Motor Vehicles	20,000	20,000	0
Amortisation	1,000	800	-200
Donations/Research/Scholarships	5,000	4,000	-1,000
Equipment & Venue Hire	1,000	-	-1,000
Fringe Benefits Tax	14,500	12,000	-2,500
GMC Elections - Bi-annual	2,000	2,500	500
Insurance Fidelity Guarantee	1,000	1,300	300
General	9,000	10,000	1,000
Public Liability and PI	15,500	16,000	500
Workers Compensation	6,500	7,000	500
Land & Building Running Costs	6,000	5,000	-1,000
Members Emoluments	62,000	63,500	1,500

Motor Vehicles - Running Costs	14,000	9,000	-5,000
Repairs and Maintenance	5,000	3,000	-2,000
Lease/hire	500	500	0
Network and Internet	10,000	12,000	2,000
Office Requisites	1,500	2,000	500
Other and Miscellaneous	1,000	1,000	0
Other Employee Entitlements	24,500	15,000	-9,500
Planning Taskforce - Secondment	40,000	-	-40,000
Postage	6,000	4,500	-1,500
Power	10,000	11,000	1,000
Printing and Publications	6,000	6,000	0
Rates and Land Tax	11,000	11,500	500
Rentals	1,500	1,500	0
Repairs and maintenance	1,500	1,500	0
Salaries (exc Grant Staff)	760,000	880,000	120,000
Software	3,000	3,000	0
Stationery	3,500	2,500	-1,000
Subscriptions - membership etc	4,000	4,000	0
Superannuation	95,000	110,000	15,000
Telephone	19,000	17,000	-2,000
Training	9,000	12,000	3,000
Travelling expenses			
ALGA	20,000	20,000	0
Interstate	12,000	14,000	2,000
President	10,000	10,000	0
TTC Subscription	6,000	6,000	0
Uniform expense	281	281	0
Total Expenditure	1,772,081	1,839,181	67,100
Net Result	-	4,918	4,918

All figures are ex GST

**LGAT ASSIST
ESTIMATES OF INCOME & EXPENDITURE
FOR THE FINANCIAL YEAR TO 30 JUNE 2017**

	2015/16	2016/17	Comparison
Income			
Interest	31,000	31,000	0
Interest on loans	37,000	37,000	0
Assist Loan Application Fees	2,000	2,000	0
Total Income	70,000	70,000	0
Expenditure			
Accommodation Expenses	500	500	0
Accounts Administration	36,000	37,000	1,000
Advertising	1,000	1,000	0
Auditors' Remuneration	5,200	5,200	0
Bad Debts	12,000	12,000	0
Bank Fees and Govt Charges	250	250	0
Donations/Research/Scholarships	25,000	25,000	0
Grants to members	10,500	10,500	0
Other and Miscellaneous	500	500	0
Printing and Publications	2,000	1,000	-1,000
Welfare Write Offs	200	200	0
Special Projects	2,000	2,000	0
Total Expenditure	95,150	95,150	0
Change in net assets from operations	-\$25,150	-\$25,150	\$0

All figures are ex GST

Council	2016/17 Subscriptions				Total Payable 2016/17	Total Paid 2015/16	Difference	% Difference
	Category	Subs overall	TV Adverts Advertising	Community Satisfaction Survey				
Flinders Island	1.72	20,281	1,118	138	21,536	21,737	-200.93	-0.933
King Island	1.72	20,281	1,118	138	21,536	21,737	-200.93	-0.933
Tasman	1.72	20,281	1,118	138	21,536	21,737	-200.93	-0.933
Central Highlands	1.72	20,281	1,118	138	21,536	21,737	-200.93	-0.933
Southern Midlands	2.60	30,657	1,690	208	32,555	32,544	10.43	0.032
Kentish	2.60	30,657	1,690	208	32,555	32,544	10.43	0.032
Dorset	2.60	30,657	1,690	208	32,555	32,544	10.43	0.032
George Town	2.60	30,657	1,690	208	32,555	32,544	10.43	0.032
Derwent Valley	2.60	30,657	1,690	208	32,555	32,544	10.43	0.032
Break O'Day	3.50	41,268	2,275	280	43,823	32,544	11279.32	25.738
West Coast	2.60	30,657	1,690	208	32,555	32,544	10.43	0.032
Glamorgan Spring Bay	3.50	41,268	2,275	280	43,823	43,597	226.59	0.517
Latrobe	3.50	41,268	2,275	280	43,823	43,597	226.59	0.517
Waratah Wynyard	3.50	41,268	2,275	280	43,823	43,597	226.59	0.517
Brighton	3.50	41,268	2,275	280	43,823	43,597	226.59	0.517
Meander Valley	3.50	41,268	2,275	280	43,823	43,597	226.59	0.517
Northern Midlands	3.50	41,268	2,275	280	43,823	43,597	226.59	0.517
Circular Head	3.50	41,268	2,275	280	43,823	43,597	226.59	0.517
Sorell	4.00	47,164	2,600	320	50,084	49,737	346.68	0.692
Central Coast	4.00	47,164	2,600	320	50,084	49,737	346.68	0.692
West Tamar	4.00	47,164	2,600	320	50,084	49,737	346.68	0.692
Huon Valley	4.00	47,164	2,600	320	50,084	49,737	346.68	0.692
Burnie	4.50	53,059	2,925	360	56,344	55,878	466.77	0.828
Devonport	4.50	53,059	2,925	360	56,344	55,878	466.77	0.828
Kingborough	4.50	53,059	2,925	360	56,344	55,878	466.77	0.828
Glenorchy	5.01	59,014	3,253	400	62,668	55,878	6789.87	10.835
Clarence	5.01	59,014	3,253	400	62,668	61,895	772.27	1.232
Hobart	5.01	59,014	3,253	400	62,668	61,895	772.27	1.232
Launceston	5.01	59,014	3,253	400	62,668	61,895	772.27	1.232
Total Subscriptions	100.00	1,179,099	65,000	8,000	1,252,099	1,228,081	24,018	1.918

Note - The amounts do not include GST

General Meeting 22 April 2016

Background to Proposed Rule Changes

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

1. *That the Rules be adopted in full including the amendments (replaced) as opposed to simply adopting the amendments, in accordance with legal advice.*

LGAT's initial advice has been confirmed that for legal certainty, it is timely to replace the Rules rather than simply amend them further.

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).*

From a resourcing and reporting point of view it will be useful 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.

In April these were described as Standing Policy and Directive Motions respectively.

In the amended Rules the term used for Standing Policy is *Sector Matter*. A sector matter is defined as *a subject matter, topic or item for discussion that does not relate to or concern the objects of the Association and, or in the alternative, the Association has little or no power to alter or affect.*

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 Sector Matter Motions, which could be referred to as appropriate and communicated through the LGAT Website.

Examples of Sector Matter Motions based on previous Meetings could be matters such as acknowledgement of the impact of climate change, concerns about Super Trawlers, and support for Indigenous recognition.

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

The basis of this, as agreed in April, was to provide the General Management Committee with this discretion 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. It was agreed in principle that the Rules:

- 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.

This matter is captured in section 12 in the draft Rules particularly 12(d) to 12(g).

In addition, when discussing this matter it was 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. *That it be made clear that authority to nominate for GMC must come from a council meeting decision or legal delegation.*

This matter is consequent to a query 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 currently stand 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.

This matter is dealt with at section 20 (e) and 26 (e).

5. *That the nomination form be incorporated in the LGAT Rules.*

Further advice suggests this not an appropriate mechanism, being too restrictive in relation to making any future required changes.

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.*

Occasionally voting delegates are unable to vote on an amended motion because it 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 voting delegates 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.

The term Voting Representative has been introduced a 3(mm) and 16(3) provides for "A Voting Representative or his or her proxy in the name of the Member is entitled to vote on any matter considered at a Meeting of the Association".

7. *That there is specific allowance for the suspension of the Rules for Items of Topical Discussion and guest speakers.*

In the last 12-18 months, LGAT has introduced 'Items for Topical Discussion'. It was 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 and is dealt with in draft provision 39 (b).

8. *That references to the Welfare Fund be changed to 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.

Section 52 has been updated to reflect practice and to complement the LGAT Assist Rules currently being updated. A number of provisions are better placed within the LGAT Assist Rules.

9. *That the Rules reflect the changes that have resulted from the merger of Quadrant Superannuation to 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 and future merger with RBF. See draft provision 17 (xiii).

10. *That further clarity be provided in relation to the timing of an election triggered by a casual vacancy.*

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. See 20(o).

11. 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.

This resolution was passed at the 2015 AGM and confirmed in April and is reflected at s27.



RULES

These Rules were adopted at the Annual General Meeting of the Association on 20 July 2016

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PRELIMINARY

1. **THE LOCAL GOVERNMENT ASSOCIATION OF TASMANIA**

The Local Government Association of Tasmania is a body corporate in accordance with the Act.

2. **PURPOSE OF THE RULES**

The purposes of the Rules of the Association are to provide for:

- (a) the management of the Association;
- (b) the appointment of the General Management Committee;
- (c) the membership of the Association;
- (d) the imposition of fees and subscriptions; and
- (e) such other matters concerning the operations of the Association as the Members in general meeting shall determine.

3. **INTERPRETATION AND DEFINITIONS**

- (a) Headings inserted are for guidance purposes only and do not affect the interpretation of these Rules.
- (b) Words importing the plural include the singular and vice versa.
- (c) Words importing either gender shall include both genders.
- (d) “Act” means the *Local Government Act 1993 (Tas)* or any amendment or substitution thereof.
- (e) “ALGA” means the Australian Local Government Association;
- (f) “Alter” in relation to these Rules includes:
 - (i) the insertion of a new Rule;
 - (ii) the insertion of a new Rule in substitution of an existing Rule;
 - (iii) the amendment of an existing Rule; and
 - (iv) the rescission of an existing Rule.
- (g) “Annual General Meeting” means the meeting of the Association convened in accordance with Rule 11(a).

- (h) “Association” means the Local Government Association of Tasmania.
- (i) “Business Day” means a day on which banks are generally open for business in Tasmania (but does not include a Saturday, Sunday or public holiday).
- (j) “Chair” means the person who chairs a meeting.
- (k) “Chief Executive Officer” means the Chief Executive Officer of the Association appointed in accordance with these Rules.
- (l) “Council” means a council established under section 18 of the Act.
- (m) “Council Cost Index” means the annual index determined by the Association to reflect cost movements in council operations and the provision of services.
- (n) “Council Election Year” means any year in which a Council Election is held.
- (o) “Council Election” means an election held under Part 15 of the *Local Government Act 1993 (Tas)*.
- (p) “Electoral Commissioner of Tasmania” means the Electoral Commissioner appointed under Section 14(1) of the *Electoral Act 2004 (Tas)* and includes a person appointed pursuant to an Act substituted for the *Electoral Act 2004 (Tas)* who carries out functions the same as, or similar to, the functions of the Electoral Commissioner of Tasmania under the *Electoral Act 2004 (Tas)* as at the date of these Rules.
- (q) “General Management Committee” and “GMC” mean the General Management Committee elected in accordance with these Rules.
- (r) “General Manager” means the person appointed as general manager of a Member in accordance with the Act.
- (s) “General Meeting” means a meeting of the Association convened in accordance with Rule 11(b), other than the Association’s Annual General Meeting.
- (t) “LGAT ASSIST” means the Board established to provide Local Government employees with support and assistance in certain circumstances, and includes its successors and assigns.
- (u) “Lord Mayor” means the Lord Mayor of the Hobart City Council.
- (v) “Mayor” means the person appointed as mayor of a Member in accordance with the Act and includes, where relevant, the Lord Mayor.
- (w) “Meeting of the Association” means:
 - (i) an Annual General Meeting;

- (ii) a General Meeting; and
- (iii) a Special General Meeting.
- (x) “Member” means a member of the Association.
- (y) “Mid Term Year” means each calendar year occurring two years after the holding of an Ordinary Election immediately following a Council Election Year.
- (z) “Municipal area” has the same meaning as in the Act.
- (aa) “Ordinary Election” means an election of members of the GMC pursuant to these Rules.
- (bb) “Policy” means the principles adopted by the Association, from time to time, to further the objects of the Association as set out in Rule 4.
- (cc) “Population” means the estimate for a municipal area taken closest to the proposed date of the Annual General Meeting in that year by the Australian Bureau of Statistics.
- (dd) “Population category” shall mean a category outlined in Rule 18(b).
- (ee) “President” means the President elected in accordance with these Rules.
- (ff) “Returning Officer” means the person responsible for conducting an election under these Rules.
- (gg) “Rules” means these Rules of the Association.
- (hh) “Sector Matter” includes a subject matter, topic or item for discussion that does not relate to or concern the objects of the Association and, or in the alternative, the Association has little or no power to alter or affect.
- (ii) “Special General Meeting” means a meeting of the Association convened in accordance with Rule 10.
- (jj) “State Grants Commission” means the commission established under the *State Grants Commission Act 1976 (Tas)* and includes any body established pursuant to an Act substituted for the *State Grants Commission Act 1976 (Tas)*, which body carries out functions the same as, or similar to, the functions of the State Grants Commission under the *State Grants Commission Act 1976 (Tas)* as at the date of these Rules.
- (kk) “Subscriptions” mean the subscriptions raised and payable in accordance with these Rules and the Act.
- (ll) “Sub-Committee” means a Sub-Committee appointed in accordance with these Rules.

(mm) "Voting Representative" means a representative of a Member lawfully appointed by the Member and notified to the Association in accordance with Rule 13(f).

PURPOSE AND MEMBERSHIP OF THE ASSOCIATION

4. OBJECTS OF THE ASSOCIATION

The objects of the Association are to:

- (a) protect and represent the interests and rights of Councils in Tasmania;
- (b) promote an efficient and effective system of local government in Tasmania; and
- (c) provide services to Members, councillors and employees of Councils.

5. POWERS OF THE ASSOCIATION

The Association has the power to do anything necessary or convenient for the attainment of its objects.

6. MEMBERSHIP OF THE ASSOCIATION

- (a) Membership of the Association is restricted to Councils.
- (b) Where there is a merger or amalgamation of two or more Councils that are Members, the Council resulting from the merger or amalgamation shall continue to be a Member.
- (c) A Council which is not a member of the Association shall be admitted as a member upon written application by that Council. Upon the Association receiving the application of such a Council, that Council shall be bound by these Rules.
- (d) A Member may resign from the Association provided:
 - (i) that the Member provides written notice of its intention to resign, detailing reasons, addressed to the Chief Executive Officer; and
 - (ii) that such resignation does not take effect until the completion of the Association's financial year following the Association's financial year in which written notice of the intention to resign is provided; and
 - (iii) that until the period referred to in Rule 6(d)(ii) expires, the Member pays the Subscriptions as determined by the Association in accordance with these Rules; and

- (iv) that the notice of intention to resign may be withdrawn at any time in writing by that Member.
- (e) A Member which does not withdraw its notice of intention to resign as permitted by Rule 6(d)(iv) ceases to be a member of the Association at the completion of the period referred to in Rule 6(d)(ii).
- (f) The Association may refuse to renew the membership of a Member which:
 - (i) has not paid any Subscriptions due and owing; or
 - (ii) fails to comply with, or contravenes, these Rules or any other rule of the Association.
- (g) A refusal to renew membership under Rule 6(f) shall not take effect until:
 - (i) the Association has provided the Council with at least one month's written notice; and
 - (ii) the Association has provided an opportunity for the Council to respond to the written notice at a Meeting of the Association.

7. RECOGNITION OF OTHER LOCAL GOVERNMENT ORGANISATIONS

- (a) The Association recognises that other Council interest and regional groups established throughout Tasmania assist with representing and protecting the rights and interests of Local Government within Tasmania.
- (b) The Association, where appropriate, will work with such other interest and regional groups established throughout Tasmania.

MEETINGS

8. ANNUAL GENERAL MEETING

- (a) The functions of the Annual General Meeting are to:
 - (i) receive the President's report;
 - (ii) confirm the minutes of the previous Annual General Meeting;
 - (iii) receive and adopt the financial statements for the preceding financial year;
 - (iv) (A) determine the President's honorarium for the forthcoming year;
 - (B) determine any honorarium to be paid to the Vice President for the forthcoming year;
 - (v) determine allowances, sitting fees and expenses for attendance by committee members at meetings of the General Management Committee and Sub-Committees for the forthcoming year;
 - (vi) receive the declaration of the poll for the election of the President and General Management Committee elected in accordance with these Rules;
 - (vii) adopt a budget for the forthcoming financial year;
 - (viii) set Subscriptions for the forthcoming financial year in accordance with these Rules;
 - (ix) receive reports from Association representatives; and
 - (x) consider any amendments to these Rules.
- (b) Notice of the Annual General Meeting shall be given to all Members at least 28 days prior to the date of the Annual General Meeting.

9 GENERAL MEETINGS

- (a) In addition to the Annual General Meeting, there may be General Meetings.
- (b) General Meetings may be called:
 - (i) by the President; or

- (ii) by the General Management Committee.
- (c) The functions of General Meetings include:
 - (i) to formulate and ratify policy of the Association;
 - (ii) to consider extending the term of office of the General Management Committee, the President, or the Vice-President for such period as the General Meeting thinks fit; and
 - (iii) subject to Rule 12, to conduct other business.
- (d) Notice of any General Meeting shall be given to all Members at least 14 days prior to the date of the General Meeting.

10 SPECIAL GENERAL MEETINGS

- (a) In addition to the Annual General Meeting and General Meetings, there may be Special General Meetings.
- (b) Special General Meetings may be called:
 - (i) by the President; or
 - (ii) by any 3 members of the General Management Committee acting together; or
 - (iii) by 3 or more of the Members in writing to the President stating the reasons for calling a Special General Meeting.
- (c) Notice of any Special General Meeting shall be given to all Members at least 14 days prior to the date of the Special General Meeting.
- (d) Subject to Rule 10(e), at any Special General Meeting, only business of which notice is given shall be transacted.
- (e) The General Management Committee may notify the Members that, due to an emergency, amendments to these Rules will be considered at a Special General Meeting called pursuant to Rule 10(b).

CONDUCT OF MEETINGS

11 WHEN AND WHERE MEETINGS OF THE ASSOCIATION ARE TO BE HELD

- (a) The Annual General Meeting of the Association is to be held, if possible, in July of each year.
- (b) There shall be at least 3 General Meetings in addition to the Annual General Meeting, in every financial year of the Association.
- (c) Meetings of the Association are to be held in a city or town in Tasmania as determined by the General Management Committee.

12 BUSINESS OF MEETINGS OF THE ASSOCIATION

- (a) Subject to Rules 12(b) and (d), any Member may bring forward for discussion at a General Meeting any subject connected with the objects of the Association or pertaining to matters of common concern to Members, on giving to the Chief Executive Officer 35 days written notice of such intention.
- (b) In March each year the Chief Executive Officer shall invite each Member to provide written notice to the Chief Executive Officer of items the Member wishes to include in the agenda of the General Meeting to be held immediately following the Annual General Meeting, such items to be received by the date determined by the Chief Executive Officer.
- (c) Within 7 days of receipt of the same, the Chief Executive Officer is to provide to each member of the General Management Committee a copy of written notices the Chief Executive Officer receives pursuant to Rules 12(a) and (b) that the Chief Executive Officer believes (acting reasonably) the General Management Committee should consider pursuant to Rule 12(d).
- (d) The General Management Committee may by resolution (in accordance with Rule 22(d)) determine that:
 - (i) a subject matter sought to be discussed by a Member at a General Meeting in accordance with Rule 12(a) will not be included in the agenda for that General Meeting and will not be discussed at that General Meeting; or
 - (ii) items sought by a Member in accordance with Rule 12(b) to be included in the agenda of the General Meeting will not be

included in the agenda for that General Meeting and will not be discussed at that General Meeting,

if the subject matter or item:

- (iii) does not advance or concern the objects of the Association;
 - (iv) has been considered at a General Meeting held in the period 12 months before the date of the notice from the Member;
 - (v) is considered by the General Management Committee to concern a Sector Matter; or
 - (vi) requires consideration by the Tasmanian Government and should be considered at the General Meeting to be held immediately following the Annual General Meeting.
- (e) The Chief Executive Officer is to prepare an agenda for a Meeting of the Association and provide each Member with the agenda and any supporting documents at least 14 days before the Meeting of the Association (and 28 days before an Annual General Meeting), which agenda is to include the matters and items specified by the General Management Committee (taking into account the notices received pursuant to Rules 12(a) and (b), but subject to Rule 12(d)).
- (f) Provided that the time limit in Rule 12(c) is complied with, the Chief Executive Officer may liaise with a Member in relation to a notice received pursuant to Rules 12(a) or (b) to, with the Member's consent, amend the notice so that its subject matter is connected with the objects of the Association and pertains to matters of common concern to Members.
- (g) The Association is not required to do anything, including taking any action or adopting any procedure, in respect of a resolution passed at a Meeting of the Association that concerns or relates to a Sector Matter, unless the resolution provides otherwise.

13. WHO MAY ATTEND A MEETING OF THE ASSOCIATION

- (a) Subject to Rule 13(f), each Member shall be entitled to send a Voting Representative to any Meeting of the Association, such Voting Representative exercising the number of votes determined according to Rule 16(a).
- (b) In addition to the requirements set out in Rule 13(f), after each ordinary Council Election, the Chief Executive Officer shall request each Member to advise the name of its Voting Representative and the proxy for the Voting Representative for Meetings of the Association until the next ordinary Council Elections.

- (c) Subject to Rule 13(f), Members may change their Voting Representative or proxy at any time by advising the Chief Executive Officer in writing of the Voting Representative prior to that representative taking his or her position at a Meeting of the Association.
- (d) A list of Voting Representatives 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.
- (f) Each Member must provide the Association with written notice of the details of the Voting Representative who was by a resolution of the Member lawfully appointed as the Voting Representative of the Member at a 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

- (a) At any Meeting of the Association, a majority of the Member Councils shall constitute a quorum.
- (b) If a quorum is not present within one hour after the time appointed for the commencement of a Meeting of the Association, the meeting is to be adjourned to a time and date specified by the Chair.

16. VOTING AT MEETINGS

- (a) Voting at any Meeting of the Association shall be upon the basis of each Voting Representative 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 Representative	Colour placard to be raised by the Voting Representative 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 Chair 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 present at the meeting.
 - (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 these 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.
- (e) A Voting Representative or his or her proxy in the name of the Member is entitled to vote on any matter considered at a Meeting of the Association.

GENERAL MANAGEMENT COMMITTEE AND OTHER COMMITTEES

17. *FUNCTION OF THE GENERAL MANAGEMENT COMMITTEE*

- (a) The functions of the General Management Committee include:
- (i) appointing and reviewing the performance of the Chief Executive Officer of the Association;
 - (ii) determining Association Policy, with such policy to be ratified at a Meeting of the Association;
 - (iii) providing strategic direction to the Association in accordance with policies resolved by Meetings of the Association;
 - (iv) carrying out such delegations as may be made to it by Meetings of the Association;
 - (v) providing for the good management and administration of the Association;
 - (vi) ensuring that the accounts of the Association are:
 - (A) prepared in accordance with these Rules; and
 - (B) circulated to all Members not less than 28 days prior to the date of the Annual General Meeting;
 - (vii) investing the funds of the Association;
 - (viii) borrowing, raising or securing the payment of money in such manner as the General Management Committee may think fit;
 - (ix) taking or holding mortgages, liens, charges, and any other form of security to secure payment of the purchase price or any part thereof;
 - (x) making nominations to various statutory and other bodies related to the operations of Local Government;
 - (xi) nominating representatives to the Australian Local Government Association in accordance with Rule 30;
 - (xii) approving the appointment of the members of the Board of LGAT ASSIST;

- (xiii) nominating Directors for appointment to the Board of Directors of Tasplan Ltd in accordance with the Constitution of Tasplan Ltd as amended from time to time.
- (b) The General Management Committee may, by resolution, delegate with or without conditions any of its powers, functions or delegations other than this power of delegation, to an employee, contractor or other entity.
- (c) The General Management Committee may determine by simple majority in its absolute discretion all matters relating to the setting up or operation of any Board or Committee to which it delegates any of its powers, duties or discretions.

18. COMPOSITION OF THE GENERAL MANAGEMENT COMMITTEE

- (a) The General Management Committee shall consist of:
 - (i) the President;
 - (ii) provided the Hobart City Council is a current Member, the Lord Mayor of the Hobart City Council or his or her proxy; and
 - (iii) six members to be elected, as provided in Rule 18(b), from the three electoral districts set out in Rule 19.
- (b) The 3 electoral districts referred to in Rule 19 shall elect 2 members as follows:
 - (i) one from a Member within the electoral district having a population of 20,000 or more; and
 - (ii) one from a Member within the electoral district having a population of less than 20,000.
- (c) Where a member of the General Management Committee is subsequently elected President, a recount of votes for the Population category in the electoral district the President represented shall be held to fill the vacancy. If there are no votes to recount, the Council or Councils concerned shall fill the vacancy in accordance with Rule 20 in so far as practicable.

19. ELECTORAL DISTRICTS FOR THE PURPOSE OF ELECTING MEMBERS TO THE GENERAL MANAGEMENT COMMITTEE

The 3 electoral districts for the purposes of electing members to the General Management Committee are as follows:

- (a) NORTH WEST & WEST COAST ELECTORAL DISTRICT comprising the Burnie City Council, the Devonport City Council, the Central Coast Council, the Circular Head Council, the King Island Council, the Waratah-Wynyard Council, the Kentish Council, the Latrobe Council, and the West Coast Council;
- (b) NORTHERN ELECTORAL DISTRICT comprising the Launceston City Council, the Break O'Day Council, the Flinders Council, the Meander Valley Council, the West Tamar Council, the Dorset Council, the George Town Council, and the Northern Midlands Council; and
- (c) SOUTHERN ELECTORAL DISTRICT comprising the Clarence City Council, the Glenorchy City Council, the Kingborough Council, the Brighton Council, the Glamorgan-Spring Bay Council, the Derwent Valley Council, the Southern Midlands Council, the Central Highlands Council, the Huon Valley Council, the Sorell Council, and the Tasman Council.

20. CONDUCT OF ELECTIONS FOR MEMBERSHIP TO THE GENERAL MANAGEMENT COMMITTEE

Elections for the General Management Committee shall be conducted in accordance with the following procedures:

- (a) The Chief Executive Officer shall request the Electoral Commissioner of Tasmania to act as Returning Officer for the election unless otherwise determined by the General Management Committee.
- (b) In the month of March:
 - (i) following a Council Election; and
 - (ii) in each Mid Term Year;

the Returning Officer shall request nominations for the General Management Committee from Members within the 3 electoral districts.

- (c) Each Member is entitled to make only one nomination and if more than one is received all nominations from that Member will be null and void.
- (d) In making a nomination, a Member is not restricted to nominating an elected member from its own Council provided that the nomination is for an elected member from a Member Council in the same electoral district and the same Population category as the nominating Member.

- (e) Nominations:
 - (i) are to be submitted on a form approved and issued by the Returning Officer;
 - (ii) must be accompanied by a copy of a certified copy of the Resolution passed by the Member at a duly convened meeting of the Member that lawfully nominated the candidate for election to the General Management Committee; and
 - (iii) shall close on a date determined by the Returning Officer;
- (f) Nominations cannot be withdrawn after the closing of nominations.
- (g) If at the end of the time for nominations the number of candidates for any office:
 - (i) does not exceed the number then to be elected, those candidates shall be deemed to be duly elected; or
 - (ii) exceeds that number, a poll shall be conducted by postal ballot in accordance with these Rules.
- (h) The Returning Officer shall prepare a postal ballot paper and material for each electoral district detailing nominations within each Population category. Candidates shall be listed on the ballot paper in alphabetical order.
- (i) The postal voting material shall be posted by registered mail to the Mayor of each Member Council within 10 Business Days of the close of nominations. The Mayor shall complete the ballot paper according to the policy or practice of his or her Council.
- (j) Each Member shall have one vote for both population categories within its electoral district.
- (k) The ballot is to close at a date and time determined by the Returning Officer but at least seven (7) days prior to the Annual General Meeting of that year.
- (l) Procedure for the conduct of the scrutiny shall comply as closely as practicable with that for the election of Mayors of Councils.
- (m) Upon completion of the scrutiny, the Returning Officer shall declare the result of the election and provide written advice of the result including scrutiny details to each candidate and the Chief Executive Officer.
- (n) Where more than 1 nomination is received for a Population category within an electoral district, the person polling second shall automatically be the proxy.

- (o) If at the ordinary elections for the General Management Committee there is only one nomination for a Population category, or if the position of proxy for a Population category becomes vacant and there were no further nominations at the last General Management Committee elections from which to draw a proxy, the Chief Executive Officer is to call nominations from Members in the Population category and, if a ballot is necessary, conduct a ballot as soon as practicable.

21. TERM OF OFFICE

- (a) Subject to Rule 21(c), members of the General Management Committee shall take up office at the conclusion of the Annual General Meeting at which his or her election is declared and shall hold office for a 2 year term concluding at the end of the relevant Annual General Meeting or as determined by the Annual General Meeting.
- (b) The office of any member of the General Management Committee shall be vacated if that member:
 - (i) resigns by notice in writing addressed to the Chief Executive Officer;
 - (ii) is absent without leave for three consecutive meetings of the General Management Committee;
 - (iii) ceases to be a Councillor or Alderman; or
 - (iv) has not been lawfully nominated as a candidate for election to the General Management Committee in accordance with Rule 20.
- (c) The term of office of the General Management Committee may be extended by any Meeting of the Association for such periods as it determines.
- (d) A casual vacancy on the General Management Committee shall be filled as soon as practicable by the conduct of a by-election in accordance with Rule 20.

22. CALLING MEETINGS OF THE GENERAL MANAGEMENT COMMITTEE

- (a) The General Management Committee shall determine the frequency, date, time and venue of its meetings.
- (b) At least 7 days before the date of holding any meeting of the General Management Committee, notice of the time and place and of the business to be brought forward at the meeting shall be given to each Member by the Chief Executive Officer.
- (c) Meetings of the General Management Committee may be held by telephone or other technology.
- (d) A resolution signed by the majority of members of the General Management Committee or the written acceptance (including by email transmission) of a resolution by the majority of members of the General Management Committee shall be deemed to be a resolution made at a meeting of the General Management Committee.

23. QUORUM FOR AND VOTING AT GENERAL MANAGEMENT COMMITTEE

- (a) At any meeting of the General Management Committee, no business shall be transacted unless:
 - (i) there is a majority of the General Management Committee present; and
 - (ii) there is at least one representative of a Member having a population of 20,000 or more; and
 - (iii) there is at least one representative of a Member having a population of less than 20,000.
- (b) Each member of the General Management Committee shall have one vote.

24. WHO MAY ATTEND MEETINGS OF THE GENERAL MANAGEMENT COMMITTEE

Meetings of the General Management Committee may be attended by:

- (a) any Councillor or Alderman from any Member Council; and
- (b) such other persons as the Committee determines,

and, with the permission of the President, they may address the Committee.

25. PRESIDENT

- (a) The President shall be a Councillor or Alderman of a Member Council.
- (b) The functions of the President are to:
 - (i) chair Meetings of the Association and the General Management Committee;
 - (ii) be the spokesperson of the Association;
 - (iii) provide leadership and direction in furthering the objects of the Association.
- (c) The President has the power to delegate any of his or her functions to other members of the General Management Committee.
- (d) At any Meeting of the Association and of the General Management Committee at which the President is present, he or she:

- (i) has no deliberative vote on any question at a Meeting of the Association by virtue of being in the chair, but may exercise the vote or votes of a Member as the Voting Representative;
- (ii) in the case of equality of votes on any matter, does not have a casting vote.

26. ELECTION OF PRESIDENT

Elections for the President shall be conducted in accordance with the following procedures:

- (a) The Chief Executive Officer shall request the Electoral Commissioner of Tasmania to act as Returning Officer for the election unless otherwise determined by the General Management Committee.
- (b) The Returning Officer shall request nominations for the office of President at the following times:
 - (i) in the month of March following a Council Election;
 - (ii) in the month of March in each Mid Term Year;
 - (iii) where a President vacates the office of President pursuant to Rule 27(b);
 - (iv) where the President gives advance notice that he or she intends to resign or cease to be a Councillor or Alderman pursuant to Rule 27(c).
- (c) Each Member is entitled to make only one nomination and if more than one is received all nominations from that Member will be null and void.
- (d) Nominations for the office of President:
 - (i) shall be submitted on a form approved and issued by the Returning Officer;
 - (ii) must be accompanied by a copy of a certified copy of the resolution passed by the Member at a duly convened meeting of the Member that lawfully nominated the candidate for election as the President; and
 - (iii) shall close on the date determined by the Returning Officer.
- (e) Nominations cannot be withdrawn after the close of nominations.
- (f) If upon the close of nominations:
 - (i) only one nomination has been received, that candidate shall be deemed duly elected; or
 - (ii) more than one nomination has been received, a poll shall be conducted by postal ballot in accordance with these Rules.
- (g) The Returning Officer shall prepare a postal ballot paper and material. Candidates shall be listed on the ballot paper in alphabetical order.

- (h) The postal voting material shall be posted by registered mail to the Mayor of each Member within 10 working days of the close of nominations.
- (i) Each Member is entitled to one vote.
- (j) The Mayor shall complete the ballot paper according to the policy or practice of his or her Council.
- (k) Subject to Rule 26(l) the ballot is to close at a date and time determined by the Returning Officer but at least seven (7) days prior to the Annual General Meeting of that year.
- (l) If an election is called pursuant to Rule 27(b) or 27(c), the ballot shall close at a date determined by the Returning Officer.
- (m) Procedure for the conduct of the scrutiny shall comply as closely as practicable with that for the election of Mayors of Councils.
- (n) Upon completion of the scrutiny, the Returning Officer shall declare the result of the election and provide written advice of the result including scrutiny details to each candidate and the Chief Executive Officer.

27. TERM OF OFFICE OF PRESIDENT

- (a) Subject to Rule 27(d), the President shall take up office at the conclusion of the Annual General Meeting following his or her election and shall hold office for a two year term concluding at the end of the relevant Annual General Meeting.
- (b) The office of the President shall be vacated if the President:
 - (i) resigns by notice in writing addressed to the Chief Executive Officer;
 - (ii) is absent without leave for three consecutive meetings of the General Management Committee;
 - (iii) ceases to be a Councillor or Alderman; or
 - (iv) has not been lawfully nominated as a candidate for election as President in accordance with Rule 26,

and if the office of President becomes vacant more than twelve months before the next Annual General Meeting where a President is due to take up office in accordance with Rule 27(a), then Rule 27(g) applies.

- (c) If the President gives notice in writing to the Chief Executive Officer that he or she:

- (i) intends to resign as President; or
- (ii) intends to cease being a Councillor or Alderman,

and if the effective date of such resignation or cessation will be more than twelve months before the next Annual General Meeting where a new President is due to take up office in accordance with Rule 27(a), then Rule 27(g) applies.

- (d) Where a President is elected in an election held by operation of Rule 27(b) or 27(c), they shall take up office at the time of declaration of their election or at the date the office of President is vacated, whichever is later.
- (e) If the office of President becomes vacant within twelve months of the next Annual General Meeting where a President is due to take up office in accordance with Rule 27(a), the Vice President shall assume office as President until a new President is elected at that Annual General Meeting in accordance with Rule 26.
- (f) The term of office of the President may be extended by any Meeting of the Association for such periods as it determines.
- (g) Where this Rule 27(g) applies, a recount of votes for the election of the President shall be held to fill the vacancy of President. If there are no votes to count, a new President shall be elected in accordance with the procedures in Rule 26. If, as a result of the recount or the election in accordance with Rule 26, the Vice President is elected as President, that person will resign as Vice President and the General Management Committee will appoint a new Vice President under Rule 28(a).

28 VICE PRESIDENT

- (a) At its first meeting following the Annual General Meeting, the General Management Committee shall elect one of its members to be the Vice President of the Association.
- (b) Where the President is absent or ill, the Vice President shall be the acting President.
- (c) If the term of office of the General Management Committee is extended under Rule 21(c) the term of office of the Vice-President shall be extended for the same period of time as that of the General Management Committee.
- (d) If, on any count, 2 or more candidates for Vice President have an equal number of votes, the President is to decide which of them is to be elected by the drawing or casting of lots in the manner prescribed in Rule 29(b).

29. Drawing or Casting of Lots

- (a) If, in an election or appointment under these Rules, 2 or more candidates have an equal number of votes and if applicable, the Returning Officer is unable or not otherwise empowered to resolve which candidate is to be elected or appointed, a drawing or casting of lots in the manner prescribed in Rule 29(b) is to apply.
- (b) To draw or cast lots, the Returning Officer (or President in the appointment of the Vice President) is to –
 - (i) make out, in respect of each candidate to be included in the draw, a slip bearing that candidate's name; and
 - (ii) place each slip in a non-transparent container sufficiently large to allow them to move about freely when shaken or rotated; and
 - (iii) shake or rotate the container and permit any other person present who wishes to do so to shake or rotate the container; and
 - (iv) take out of the container one of the enclosed slips; and
 - (v) record the name of the candidate which appeared on that slip.
- (c) The candidate elected or appointed is the candidate whose name is first recorded in accordance with Rule 29(b)(v).

30. AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION

- (a) The President and the Vice President shall be the Tasmanian delegates to the Annual General Meeting of the ALGA unless otherwise determined by a Meeting of the Association.
- (b) The President and the Vice President shall be the Tasmanian delegates to the Executive of the ALGA unless otherwise determined by the General Management Committee
- (c) Due to the absence or incapacity of the President or Vice President, the General Management Committee may nominate alternate delegates to the Executive of the ALGA.

31. SUB-COMMITTEES

- (a) The General Management Committee or a Meeting of the Association may appoint Sub-committees as required.
- (b) The composition of Sub-committees shall:
 - (i) include a member of the General Management Committee who shall be the Chair of the Sub-committee;

- (ii) as far as possible, comprise such elected members and employees from Members as the General Management Committee determines as being appropriate;
 - (iii) be representative of the diversities of the composition of the Association, taking into account population categories, specific interest groups within Member Councils, and regional diversities; and
 - (iv) contain such employees of Members who may be appropriate in assisting with consideration of the specific issue being examined by the Sub-committee.
- (c) A Sub-committee shall:
- (i) carry out such delegations as may be given to it by a Meeting of the Association, in which case the Sub-committee need only report back to General Meetings upon progress of the matter; or
 - (ii) investigate and report upon the specific issue to a Meeting of the Association; and
 - (iii) act in accordance with policies established by a Meeting of the Association.
- (d) At any meeting of a Sub-committee, no business shall be transacted unless there is a majority of the Sub-committee present.

RULES FOR CONDUCT OF DEBATE

The rules of procedure for the conduct of debates at Meetings of the Association and within Sub-committees and the General Management Committee shall be as follows:

32. AUTHORITY OF THE CHAIR

- (a) The Chair shall be heard without interruption.
- (b) The Chair may call any representative to order whenever, in the opinion of the Chair, the necessity arises to do so.
- (c) The ruling of the Chair on all questions of order or the proper conduct of the meeting shall be final.

33. ORDER OF BUSINESS

- (a) At every meeting, the first business shall be the confirmation of the minutes of the previous meeting, and no discussion shall be permitted in relation to those minutes except as to their accuracy as a record of proceedings.
- (b) The order of business at any meeting shall be as in the notice of the meeting, but such order may be altered by resolution to that effect.

34. DEBATE OF MOTIONS

- (a) A motion shall not be debated until it has been seconded.
- (b) When a motion has been proposed and seconded, it shall become subject to the control of the meeting, and shall not be withdrawn without the consent of the meeting.
- (c) Nothing shall prevent either a Meeting of the Association or the General Management Committee from dealing with any issue "in committee" and making only its conclusions public.

35. AMENDMENT OF MOTIONS

- (a) When a motion has been proposed and seconded, a Member may move an amendment, but such amendment shall not be debated until it has been seconded.
- (b) A second or subsequent amendment shall not be considered until the previous amendment has been dealt with.
- (c) If an amendment has been carried, the motion as amended shall become the motion before the meeting, whereupon any further amendment upon such motion may be moved.
- (d) If an amendment, whether on the original motion or on an amended motion, is lost, a further amendment to the motion before the meeting may be moved.

36. SPEAKING TO MOTIONS

- (a) A Member who has moved any motion or amendment, other than a motion for adjournment of the debate, shall be deemed to have spoken thereon; but any Member who has seconded any motion or amendment, without any further observation than that they second the same, may speak once on every such motion or amendment.
- (b) Subject to these Rules, every Member, other than the mover of the original motion, shall have the right to speak once upon such motion, and once upon every amendment moved thereto.
- (c) Except with the consent of the meeting, a Member shall not speak more than once on any motion unless misunderstood or misrepresented, in which case the speaker shall be permitted to explain, without adding any further observations than may be necessary for the purpose of such explanation.
- (d) Except with the consent of the meeting, a speaker shall not speak for more than 3 minutes at any one time, except that the mover of the original motion in their opening speech may speak for 5 minutes.
- (e) At the discretion of the Chair, when a motion or amendment has been moved and seconded, further speech in support of such motion shall not be heard until someone shall have spoken in opposition to such motion, and thereafter speakers shall only be entitled to speak for or against the motion in rotation PROVIDED that in any case where the same motion has been submitted by more than one Member, a representative from each Member so submitting the motion shall be entitled to be heard.
- (f) Every speaker shall confine his or her remarks to the matter under consideration.

- (g) The Chair may call the attention of the meeting to continued irrelevance or tedious repetition on the part of any speaker, and may direct the speaker to discontinue.
- (h) No speaker shall make personal reflections on or impute improper motives to any other speaker.
- (i) If 2 or more representatives rise to speak at the same time, the Chair shall decide which shall be first heard.
- (j) A Member shall be represented by the Voting Representative, unless an observer has been introduced to the Chair for that debate.

37. POINTS OF ORDER

- (a) Any representative who considers that any other representative is out of order may call the attention of the Chair thereto.
- (b) Upon a question being raised, the representative called to order shall immediately resume his or her seat unless explicitly permitted to offer an explanation, retraction or apology, in which case the representative may explain, retract or apologise for the matter or remark alleged to have been out of order; and if such explanation, retraction or apology is deemed satisfactory, no further discussion on the question of order shall be permitted.

38. CLOSURE OF DEBATE

- (a) The closure of a debate may be obtained by a motion, according to the evident sense of the meeting, "that the question be now put", and discussion shall not ensue thereon.

39. HOW QUESTIONS ARE TO BE PUT

- (a) The Chair shall put to the meeting all questions on which it is necessary that a vote be taken, first in the affirmative and then in the negative and Voting Representatives shall vote:
 - (i) at a Meeting of the Association, by voting cards identifying their voting entitlements in accordance with these Rules; or
 - (ii) at meetings, other than a Meeting of the Association, by show of hands,

and the Chair shall declare the result to the meeting.

- (b) The Chair may put any question as often as is necessary to enable the Chair to form an opinion as to the result of the voting, or the Chair may appoint tellers to count the number of votes for and against the question, and to announce the result to the meeting.
- (c) Alternative methods of putting the question are permissible if deemed appropriate by the Chair.

40. SUSPENSION OF RULES

Any one or more of the rules of procedure for debate may be suspended by resolution at any Meeting of the Association PROVIDED that there shall be a distinct statement in every such resolution of the purpose and duration of the suspension, and that for every matter for which suspension is required there shall be a separate resolution.

- (a) In addition to Rule 40(a), the rules of procedure for debate will be automatically suspended:
 - (i) whilst the meeting is being addressed by a guest speaker in respect of a subject matter not the subject of a motion at the meeting and during questioning of the guest speaker; and
 - (ii) during any discussion in respect of a subject matter not the subject of a motion at the meeting and determined by the Chair to not require the rules of procedure for debate to apply.

41. VALIDITY OF PROCEEDINGS

Business conducted at any meeting at which a quorum is present is valid notwithstanding:

- (a) that there is some defect in the appointment of any representative present at that meeting; or
- (b) that there is an informality or irregularity in the proceedings to which attention is not called at the time, provided that such want of formality or irregularity does not materially affect the results of such proceedings.

EMPLOYEES

42. CHIEF EXECUTIVE OFFICER

- (a) The Chief Executive Officer has the following powers and functions:
- (i) to provide advice to Members, Meetings of the Association, the General Management Committee and any Sub-committees;
 - (ii) to co-ordinate the development of objectives, policies and programs for consideration by Meetings of the Association or the General Management Committee;
 - (iii) to prepare strategic and operational plans for the Association;
 - (iv) to manage the resources of the Association;
 - (v) to establish and maintain human resource policies and procedures;
 - (vi) to appoint employees of the Association in accordance with approved organisational structures and policies, to allocate duties to employees, and to suspend or dismiss employees; and
 - (vii) to sign contracts on behalf of the Association.
- (b) The Chief Executive Officer shall be responsible to the General Management Committee.

43. EMPLOYEES

The employees of the Association shall be responsible to the Chief Executive Officer.

FINANCES

44. FINANCIAL YEAR

The financial year of the Association shall commence on the 1st day of July and end on the 30th day of June in the following year.

45. SUBSCRIPTIONS

- (a) Every Member shall pay such annual subscriptions as are set and determined in accordance with these Rules.
- (b) The amount of subscription to be paid annually to the Association by each Member is as follows:
 - (i) Each Council will be placed within the appropriate total assessed revenue category, as reported in the Annual Report of the State Grants Commission.
 - (ii) Each Council within the category is to pay an equal share of the category's percentage towards the Association's annual subscription as determined by the budget adopted at Annual General Meeting:

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

- (iii) At the absolute discretion of the General Management Committee, rounding up or down of the percentages referred to in Rule 45(b)(ii) may occur in the development of the budget for approval at the Annual General Meeting.

- (iv) The category parameters are to be adjusted in line with the annual Council Cost Index as set by the Association.
- (c) The subscriptions formula as set out above and the average percent payable by each category shall apply as of 1 July 2010.
- (d) The annual subscription is due and payable at the office of the Association on the first day of July in the financial year to which it relates. The subscription must be paid within one month after a written notice specifying the amount payable has been delivered or sent by post to the General Manager of the Member.

46. ACCOUNTS

The General Management Committee shall ensure that the accounts of the Association comply with relevant requirements prescribed in the Act and are in accordance with relevant current accounting standards.

47. SITTING FEES AND EXPENSES

- (a) Members of the General Management Committee and members of Sub-committees shall be entitled to any allowance or sitting fee determined.
- (b) Members of the General Management Committee and members of Sub-committees shall be reimbursed for reasonable expenses incurred in carrying out the duties of office in relation to telephone rental, telephone calls, travelling and care of any child of the member by a licensed carer.

MISCELLANEOUS

48. IMMUNITY PROVISION

A Member, an employee of a Member, an elected representative of a Member and an employee of the Association is not personally liable for an honest act or omission done or made in the exercise or purported exercise of a power or in the performance or purported performance of a function of the Association either under these Rules, the Act or any other Act (whether State or Commonwealth) or Regulations.

49. LEGAL OPINIONS

- (a) Where the General Management Committee, on its own behalf or following a submission from a Member, believes that an issue has major ramifications for Local Government within the State of Tasmania, then the General Management Committee may request an opinion upon the matter from any legal advisers of the Association.
- (b) A copy of a legal opinion so obtained by the General Management Committee shall be forwarded to every Member.
- (c) The cost of the opinion and its distribution to every Member shall be met from the general funds of the Association.

50. NOMINATIONS TO OUTSIDE BODIES

- (a) Where the Association is requested to make nominations to any body, then the General Management Committee is empowered to nominate such persons as it believes have the requisite knowledge, qualifications, or experience required for the office.
- (b) Where any Act or Regulation states that an Alderman, Councillor, or an employee of a Council, Local Government regional authority or an employee of the Association cannot be a representative upon the subject body, then the General Management Committee shall nominate such persons as it believes have the requisite knowledge, qualifications, or experience required for the office.

51. COMMON SEAL OF THE ASSOCIATION

- (a) The Chief Executive Officer shall have the custody of the Common Seal.

- (b) The Common Seal shall not be attached to any document without an express order of the General Management Committee, unless to authenticate any document, or to comply with the provisions of any rule directing that such seal shall be attached to any document.
- (c) In every case where the Seal has been ordered to be attached to any document, such document shall also be signed by the President (or, in the case of the absence or illness of the President, by the Vice President and one member of the General Management Committee) and countersigned by the Chief Executive Officer.

52. NOTICES AND COMMUNICATIONS

Any notice or other communication under these Rules shall be in writing and shall be delivered by post or by facsimile or email transmission to a party at the address, facsimile number or email address as the party may from time to time notify to the Association. All notices and communications under these Rules (unless otherwise specified) shall be effective only upon receipt.

53. LGAT ASSIST

The General Management Committee is responsible for the management and operation of the monies of the Association identified as LGAT ASSIST, which responsibility will be fulfilled by the General Management Committee:

- (a) approving appointments to the Board of LGAT ASSIST;
- (b) approving the rules to be adopted by LGAT ASSIST;
- (c) approving interest rates in accordance with the rules to be adopted by LGAT ASSIST; and
- (d) other than the matters set out in (a) to (c) above, delegating its powers, duties and discretions in respect of the management and operation of the monies of the Association identified as LGAT ASSIST to the Board of LGAT ASSIST.

54. WINDING UP

Upon the winding up and dissolution of the Association, any property that remains after the satisfaction of its debts and liabilities shall be given and transferred to Member Councils in equal shares.



RULES

These Rules were adopted at the Annual General Meeting of the Association on ~~20 July 2016~~ 12 May 2004.

~~Amended at Annual General Meetings of the Association on-~~

~~— 21 June 2006~~

~~— 30 May 2007~~

~~— 12 May 2010~~

~~— 20 July 2011~~

~~— 23 July 2014~~

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PRELIMINARY

1. **THE LOCAL GOVERNMENT ASSOCIATION OF TASMANIA**

The Local Government Association of Tasmania is a body corporate in accordance with the Act.

2. **PURPOSE OF THE RULES**

The purposes of the Rules of the Association are to provide for:

- (a) the management of the Association;
- (b) the appointment of the General Management Committee;
- (c) the membership of the Association;
- (d) the imposition of fees and subscriptions; and
- (e) such other matters concerning the operations of the Association as the Members in general meeting shall determine.

3. **INTERPRETATION AND DEFINITIONS**

- (a) Headings inserted are for guidance purposes only and do not affect the interpretation of these Rules.
- (b) Words importing the plural include the singular and vice versa.
- (c) Words importing either gender shall include both genders.
- (d) "Act" means the Local Government Act 1993 (Tas) or any amendment or substitution thereof.
- (e) "ALGA" means the Australian Local Government Association;
- (f) "Alter" in relation to these Rules includes:
 - (i) the insertion of a new Rule;
 - (ii) the insertion of a new Rule in substitution of an existing Rule;
 - (iii) the amendment of an existing Rule; and
 - (iv) the rescission of an existing Rule.

(g) "Annual General Meeting" means the meeting of the Association convened in accordance with Rule 11(a).

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- (h) “Association” means the Local Government Association of Tasmania.
- ~~(g)~~(i) “Business Day” means a day on which banks are generally open for business in Tasmania (but does not include a Saturday, Sunday or public holiday).
- (j) “Chair” means the person who chairs a meeting.
- ~~(h)~~(k) “Chief Executive Officer” means the Chief Executive Officer of the Association appointed in accordance with these Rules.
- ~~(i)~~(l) “Council” means a council established under section 18 of the Act.
- ~~(j)~~(m) “Council Cost Index” means the annual index determined by the Association to reflect cost movements in council operations and the provision of services.
- ~~(k)~~(n) “Council Election Year” means any year in which a Council Election is held.
- (o) “Council Election” means an election held under Part 15 of the *Local Government Act 1993 (Tas)*.
- (p) “Electoral Commissioner of Tasmania” means the Electoral Commissioner appointed under Section 14(1) of the *Electoral Act 2004 (Tas)* and includes a person appointed pursuant to an Act substituted for the *Electoral Act 2004 (Tas)* who carries out functions the same as, or similar to, the functions of the Electoral Commissioner of Tasmania under the *Electoral Act 2004 (Tas)* as at the date of these Rules.
- (q) “General Management Committee” and “GMC” means the General Management Committee elected in accordance with these Rules.
- (r) “General Manager” means the person appointed as general manager of a Member in accordance with the Act.
- (s) “General Meeting” means a meeting of the Association convened in accordance with Rule 11(b), other than the Association’s Annual General Meeting.
- (t) “LGAT ASSIST” means the Board established to provide Local Government employees with support and assistance in certain circumstances, and includes its successors and assigns.
- (u) “Lord Mayor” means the Lord Mayor of the Hobart City Council.
- ~~(i)~~(v) “Mayor” means the person appointed as mayor of a Member in accordance with the Act and includes, where relevant, the Lord Mayor.
- (m) “Meeting of the Association” means a meeting of Members of the Association of which all Members have been given proper notice and at which a quorum is present.

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(w) "Meeting of the Association" means;

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(i) an Annual General Meeting;

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(ii) a General Meeting; and

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(iii) a Special General Meeting.

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~~(n)~~(x) "Member" means a member of the Association.

~~(o)~~(y) "Mid Term Year" means each calendar year occurring two years after the holding of an Ordinary Election immediately following a Council Election Year.

(z) "Municipal area" has the same meaning as in the Act.

(aa) "Ordinary Election" means an election of members of the GMC pursuant to these Rules.

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(bb) "Policy" means the principles adopted by the Association, from time to time, to further the objects of the Association as set out in Rule 4.

~~(p)~~(cc) "Population" means the estimate for a municipal area taken closest to the proposed date of the Annual General Meeting in that year by the Australian Bureau of Statistics.

~~(q)~~(dd) "Population category" shall mean a category outlined in Rule 18**(b)**.

(ee) "President" means the President elected in accordance with these Rules.

(ff) "Returning Officer" means the person responsible for conducting an election under these Rules.

(gg) "Rules" means these Rules of the Association.

(hh) "Sector Matter" includes a subject matter, topic or item for discussion that does not relate to or concern the objects of the Association and, or in the alternative, the Association has little or no power to alter or affect.

(ii) "Special General Meeting" means a meeting of the Association convened in accordance with Rule 10.

~~(r)~~(jj) "State Grants Commission" means the commission established under the State Grants Commission Act 1976 (Tas) and includes any body established pursuant to an Act substituted for the State Grants Commission Act 1976 (Tas), which body carries out functions the same as, or similar to, the functions of the State Grants Commission under the State Grants Commission Act 1976 (Tas) as at the date of these Rules.

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~~(s)~~ “Ordinary Election” means an election of members of the GMC pursuant to these Rules

~~(t)~~(kk) “Subscriptions” mean the subscriptions raised and payable in accordance with these Rules and the Act.

(ll) “Sub-Committee” means a Sub-Committee appointed in accordance with these Rules.

~~(u)~~(mm) “Voting Representative” means a representative of a Member lawfully appointed by the Member and notified to the Association in accordance with Rule 13(f).

PURPOSE AND MEMBERSHIP OF THE ASSOCIATION

4. OBJECTS OF THE ASSOCIATION

The objects of the Association are to:

- (a) ~~promote the efficient administration and operation of Local Government in the State of Tasmania~~protect and represent the interests and rights of Councils in Tasmania;
- (b) ~~represent and protect the interests, rights and privileges of members of the Association~~promote an efficient and effective system of local government in Tasmania; and
- (c) ~~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~~provide services to Members, councillors and employees of Councils.;
- (d) ~~provide support services to m~~Members of the Association.

5. POWERS OF THE ASSOCIATION

The Association has the power to do anything necessary or convenient for the attainment of its objects.

6. MEMBERSHIP OF THE ASSOCIATION

- (a) Membership of the Association is restricted to Councils.
- (b) Where there is a merger or amalgamation of two or more Councils that are Members, the Council resulting from the merger or amalgamation shall continue to be a Member.
- (c) A Council which is not a member of the Association shall be admitted as a member upon written application by that Council. Upon the Association receiving the application of such a Council, that Council shall be bound by the se Rules ~~of the Association~~.
- (d) A Member may resign from the Association provided:
 - (i) that the Member provides written notice of its intention to resign, detailing reasons, addressed to the Chief Executive Officer; and

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- (ii) that such resignation does not take effect until the completion of the Association's financial year following the Association's financial year in which written notice of the intention to resign is provided; and
- (iii) that until the period referred to in [Rule 6\(d\)\(ii\)](#) expires, the Member pays the ~~Subscriptions~~~~annual~~ ~~subscription~~ as determined by the Association in accordance with these Rules; and
- (iv) that the notice of intention to resign may be withdrawn at any time in writing by that Member; ~~and~~
- (e) ~~that A~~ Member which does not withdraw its notice of intention to resign [as permitted by Rule 6\(d\)\(iv\)](#) ceases to be a member of the Association at the completion of the period referred to in [Rule 6\(d\)-\(ii\)](#).
- (f) The Association may refuse to renew the membership of a Member which:
 - (i) has not paid any ~~S~~subscriptions due and owing; or
 - (ii) fails to comply with, or contravenes, [these Rules or any other](#) ~~any~~ rule of the Association.
- (g) A refusal to renew membership [under Rule 6\(f\)](#) shall not take effect until:
 - (i) the Association has provided the Council with at least one month's written notice; and
 - (ii) the Association has provided an opportunity for the Council to respond to the [written](#) notice at a Meeting of the Association.

7. RECOGNITION OF OTHER LOCAL GOVERNMENT ORGANISATIONS

- (a) The Association recognises that other Council interest and regional groups established throughout Tasmania assist with representing and protecting the rights and interests of Local Government within Tasmania.
- (b) The Association, where appropriate, will work with such other interest and regional groups established throughout Tasmania.

MEETINGS

8. ANNUAL GENERAL MEETING

- (a) The functions of the Annual General Meeting are to:
- (i) receive the President's report;
 - (ii) confirm the minutes of the previous ~~a~~Annual ~~g~~General ~~m~~Meeting;
 - (iii) receive and adopt the financial statements for the preceding financial year;
 - (iv) (A) determine the President's honorarium for the forthcoming year;
 - (B) determine any honorarium to be paid to the Vice President for the forthcoming year;
 - (v) ~~to~~ determine allowances, sitting fees and expenses for attendance by committee members at meetings of the General Management Committee and Sub-Committees for the forthcoming year;
 - (vi) ~~to~~ receive the declaration of the poll for the election of the President and General Management Committee elected in accordance with these Rules;
 - (vii) ~~to~~ adopt a budget for the forthcoming financial year;
 - (viii) ~~to~~ set ~~s~~Subscriptions for the forthcoming financial year in accordance with these Rules;
 - (ix) ~~to~~ receive reports from Association representatives; and
 - (x) ~~to~~ consider any amendments to these Rules.
- (b) Notice of the Annual General Meeting shall be given to all Members at least 28 days prior to the date of the Annual General Meeting.

9 GENERAL MEETINGS

- (a) In addition to the Annual General Meeting, there may be General Meetings.
- (b) General Meetings may be called:

- (i) by the President; or
 - (ii) by the General Management Committee.
- (c) The functions of General Meetings include:
- (i) to formulate and ratify policy of the Association;
 - (ii) to consider extending the term of office of the General Management Committee, the President, or the Vice-President for such period as the General Meeting thinks fit; [and](#)
 - (iii) subject to Rule 12, to conduct other business.
- (d) Notice of any General Meeting shall be given to all Members at least 14 days prior to the date of the General Meeting.

10 **SPECIAL GENERAL MEETINGS**

- (a) In addition to the Annual General Meeting and General Meetings, there may be Special General Meetings.
- (b) Special General Meetings may be called:
 - (i) by the President; or
 - (ii) by any 3 members of the General Management Committee acting together; or
 - (iii) by 3 or more of the Members in writing to the President stating the reasons for calling a Special General Meeting.
- (c) Notice of any Special General Meeting shall be given to all Members at least 14 days prior to the date of the Special General Meeting.
- [\(d\) Subject to Rule 10\(e\), At any Special General Meeting, only business of which notice is given shall be transacted.](#)
- [\(e\) The General Management Committee may notify the Members that, due to an emergency, amendments to these Rules will be considered at a Special General Meeting called pursuant to Rule 10\(b\).](#)

CONDUCT OF MEETINGS

11 **WHEN AND WHERE MEETINGS OF THE ASSOCIATION ARE TO BE HELD**

- (a) The Annual General Meeting of the Association is to be held, if possible, in July of each year.
- (b) There shall be at least 3 General Meetings in addition to the Annual General Meeting, in every financial year of the Association.
- (c) Meetings of the Association are to be held in a city or town in Tasmania as determined by the General Management Committee.

12 **BUSINESS OF MEETINGS OF THE ASSOCIATION**

- (a) Subject to Rules sub-rule 12(b) and (d), any Member may bring forward for discussion at a General Meeting ~~Meeting of the Association~~ any subject connected with the objects of the Association or pertaining to matters of common concern to Members, on giving to the Chief Executive Officer 2435 days written notice of such intention.
- (b) In March each year the Chief Executive Officer shall invite each Member to provide written notice to the Chief Executive Officer of ~~submit~~ items the Member wishes to for inclusion ~~for inclusion~~ in the agenda of the General Meeting to be held immediately following the Annual General Meeting, such items to be received by the date determined by the Chief Executive Officer.
- (c) Within 7 days of receipt of the same, the Chief Executive Officer is to provide to each member of the General Management Committee a copy of written notices the Chief Executive Officer receives pursuant to Rules 12(a) and (b) that the Chief Executive Officer believes (acting reasonably) the General Management Committee should consider pursuant to Rule 12(d).
- (d) The General Management Committee may by resolution (in accordance with Rule 22(d)) determine that:
 - (i) a subject matter sought to be discussed by a Member at a General Meeting in accordance with Rule 12(a) will not be included in the agenda for that General Meeting and will not be discussed at that General Meeting; or
 - (ii) items sought by a Member in accordance with Rule 12(b) to be included in the agenda of the General Meeting will not be

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included in the agenda for that General Meeting and will not be discussed at that General Meeting.

if the subject matter or item:

(iii) does not advance or concern the objects of the Association;

(iv) has been considered at a General Meeting held in the period 12 months before the date of the notice from the Member;

(v) is considered by the General Management Committee to concern a Sector Matter; or

(vi) requires consideration by the Tasmanian Government and should be considered at the General Meeting to be held immediately following the Annual General Meeting.

(e) The Chief Executive Officer is to prepare an agenda for a Meeting of the Association and provide each Member with the agenda and any supporting documents at least 14 days before the Meeting of the Association (and 28 days before an Annual General Meeting), which agenda is to include the matters and items specified by the General Management Committee (taking into account the notices received pursuant to Rules 12(a) and (b), but subject to Rule 12(d)).

(f) Provided that the time limit in Rule 12(c) is complied with, the Chief Executive Officer may liaise with a Member in relation to a notice received pursuant to Rules 12(a) or (b) to, with the Member's consent, amend the notice so that its subject matter is connected with the objects of the Association and pertains to matters of common concern to Members.

~~(b)~~(g) The Association is not required to do anything, including taking any action or adopting any procedure, in respect of a resolution passed at a Meeting of the Association that concerns or relates to a Sector Matter, unless the resolution provides otherwise.

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13. WHO MAY ATTEND A MEETING OF THE ASSOCIATION

(a) Subject to Rule 13(f), Each Member shall be entitled to send a ~~v~~Voting ~~delegate~~Representative to any Meeting of the Association, such ~~v~~Voting ~~delegate~~Representative exercising the number of votes determined according to Rule 16(a).

(b) In addition to the requirements set out in Rule 13(f), After each ordinary Council ~~e~~Election, the Chief Executive Officer shall request each Member to advise the name of its ~~v~~Voting ~~delegate~~Representative and the proxy for the ~~v~~Voting ~~delegate~~Representative for Meetings of the Association until the next ordinary Council ~~e~~Elections.

- (c) Subject to Rule 13(f), Members may change their vVoting delegateRepresentative or proxy at any time by advising the Chief Executive Officer in writing ~~over the hand~~ of the vVoting delegateRepresentative ~~or the General Manager~~ prior to that ~~delegate representative~~ taking his or her position at a Meeting of the Association.
- (d) A list of vVoting delegatesRepresentatives 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.
- (f) Each Member must provide the Association with written notice of the details of the Voting Representative who was by a resolution of the Member lawfully appointed as the Voting Representative of the Member at a 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

- (a) At any Meeting of the Association, a majority of the Member Councils shall constitute a quorum.
- (b) If a quorum is not present within one hour after the time appointed for the commencement of a Meeting of the Association, the meeting is to be adjourned to a time and date specified by the Chair.

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16. VOTING AT MEETINGS

- (a) Voting at any Meeting of the Association shall be upon the basis of each vVoting Representativedelegate 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 <u>Voting Representative</u>	Colour placard to be raised by the <u>Voting Representative</u> 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 these 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.
- (iii)(e) A Voting Representative or his or her proxy in the name of the Member is entitled to vote on any matter considered at a Meeting of the Association.

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GENERAL MANAGEMENT COMMITTEE AND OTHER COMMITTEES

17. FUNCTION OF THE GENERAL MANAGEMENT COMMITTEE

- (a) The functions of the General Management Committee include:
- (i) appointing and reviewing the performance of the Chief Executive Officer of the Association;
 - (ii) determining Association Policy, with such policy to be ratified at a Meeting of the Association;
 - (iii) providing strategic direction to the Association in accordance with policies resolved by Meetings of the Association;
 - (iv) carrying out such delegations as may be made to it by Meetings of the Association;
 - (v) providing for the good management and administration of the Association;
 - (vi) ensuring that the accounts of the Association are:
 - (A) prepared in accordance with these Rules; and
 - (B) circulated to all Members not less than 28 days prior to the date of the Annual General Meeting;
 - (vii) investing the funds of the Association;
 - (viii) borrowing, raising or securing the payment of money in such manner as the General Management Committee may think fit;
 - (ix) taking or holding mortgages, liens, charges, and any other form of security to secure payment of the purchase price or any part thereof;
 - (x) making nominations to various statutory and other bodies related to the operations of Local Government;
 - (xi) nominating representatives to the Australian Local Government Association in accordance with Rule [3029](#);

(xii) ~~approving the appointing of~~ the members of the Board of LGAT ASSIST~~the Welfare Fund Board in accordance with these Rules;~~

Comment [t1]: NOTE: No mention in Rules about appointing these members

(xiii) ~~determine the number and select the Employer Directors of the Board of Directors of Tasplan Quadrant Superannuation Pty Ltd in accordance with the Trust Deed providing for the management and operation of the Tasplan Superannuation Scheme (formerly known as Quadrant Superannuation Scheme and (formerly known as the Municipal Employees Assurance Scheme)) dated 30 November 1995, as amended nominating Directors for appointment to the Board of Directors of Tasplan Ltd in accordance with the Constitution of Tasplan Ltd as amended from time to time.;~~

~~(xiv) establishing the an eExecutive cCommittee comprising two or more members of the General Management Committee and delegating to theat Executive Committee any of the functions set out in Rule 17.~~

(b) The General Management Committee may, by resolution, delegate with or without conditions any of its powers, functions or delegations other than this power of delegation, to an employee, contractor or other entity.

~~(b)~~(c) The General Management Committee may determine by simple majority in its absolute discretion all matters relating to the setting up or operation of any Board or Committee to which it delegates any of its powers, duties or discretions.

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18. COMPOSITION OF THE GENERAL MANAGEMENT COMMITTEE

(a) The General Management Committee shall consist of:

- (i) the President;
- (ii) provided the Hobart City Council is a current Member, the Lord Mayor of the Hobart City Council or his or her proxy; and
- (iii) six members to be elected, as provided in ~~Rule 18sub-rule~~(b), from the three electoral districts set out in Rule 19~~:-~~

~~(b)~~ In accordance with Rule 20, each of tThe 3 electoral districts referred to in Rule 19 shall elect 2 members as follows:

- (i) one from a Members within the electoral district having a population of 20,000 or more; and
- (ii) one from a Members within the electoral district having a population of less than 20,000.

- (c) Where a member of the General Management Committee is subsequently elected President, a recount of votes for the ~~p~~Population category in the electoral district the President represented shall be held to fill the vacancy. If there are no votes to recount, the Council or Councils concerned shall fill the vacancy in accordance with Rule 20 in so far as practicable.

19. ELECTORAL DISTRICTS FOR THE PURPOSE OF ELECTING MEMBERS TO THE GENERAL MANAGEMENT COMMITTEE

The 3 electoral districts for the purposes of electing members to the General Management Committee are as follows:

- (a) NORTH WEST & WEST COAST ELECTORAL DISTRICT comprising the Burnie City Council, the Devonport City Council, the Central Coast Council, the Circular Head Council, the King Island Council, the Waratah-Wynyard Council, the Kentish Council, the Latrobe Council, and the West Coast Council;
- (b) NORTHERN ELECTORAL DISTRICT comprising the Launceston City Council, the Break O'Day Council, the Flinders Council, the Meander Valley Council, the West Tamar Council, the Dorset Council, the George Town Council, and the Northern Midlands Council; and
- (c) SOUTHERN ELECTORAL DISTRICT comprising the Clarence City Council, the Glenorchy City Council, the Kingborough Council, the Brighton Council, the Glamorgan-Spring Bay Council, the Derwent Valley Council, the Southern Midlands Council, the Central Highlands Council, the Huon Valley Council, the Sorell Council, and the Tasman Council.

20. CONDUCT OF ELECTIONS FOR MEMBERSHIP TO THE GENERAL MANAGEMENT COMMITTEE

Elections for the General Management Committee shall be conducted in accordance with the following procedures:

- (a) The Chief Executive Officer shall request the [Electoral Commissioner of Tasmania](#)~~Tasmanian Chief Electoral Officer~~ to act as Returning Officer for the election unless otherwise determined by the General Management Committee.
- (b) In the month of March:
 - (i) following a Council Election; and
 - (ii) in each Mid Term Year;the Returning Officer shall request nominations for the General Management Committee from Members within the 3 electoral districts.
- (c) Each Member is entitled to make only one nomination and if more than one is received all nominations from that Member will be null and void.
- (d) In making a nomination, a Member is not restricted to nominating an elected member from its own Council provided that the nomination is

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for an elected member from a Member Council in the same electoral district and the same ~~p~~Population category as the nominating Member.

(e) Nominations:

(i) -are to be submitted on a form approved and issued by the Returning Officer;

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(ii) must be accompanied by a copy of a certified copy of the Resolution passed by the Member at a duly convened meeting of the Member that lawfully nominated the candidate for election to the General Management Committee; and

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~~(e)(iii)~~ -shall close on a date determined by the Returning Officer;:-

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- (f) Nominations cannot be withdrawn after the closing of nominations.
- (g) If at the end of the time for nominations the number of candidates for any office:
 - (i) does not exceed the number then to be elected, those candidates shall be deemed to be duly elected; or
 - (ii) exceeds that number, a poll shall be conducted by postal ballot in accordance with these Rules.
- (h) The Returning Officer shall prepare a postal ballot paper and material for each electoral district detailing nominations within each ~~p~~Population category. Candidates shall be listed on the ballot paper in alphabetical order.
- (i) The postal voting material shall be posted by registered mail to the Mayor of each Member Council within 10 ~~Business working d~~Days of the close of nominations. The Mayor shall complete the ballot paper according to the policy or practice of his or her Council.
- (j) Each Member shall have one vote for both population categories within its electoral district.
- (k) The ballot is to close at a date and time determined by the Returning Officer but at least seven (7) days prior to the Annual General Meeting of that year.
- (l) Procedure for the conduct of the scrutiny shall comply as closely as practicable with that for the election of Mayors of Councils.
- (m) Upon completion of the scrutiny, the Returning Officer shall declare the result of the election and provide written advice of the result including scrutiny details to each candidate and the Chief Executive Officer.

- (n) Where more than 1 nomination is received for a Population category within an electoral district, the person polling second shall automatically be the proxy.
- (o) If at the ordinary elections for the General Management Committee there is only one nomination for a Population category, or if the position of proxy for a Population category becomes vacant and there were no further nominations at the last General Management Committee elections from which to draw a proxy, the Chief Executive Officer is to call nominations from Members in the Population category and, if a ballot is necessary, conduct a ballot if necessary as soon as practicable.

21. TERM OF OFFICE

- (a) Subject to ~~Rule 21 Sub-rule~~ (c), members of the General Management Committee shall take up office at the conclusion of the Annual General Meeting at which his or her election is declared and shall hold office for a 2 year term concluding at the end of the relevant Annual General Meeting or as determined by the Annual General Meeting.
- (b) The office of any member of the General Management Committee shall be vacated if that member:
 - (i) resigns by notice in writing addressed to the Chief Executive Officer;
 - (ii) is absent without leave for three consecutive meetings of the General Management Committee; ~~or~~
 - (iii) ceases to be a Councillor or Alderman; or
 - ~~(iii)~~ (iv) has not been lawfully nominated as a candidate for election to the General Management Committee in accordance with Rule 20.
- (c) The term of office of the General Management Committee may be extended by any Meeting of the Association for such periods as it determines.
- (d) A casual vacancy on the General Management Committee shall be filled as soon as practicable by the conduct of a by-election in accordance with Rule 20.

22. CALLING MEETINGS OF THE GENERAL MANAGEMENT COMMITTEE

- (a) The General Management Committee shall determine the frequency, date, time and venue of its meetings.
- (b) At least 7 days before the date of holding any meeting of the General Management Committee, notice of the time and place and of the business to be brought forward at the meeting shall be given to each Member by the Chief Executive Officer.
- (c) Meetings of the General Management Committee may be held by telephone or other technology.
- (d) A resolution signed by the majority of all members of the General Management Committee or the written acceptance (including by email transmission) of a resolution by the majority of members of the General Management Committee shall be deemed to be a resolution made at a meeting of the General Management Committee.

23. QUORUM FOR AND VOTING AT GENERAL MANAGEMENT COMMITTEE

- (a) At any meeting of the General Management Committee, no business shall be transacted unless:
 - (i) there is a majority of the General Management Committee present; and
 - (ii) there is at least one representative of a Member having a population of 20,000 or more; and
 - (iii) there is at least one representative of a Member having a population of less than 20,000.
- (b) Each member of the General Management Committee shall have one vote.

24. WHO MAY ATTEND MEETINGS OF THE GENERAL MANAGEMENT COMMITTEE

Meetings of the General Management Committee may be attended by:

- (a) any Councillor or Alderman from any Member Council; and
- (b) such other persons as the Committee determines;

and, with the permission of the President, they may address the Committee.

25. PRESIDENT

- (a) The President shall be a Councillor or Alderman of a Member Council.
- (b) The functions of the President are to:
 - (i) chair Meetings of the Association and the General Management Committee;
 - (ii) be the spokesperson of the Association;
 - (iii) provide leadership and direction in furthering the objects of the Association.
- (c) The President has the power to delegate any of his or her functions to other members of the General Management Committee.
- (d) At any Meeting of the Association and of the General Management Committee at which the President is present, he or she:

- (i) has no deliberative vote on any question at a Meeting of the Association by virtue of being in the chair, but may exercise the vote or votes of a Member as the ~~Voting Representative~~ delegate;
- (ii) in the case of equality of votes on any matter, does not have a casting vote.

26. ELECTION OF PRESIDENT

Elections for the President shall be conducted in accordance with the following procedures:

- (a) The Chief Executive Officer shall request the [Electoral Commissioner of Tasmania](#) ~~Tasmanian Chief Electoral Officer~~ to act as Returning Officer for the election unless otherwise determined by the General Management Committee.
- (b) The Returning Officer shall request nominations for the office of President at the following times:
 - (i) in the month of March following a Council Election;
 - (ii) in the month of March in each Mid Term Year;
 - (iii) where a President vacates the office of President pursuant to Rule 27(b);
 - (iv) where the President gives advance notice that he or she intends to resign or cease to be a Councillor or Alderman pursuant to Rule 27(c).
- (c) Each Member is entitled to make only one nomination and if more than one is received all nominations from that Member will be null and void.

(d) Nominations for the office of President:

- (i) shall be submitted on a form approved and issued by the Returning Officer;
 - (ii) must be accompanied by a copy of a certified copy of the resolution passed by the Member at a duly convened meeting of the Member that lawfully nominated the candidate for election as the President; and
 - ~~(c)~~(iii) shall close on the date determined by the Returning Officer.
- (e) Nominations cannot be withdrawn after the close of nominations.
 - (f) If upon the close of nominations:
 - (i) only one nomination has been received, that candidate shall be deemed duly elected; or
 - (ii) more than one nomination has been received, a poll shall be conducted by postal ballot in accordance with these Rules.
 - (g) The Returning Officer shall prepare a postal ballot paper and material. Candidates shall be listed on the ballot paper in alphabetical order.

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- (h) The postal voting material shall be posted by registered mail to the Mayor of each Member within 10 working days of the close of nominations.
- (i) Each Member is entitled to one vote.
- (j) The Mayor shall complete the ballot paper according to the policy or practice of his or her Council.
- (k) ~~Subject to Rule 26(l)subparagraph (ii)~~ the ballot is to close at a date and time determined by the Returning Officer but at least seven (7) days prior to the Annual General Meeting of that year.
- (l) ~~if~~ an election is called pursuant to Rule 27(b) or 27(c), the ballot shall close at a date determined by the Returning Officer.
- (m) Procedure for the conduct of the scrutiny shall comply as closely as practicable with that for the election of Mayors of Councils.
- (n) Upon completion of the scrutiny, the Returning Officer shall declare the result of the election and provide written advice of the result including scrutiny details to each candidate and the Chief Executive Officer.

27. TERM OF OFFICE OF PRESIDENT

- (a) Subject to Rule 27(d), the President shall take up office at the conclusion of the Annual General Meeting following his or her election and shall hold office for a two year term concluding at the end of the relevant Annual General Meeting.
- (b) The office of the President shall be vacated if the President:
 - (i) resigns by notice in writing addressed to the Chief Executive Officer;
 - (ii) is absent without leave for three consecutive meetings of the General Management Committee; ~~or~~
 - ~~(iii)~~ ceases to be a Councillor or Alderman; or
 - ~~(iii)~~ (iv) has not been lawfully nominated as a candidate for election as President in accordance with Rule 26.

and if the office of President becomes vacant more than ~~twelve~~six months before the next Annual General MeetingAGM where a President is due to take up office in accordance with Rule 27(a), ~~then a new President shall be elected in accordance with the procedures in Rule 26~~Rule 27(g) applies.

(c) If the President gives notice in writing to the Chief Executive Officer that he or she:

(i) intends to resign as President; or

(ii) intends to cease being a Councillor or Alderman;

and if the effective date of such resignation or cessation will be more than ~~twelve~~six months before the next Annual General MeetingAGM where a new President is due to take up office in accordance with Rule 27(a), then ~~a new President shall be elected in accordance with the procedures in Rule 26~~Rule 27(g) applies.

(d) Where a President is elected in an election held by operation of Rule 27(b) ~~and/or~~ 27(c), they shall take up office at the time of declaration of their election or at the date the office of President is vacated, whichever is later.

(e) If the office of President becomes vacant within ~~twelve~~six months of the next Annual General MeetingAGM where a President is due to take up office in accordance with Rule 27(a), the Vice President shall assume office as President until a new President is elected at that Annual General MeetingAGM in accordance with Rule 26.

(f) The term of office of the President may be extended by any Meeting of the Association for such periods as it determines.

~~(f)~~(g) Where this Rule 27(g) applies, a recount of votes for the election of the President shall be held to fill the vacancy of President. If there are no votes to count, a new President shall be elected in accordance with the procedures in Rule 26. If, as a result of the recount or the election in accordance with Rule 26, the Vice President is elected as President, that person will resign as Vice President and the General Management Committee will appoint a new Vice President under Rule 28(a).

28 VICE PRESIDENT

(a) At its first meeting following the Annual General Meeting, the General Management Committee shall elect one of its members to be the Vice President of the Association.

~~(b)~~ ~~(deleted)~~

~~(e)~~(b) Where the President is absent or ill, the Vice President shall be the acting President.

(c) If the term of office of the General Management Committee is extended under Rule ~~21~~26(c) the term of office of the Vice-President shall be extended for the same period of time as that of the General Management Committee.

- (d) If, on any count, 2 or more candidates for Vice President have an equal number of votes, the President is to decide which of them is to be elected by the drawing or casting of lots in the manner prescribed in Rule 29(b).

29. Drawing or Casting of Lots

- (a) If, in an election or appointment under these Rules, 2 or more candidates have an equal number of votes and if applicable, the Returning Officer is unable or not otherwise empowered to resolve which candidate is to be elected or appointed, a drawing or casting of lots in the manner prescribed in Rule 29(b) is to apply.
- (b) To draw or cast lots, the Returning Officer (or President in the appointment of the Vice President) is to –
 - (i) make out, in respect of each candidate to be included in the draw, a slip bearing that candidate's name; and
 - (ii) place each slip in a non-transparent container sufficiently large to allow them to move about freely when shaken or rotated; and
 - (iii) shake or rotate the container and permit any other person present who wishes to do so to shake or rotate the container; and
 - (iv) take out of the container one of the enclosed slips; and
 - (v) record the name of the candidate which appeared on that slip.
- (c) The candidate elected or appointed is the candidate whose name is first recorded in accordance with Rule 29(b)(v).

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30. AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION

- (a) The President and the Vice President shall be the Tasmanian delegates to the Annual General Meeting of the ALGA unless otherwise determined by a Meeting of the Association.
- (b) The President and the Vice President shall be the Tasmanian delegates to the Executive of the ALGA unless otherwise determined by the General Management Committee
- ~~(b)~~(c) Due to the absence or incapacity of the President or Vice President, the General Management Committee may nominate alternate delegates to the Executive of the ALGA.

310. SUB-COMMITTEES

- (a) The General Management Committee or a Meeting of the Association may appoint Sub-committees as required.
- (b) The composition of Sub-committees shall:
 - (i) include a member of the General Management Committee who shall be the Chairperson of the Sub-committee;

- (ii) as far as possible, comprise such elected members and employees from Members as the General Management Committee determines as being appropriate;
 - (iii) be representative of the diversities of the composition of the Association, taking into account population categories, specific interest groups within Member Councils, and regional diversities; and
 - (iv) contain such employees of Members who may be appropriate in assisting with consideration of the specific issue being examined by the Sub-committee.
- (c) A Sub-committee shall:
- (i) carry out such delegations as may be given to it by a Meeting of the Association, in which case the Sub-committee need only report back to General Meetings upon progress of the matter; or
 - (ii) investigate and report upon the specific issue to a Meeting of the Association; and
 - (iii) act in accordance with policies established by a Meeting of the Association.
- (d) At any meeting of a Sub-committee, no business shall be transacted unless there is a majority of the Sub-committee present.

RULES FOR CONDUCT OF DEBATE

The rules of procedure for the conduct of debates at Meetings of the Association and within Sub-committees and the General Management Committee shall be as follows:

342. AUTHORITY OF THE CHAIR

- (a) The Chair shall be heard without interruption.
- (b) The Chair may call any [delegate-representative](#) to order whenever, in the opinion of the Chair, the necessity arises to do so.
- (c) The ruling of the Chair on all questions of order or the proper conduct of the meeting shall be final.

323. ORDER OF BUSINESS

- (a) At every meeting, the first business shall be the confirmation of the minutes of the previous meeting, and no discussion shall be permitted in relation to those minutes except as to their accuracy as a record of proceedings.
- (b) The order of business at any meeting shall be as in the notice of the meeting, but such order may be altered by resolution to that effect.

334. DEBATE OF MOTIONS

- (a) A motion shall not be debated until it has been seconded.
- (b) When a motion has been proposed and seconded, it shall become subject to the control of the meeting, and shall not be withdrawn without the consent of the meeting.
- (c) Nothing shall prevent either a Meeting of the Association or the General Management Committee from dealing with any issue "in committee" and making only its conclusions public.

345. AMENDMENT OF MOTIONS

- (a) When a motion has been proposed and seconded, a Member may move an amendment, but such amendment shall not be debated until it has been seconded.
- (b) A second or subsequent amendment shall not be considered until the previous amendment has been dealt with.
- (c) If an amendment has been carried, the motion as amended shall become the motion before the meeting, whereupon any further amendment upon such motion may be moved.
- (d) If an amendment, whether on the original motion or on an amended motion, is lost, a further amendment to the motion before the meeting may be moved.

356. SPEAKING TO MOTIONS

- (a) A Member who has moved any motion or amendment, other than a motion for adjournment of the debate, shall be deemed to have spoken thereon; but any Member who has seconded any motion or amendment, without any further observation than that they second the same, may speak once on every such motion or amendment.
- (b) Subject to these Rules, every Member, other than the mover of the original motion, shall have the right to speak once upon such motion, and once upon every amendment moved thereto.
- (c) Except with the consent of the meeting, a Member shall not speak more than once on any motion unless misunderstood or misrepresented, in which case the speaker shall be permitted to explain, without adding any further observations than may be necessary for the purpose of such explanation.
- (d) Except with the consent of the meeting, a speaker shall not speak for more than 3 minutes at any one time, except that the mover of the original motion in their opening speech may speak for 5 minutes.
- (e) At the discretion of the Chair, when a motion or amendment has been moved and seconded, further speech in support of such motion shall not be heard until someone shall have spoken in opposition to such motion, and thereafter speakers shall only be entitled to speak for or against the motion in rotation PROVIDED that in any case where the same motion has been submitted by more than one Member, a representative from each Member so submitting the motion shall be entitled to be heard.
- (f) Every speaker shall confine his or her remarks to the matter under consideration.

- (g) The Chair may call the attention of the meeting to continued irrelevance or tedious repetition on the part of any speaker, and may direct the speaker to discontinue.
- (h) No speaker shall make personal reflections on or impute improper motives to any other speaker.
- (i) If 2 or more ~~delegates~~ representatives rise to speak at the same time, the Chair shall decide which shall be first heard.
- (j) A Member shall be represented by the ~~voting Representative~~ delegate, unless an observer has been introduced to the Chair for that debate.

367. POINTS OF ORDER

- (a) Any ~~delegate~~ representative who considers that any other ~~representative~~ delegate is out of order may call the attention of the Chair ~~man~~ thereto.
- (b) Upon a question being raised, the ~~representative~~ delegate called to order shall immediately resume his or her seat unless explicitly permitted to offer an explanation, retraction or apology, in which case the ~~representative~~ delegate may explain, retract or apologise for the matter or remark alleged to have been out of order; and if such explanation, retraction or apology is deemed satisfactory, no further discussion on the question of order shall be permitted.

378. CLOSURE OF DEBATE

- (a) The closure of a debate may be obtained by a motion, according to the evident sense of the meeting, "that the question be now put", and discussion shall not ensue thereon.

389. HOW QUESTIONS ARE TO BE PUT

- (a) The Chair shall put to the meeting all questions on which it is necessary that a vote be taken, first in the affirmative and then in the negative and ~~voting Representatives~~ delegates shall vote:
 - (i) at ~~a Meeting of the Association~~ Annual and General Meetings, by voting cards identifying their voting entitlements in accordance with these Rules; or
 - (ii) at meetings, other than ~~a Meeting of the Association~~ Annual and General Meetings, by show of hands, ~~and~~

(iii) and the Chair shall declare the result to the meeting.

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- (b) The Chair may put any question as often as is necessary to enable the Chair to form an opinion as to the result of the voting, or the Chair may appoint tellers to count the number of votes for and against the question, and to announce the result to the meeting.
- (c) Alternative methods of putting the question are permissible if deemed appropriate by the Chair.

4039. SUSPENSION OF RULES

Any one or more of the rules of procedure for debate may be suspended by resolution at any Meeting of the Association PROVIDED that there shall be a distinct statement in every such resolution of the purpose and duration of the suspension, and that for every matter for which suspension is required there shall be a separate resolution.

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(a) In addition to Rule 40(a), the rules of procedure for debate will be automatically suspended:

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(i) whilst the meeting is being addressed by a guest speaker in respect of a subject matter not the subject of a motion at the meeting and during questioning of the guest speaker; and

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(ii) during any discussion in respect of a subject matter not the subject of a motion at the meeting and determined by the Chair to not require the rules of procedure for debate to apply.

401. VALIDITY OF PROCEEDINGS

Business conducted at any meeting at which a quorum is present is valid notwithstanding:

- (a) that there is some defect in the appointment of any representative delegate present at that meeting; or
- (b) that there is an informality or irregularity in the proceedings to which attention is not called at the time, provided that such want of formality or irregularity does not materially affect the results of such proceedings.

EMPLOYEES

412. CHIEF EXECUTIVE OFFICER

- (a) The Chief Executive Officer has the following powers and functions:
 - (i) to provide advice to Members, Meetings of the Association, the General Management Committee and any Sub-committees;
 - (ii) to co-ordinate the development of objectives, policies and programs for consideration by Meetings of the Association or the General Management Committee;
 - (iii) to prepare strategic and operational plans for the Association;
 - (iv) to manage the resources of the Association;
 - (v) to establish and maintain human resource policies and procedures;
 - (vi) to appoint employees of the Association in accordance with approved organisational structures and policies, to allocate duties to employees, and to suspend or dismiss employees; and
 - (vii) to sign contracts on behalf of the Association.
- (b) The Chief Executive Officer shall be responsible to the General Management Committee.

432. EMPLOYEES

The employees of the Association shall be responsible to the Chief Executive Officer.

FINANCES

443. FINANCIAL YEAR

The financial year of the Association shall commence on the 1st day of July and end on the 30th day of June in the following year.

454. SUBSCRIPTIONS

- (a) Every Member shall pay such annual subscriptions as are set and determined in accordance with these Rules.
- (b) The amount of subscription to be paid annually to the Association by each Member is as follows:
 - (i) Each Council will be placed within the appropriate total assessed revenue category, as reported in the Annual Report of the State Grants Commission.
 - (ii) Each Council within the category is to pay an equal share of the category's percentage towards the Association's annual subscription as determined by the budget adopted at Annual General Meeting:

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

- (iii) ~~At~~ At the absolute discretion of the General Management Committee, rounding up or down of the percentages referred to in Rule 45 paragraph (b)(ii) may occur in the development of the budget for approval at the Annual General Meeting.

- (iv) The category parameters are to be adjusted in line with the annual Council Cost Index as set by the Association.
- (c) The subscriptions formula as set out above and the average percent payable by each category shall apply as of 1 July 2010.
- (d) The annual subscription is due and payable at the office of the Association on the first day of July in the financial year to which it relates. The subscription must be paid within one month after a written notice specifying the amount payable has been delivered or sent by post to the General Manager of the Member.

465. ACCOUNTS

The General Management Committee shall ensure that the accounts of the Association comply with relevant requirements prescribed in the Act and are in accordance with relevant current accounting standards.

476. SITTING FEES AND EXPENSES

- (a) Members of the General Management Committee and members of Sub-committees shall be entitled to any allowance or sitting fee determined.
- (b) Members of the General Management Committee and members of Sub-committees shall be reimbursed for reasonable expenses incurred in carrying out the duties of office in relation to telephone rental, telephone calls, travelling and care of any child of the member by a licensed carer.

MISCELLANEOUS

487. IMMUNITY PROVISION

A Member, an employee of a Member, an elected representative of a Member and an employee of the Association is not personally liable for an honest act or omission done or made in the exercise or purported exercise of a power or in the performance or purported performance of a function of the Association either under these Rules, the Act or any other Act (whether State or Commonwealth) or Regulations.

498. LEGAL OPINIONS

- (a) Where the General Management Committee, on its own behalf or following a submission from a Member, believes that an issue has major ramifications for Local Government within the State of Tasmania, then the General Management Committee may request an opinion upon the matter from any legal advisers of the Association.
- (b) A copy of a legal opinion so obtained by the General Management Committee shall be forwarded to every Member.
- (c) The cost of the opinion and its distribution to every Member shall be met from the general funds of the Association.

5049. NOMINATIONS TO OUTSIDE BODIES

- (a) Where the Association is requested to make nominations to any body, then the General Management Committee is empowered to nominate such persons as it believes have the requisite knowledge, qualifications, or experience required for the office.
- (b) Where any Act or Regulation states that an Alderman, Councillor, or an employee of a Council, Local Government regional authority or an employee of the Association cannot be a representative upon the subject body, then the General Management Committee shall nominate such persons as it believes have the requisite knowledge, qualifications, or experience required for the office.

519. COMMON SEAL OF THE ASSOCIATION

- (a) The Chief Executive Officer shall have the custody of the Common Seal.

- (b) The Common Seal shall not be attached to any document without an express order of the General Management Committee, unless to authenticate any document, or to comply with the provisions of any rule directing that such seal shall be attached to any document.
- (c) In every case where the Seal has been ordered to be attached to any document, such document shall also be signed by the President (or, in the case of the absence or illness of the President, by the Vice President and one member of the General Management Committee) and countersigned by the Chief Executive Officer.

524. NOTICES AND COMMUNICATIONS

Any notice or other communication under these Rules shall be in writing and shall be delivered by post or by facsimile or email transmission to ~~at the other~~ party at the address, facsimile number or email address as the ~~other~~ party may from time to time notify to the Association. All notices and communications under these Rules (unless otherwise specified) shall be effective only upon receipt.

532. LGAT ASSIST

The General Management Committee is responsible for the management and operation of the monies of the Association identified as LGAT ASSIST, which responsibility will be fulfilled by the General Management Committee:

- (a) approving appointments to the Board of LGAT ASSIST;
- (b) approving the rules to be adopted by LGAT ASSIST;
- (c) approving interest rates in accordance with the rules to be adopted by LGAT ASSIST; and
- (a) other than the matters set out in (a) to (c) above, delegating its powers, duties and discretions in respect of the management and operation of the monies of the Association identified as LGAT ASSIST to the Board of LGAT ASSIST.;
- (b) The monies of the Association identified as LGAT ASSIST may be used for the following purposes:
 - (i) the welfare of Local Government employees and/or their dependants through grants or other assistance;
 - (ii) loans to all Local Government employees and employees of Local Government owned entities; and

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~~(iii) any other purpose approved by the General Management Committee which benefits the employees of Local Government and/or their dependants.~~

~~(e) The General Management Committee may do all acts and things which it considers necessary, desirable or expedient for the administration, maintenance, investment and preservation of the monies of the Association identified as LGAT ASSIST.~~

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~~(d) The General Management Committee may by simple majority delegate any of its powers, duties or discretions in relation to the monies of the Association identified as LGAT ASSIST on any terms it determines.~~

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~~(e) The General Management Committee may determine by simple majority in its absolute discretion all matters relating to the setting up or operation of any Board or Committee to which it delegates any of its powers, duties or discretions.~~

~~(d)~~

543. WINDING UP

Upon the winding up and dissolution of the Association, any property that remains after the satisfaction of its debts and liabilities shall be given and transferred to Member Councils in equal shares.



REPORTS FROM LOCAL GOVERNMENT REPRESENTATIVES

to be presented to the

ANNUAL GENERAL MEETING OF THE ASSOCIATION

Wednesday 20 July 2016

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ANIMAL WELFARE ADVISORY COMMITTEE

REPRESENTATIVE: Andrew Downie

NUMBER OF MEETINGS HELD DURING 2015/16: Three

OBJECTIVES OF THE COMMITTEE/BOARD:

To advise the Minister on animal welfare.

MAJOR ISSUES DEALT WITH AND DECISIONS MADE:

1. Animal Welfare Act
Some items have gone forward, while others have been dropped and others have been kept on for further discussion with the Minister.
2. Minister Attendance
Minister advised that an educative system rather than relying on regulation and potentially imposing a burden on those who do the right thing.

TASMANIAN HERITAGE COUNCIL

REPRESENTATIVE: Robin McKendrick and Danielle Gray

NUMBER OF MEETINGS HELD DURING 2015/16: Twelve

OBJECTIVES OF THE COMMITTEE/BOARD:

Heritage in Tasmania

MAJOR ISSUES DEALT WITH AND DECISIONS MADE:

In the last full financial year, 2014/2015, the Heritage Council had another busy and productive year. It ended with 5,553 permanent entries on the Tasmanian Heritage Register, having added 19 new entries during the year and subsuming eight entries into new consolidated entries.

It also saw the start of the Integrity Project. This project is based on an audit conducted in 2013/2014, where it was determined that 70 percent of entries on the Heritage Register met at least one criterion and the balance were in need of further review. This review process is now in train and as a result over 580 entries have been proposed for removal, as they do not meet a criterion. All these places are also listed at a local level and this listed status remains unchanged.

The 2014/15 year was also the first full financial year that followed the proclamation of the amendments to the Historic Cultural Heritage Act 1995. These amendments better integrated the Heritage and Planning Acts. The support and assistance of Local Government during the reform's consultations meant that their implementation has been very smooth. In 2014/2015, 283 discretionary permit applications were lodged; an impressive 97 per cent were approved; and 450 certificates of exemption were issued, limiting the need for owners to seek formal approval. The total value of development and works approved by the Heritage Council exceeded \$230 million and the estimated value if exemptions issued is now also being collected.

A major milestone was reached in February 2016, with Minister Matthew Groom and Ms Brett Torossi, Chair, launching the Heritage Councils Works Guidelines. These guidelines aim to ensure that the Heritage Council's expectations regarding particular types of development of works are clear and, they also provide a consistent framework upon which assessments and statutory decisions can be made.

Another successful Local Government Forum was held, as part of Heritage Tasmania's Local Government Program and THE Heritage Council hosted its regular trade display and the annual Local Government Conference. Discussions have also began exploring the idea of sponsoring a Local Government Heritage Award from 2017.

Members of the Heritage Council and staff of Heritage Tasmania are very appreciative of the good work being done by our colleagues in Local Government. This includes effort support us to implement our legislation, and the work done in owning, managing and ensuring the sound statutory management of places and precincts of local significance across Tasmania.

Further information is available in the THC's Annual Report. It and copies of the new Works Guidelines will be available at our stand at the upcoming LGAT Conference.

STATE FIRE MANAGEMENT COUNCIL

REPRESENTATIVE: Belinda Loxley, Kingborough Council

NUMBER OF MEETINGS HELD DURING 2015/16: One

OBJECTIVES OF THE COMMITTEE/BOARD:

To enhance the efficient and effective management of bushfire related risk in Tasmania in order to protect life, property and significant community values.

MAJOR ISSUES DEALT WITH AND DECISIONS MADE:

1. Community engagement events and activities:
 - First round of Landcare hosted community forums completed (Ellendale, Bicheno, St Helens, Pipers Brook, Port Sorrell, Strahan)
 - Undertaking first round of Tasmanian Farmers & Graziers Association hosted community forums – 6 forums in rural regional areas around the state in April/May
 - Community drop-in sessions in April/May in areas where contractors are developing Strategic Bushfire Mitigation Plans as party of the Fuel Reduction program
 - Priorities from community forums forward through to community engagement officers to allow engagement with all stakeholders.
2. Launch of Autumn Burn season
3. Continuation of Red Hot Tips Brochure – information about planned burns and information on how landholders can do safe and effective planned burns with limited resources, fuel hazard assessment, developing a burn plans.
4. Report on Bushfire Incidents throughout the State
5. Fuel Reduction Project Steering Committee has not met due to demand from bushfire events. The impacts of the bushfire events have affected the Fuel Reduction Program.

STATE GRANTS COMMISSION

REPRESENTATIVE: Grant Atkins and Rod Fraser

NUMBER OF MEETINGS HELD DURING 2015/16: Ten plus council hearings and visits

OBJECTIVES OF THE COMMITTEE/BOARD:

The State Grants Commission is an independent statutory body responsible for recommending the distribution of Commonwealth Assistance Grant funding to Tasmanian councils. The decisions of the Commission are guided by a set of national principles that are prescribed in the Commonwealth Local Government (Financial Assistance) Act 1995. The Commission also recommends the distribution of the amount allocated by the Tasmanian Government to councils from heavy vehicle motor tax revenues.

To provide some structure in its distribution methods the Commission operates a triennial review policy whereby major changes to methodology are only introduced every three years. Data input and minor changes are applied each year. To ensure the available funds are allocated on an equitable basis the Commission continually monitors council practices and updates its assessment methods and data as appropriate. Should any significant changes to the current model be considered necessary following the Commission's recent hearings, they will be introduced into the 2018-19 distribution.

The State Grants Commission consists of three members. Two of those members are nominated by local government and the third is an independent chairperson nominated by the Department of Treasury and Finance and approved by the Treasurer.

Current members of the Commission are David Hudson (Independent Chairman), Grant Atkins and Rod Fraser (both representing Local Government).

MAJOR ISSUES DEALT WITH AND DECISIONS MADE:

The Commonwealth had announced in its 2014-15 budget that it was ceasing the practice of bringing forward payment of 50 per cent of the grant entitlement before the end of the prior financial year but more recently continued that practice with a 2015-2016 advance payment being made on 30 June 2015.

The Commonwealth has also continued its policy of suspending indexation of the total funding pool for the three years which commenced on July 1 2014. Due to Tasmania's relative population decline compared to the rest of Australia, this results in the base grant received by Tasmania over the three year period reducing in both real and absolute terms.

As Tasmania receives funding from the Commonwealth road grant funding pool, based on historical (fixed) proportions, road funding allocations have remained constant in absolute terms.

In the 2015-16 financial year, Tasmania became entitled to a base grant allocation of \$34,543,821 from a national pool of \$1,585,181,877, being a 1.9% reduction on the 2014-15 year entitlement, and a road grant allocation of \$37,274,796 from a national pool of \$703,391,849, being equivalent to the previous year's entitlement.

In March 2016 the Commission completed the latest round of hearings and visits. To start the 2018-19 Triennium, the 2016 hearing and visits programme included an open discussion on matters of council interest.

The Commission also presented an information paper which outlined the status of the current triennium review. This gave an opportunity for councils to raise issues of interest with the Commission and potentially influence the Commission's draft 2018-19 Triennium Work Plan.

Councils raised or discussed with the Commission at the hearings and visits a variety of issues, some of which were matters already identified by the Commission for review (i.e. confirming the Commission's draft work plan objectives), with some other matters resulting in new matters being added to the work plan.

Councils also gave the Commission some interesting insight into the changing role and scope of council activities.

The Commission was pleased with the submissions it received in response to the discussion papers and with the interaction it had with councils during these recent visits.

STATE FIRE COMMISSION

REPRESENTATIVE: Rod Sweetnam and Hannah Rubenach-Quinn

NUMBER OF MEETINGS HELD DURING 2015/16: Eleven

OBJECTIVES OF THE COMMITTEE/BOARD:

The State Fire Commission (SFC) is constituted by the Fire Service Act 1979 ('the Act') which vests in the Commission the responsibility for the control of the Tasmania Fire Service (TFS) which delivers fire prevention and suppression throughout Tasmania.

The Commission oversees and directs the affairs of the TFS. The SFC is accountable within the responsibilities under the Fire Service Act 1979.

The Commission sets the strategic direction of the TFS within its Corporate Plan. The Commission must ensure that TFS management's objectives and activities are aligned with the Commission's strategic expectations and also address the risks identified by the Commission.

The Commission has a number of mechanisms in place to ensure this is achieved including:

- Approval of a strategic plan designed to meet stakeholders' needs and manage business risk;
- Ongoing development of the strategic plan and approving initiatives and strategies designed to ensure the continued sustainability, viability and success of the TFS; and
- Implementation of budgets by management and monitoring progress against budget - via the establishment and reporting of both financial and non-financial key performance indicators.

MAJOR ISSUES DEALT WITH AND DECISIONS MADE:

The 2015/16 year has seen a number of challenges for the State Fire Commission (SFC) against a background of an unprecedented fire season that has stretched the capacity of the Tasmanian Fire Service's (TFS) permanent staff and volunteers.

The efforts of staff and volunteers in combatting the large number and the size of long duration fires should be recognised. It is testimony to the professionalism of the people involved that no one was seriously injured and damage to property was kept to a minimum.

The Acting Chief Officer and all involved are to be congratulated on their efforts.

As a consequence of the extraordinary fire season a number of reviews and inquiries have been instigated:

- TFS management instigated an independent review of the firefighting operations through the Australian Fire and Emergency Services Authorities Council (AFAC). There will no doubt be some learning for them from this review.
- The Tasmanian State Government referred to the House of Assembly Standing Committee on Community Development terms of reference for an inquiry into the State Fire Commission. This was a broad ranging enquiry including amongst other things, the change of reporting for the State Emergency Service (SES) to the Chief Officer TFS and associated funding issues for the TFS and SES. At the time of preparing this report the Committee had just released their report and recommendations. The State Government will now receive the report and it remains to be seen where it will take the recommendations contained in the report. The SFC through TFS management provided evidence to this Committee.
- The Senate instigated an inquiry the focus of which was wild fire suppression in World Heritage listed areas of Tasmania. As the Australian Government has now called an election prior to the inquiry being concluded, it appears this inquiry has lapsed.

The Commission has continued to pursue clarification of the roles for Tas Fire Training (TFS) and Tas Fire Equipment (TFE), two business units within TFS. Both these business units provide commercial and community services in carrying out their respective operations.

The SFC has requested detailed reviews of both business units. These have now been completed, recommended actions have been received, some of which have been adopted, others are still to be considered by the Commission.

The fundamental aim of the review is to identify the 'community service' value, provided to the Community. Also, to ensure structures are in place whereby the commercial activities meet national competition policy requirements and other statutory obligations.

The SFC has supported the change of reporting for the SES into the TFS (from Police). This has brought some challenges particularly in the areas of governance and finance. The transition would appear to have been reasonably seamless from an operational perspective thus far and should continue to be.

The current legislation supporting the TFS, SFC and SES recognises two separate organisations. Changes to legislation will be required in the short term to address administrative matters. In the longer term there will be a need to rewrite the relevant Acts to enable the new arrangements. The SFC will need to work with the Government on this issue going forward.

Two bodies of work recently completed, should inform this rewrite ie, recommendations from the House of Assembly Standing Committee inquiry into SFC, and recent research by Wise Lord and Ferguson into Local Government support (financial and in-kind) to SES in the State of Tasmania.

At the time of preparing this report the Wise Lord and Ferguson report had not been considered by the SFC or released further.

Both these documents should lay the foundations on which the State Government can reform legislation. There should be opportunity for meaningful input from Local Government into that process in the future.

TASMANIAN PLANNING COMMISSION

REPRESENTATIVE: Michael Stretton

NUMBER OF MEETINGS HELD DURING 2015/16: Ten

OBJECTIVES OF THE COMMITTEE/BOARD:

The Tasmanian Planning Commission is an independent statutory body established under the Tasmanian Planning Commission Act 1997.

The Commission focuses on:

- assessing and reporting on changes to planning schemes;
- reviewing reports on draft management plans;
- advising and supporting the Minister for Planning and Local Government, and councils on planning matters; and
- delivering and supporting strategic planning projects.

The Commission's five corporate goals are as follows:

1. Develop and maintain an integrated strategic and statutory planning framework.
2. Implement strategic planning projects
3. Effectively undertake assessment, review and determination functions
4. Facilitate key spatial data to inform evidence based decision making and policy development
5. Establish and maintain effective corporate and communication arrangements

MAJOR ISSUES DEALT WITH AND DECISIONS MADE:

- Ongoing assessment of Planning Scheme Amendments as required;
- Assessment of Bushfire-Prone Areas Code;
- Received and considered Ministerial Statement of Expectation 2016/17;
- Completed assessment of various Interim Planning Schemes;
- Ongoing assessment of Draft Tasmanian Wilderness Area Management Plan;
- Assessed and approved modifications to Planning Directive No. 1;
- Review of draft Tasmanian Planning Scheme in preparation for assessment process in mid-2016;
- On-going delivery of on-line planning and development resource (i-Plan);
- Restructuring of the Commission to accommodate the introduction of the new Planning Policy Unit within the Department of Justice; and
- Regular advice provided to the Minister for Planning in relation to relevant statutory and strategic planning responsibilities and obligations.

COMMUNITY REVIEW COMMITTEE - THREATENED SPECIES ACT

REPRESENTATIVE: Liz Quinn, NRM Coordinator, Kingborough Council

NUMBER OF MEETINGS HELD DURING 2015/16: Two

OBJECTIVES OF THE COMMITTEE/BOARD:

Set up to ensure the social and economic impact of the implementation of management agreements for threatened species and a number of other issues are fully considered.

- To receive and consider draft recovery plans and listing statements;
- In respect of private land, to assist in and make recommendations to the Minister on the preparation of land management plans and land management agreements;
- To provide for conciliation as may be required in any matter arising from a land management agreement or for the purpose of making any such agreement;
- To consider the social and economic impact of the implementation of land management agreements;
- To advise the Minister on the effect of Interim Protection Orders;
- To consider and advise on other matters that may be referred to it by the Minister

MAJOR ISSUES DEALT WITH AND DECISIONS MADE:

- Considered & provided comment on listing statements for the following threatened species:
 - *Agyrotegium nitidulum*
 - *Euphrasia amplidens*
 - *Senecio campylocarpus*
 - *Pimelea sp. Tunbridge*
 - *Callitris oblonga*
 - *Doodia aspera*
 - *Prasophyllum apoxychilum*
 - *Prasophyllum secutum*
 - *Pterostylis squamata*
 - *Ranunculus diminutus*
 - *Astacopsis gouldi* (Giant Freshwater Crayfish)
 - *Platycercus caledonicus subsp. Brownii* (King Island Green Rosella)
- Chairperson, Dr Sally Bryant was replaced by Christine Crawford
- Provided comment on a new national threatened species assessment process (Common Assessment Model) and its impact on the current Tasmanian situation.
- Briefed on all Ministerial approvals of changes to threatened species common and scientific names and a new recruitment process for CRC members.
- Discussed new species Recovery Plans for Tasmanian Handfish & Giant Freshwater Crayfish.
- The CRC discussed the scientific literature regarding a seastar from the Derwent, *Marginaster littoralis*, to provide information to the Scientific Review Committee.