



GENERAL MEETING

AGENDA



**Wrest Point
Hobart**

Wednesday 26 July 2017

**Commencing
11.00am**

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

13. WHO MAY ATTEND A MEETING OF THE ASSOCIATION

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

14. PROXIES AT MEETINGS

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

15. QUORUM AT MEETINGS

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

16. VOTING AT MEETINGS

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

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

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

Schedule

10.30	Coffee on arrival
11.00	General Meeting The AGM will commence immediately following the conclusion of the General Meeting .
11.30	Rosalie Woodruff MP Tasmanian Greens Member for Franklin Local Government Portfolio Holder
12.00	Madeleine Ogilvie M: Tasmanian Labor Party Member for Denison Shadow Minister Local Government & Public Planning
12.30	The Hon Peter Gutwein MP Tasmanian Liberal Party Treasurer Minister for Planning and Local Government
1.00	Lunch

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*** DENOTES ATTACHMENT**

1 MINUTES *

Decision Sought

That the Minutes of the special General Meeting held on 11 May 2017, as circulated, be confirmed.

The Minutes of the Meeting held on 11 May, 2017 as circulated, are submitted for confirmation and are at **Attachment to Item 1.**

2 CONFIRMATION OF AGENDA & ORDER OF BUSINESS

Decision Sought

That the agenda and order of business be confirmed.

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

3 PRESIDENTS REPORT

Decision Sought

That Members note the report on activity since the last General Meeting, 24 March to 23 June 2017 inclusive.

Meetings

- Commissioner Glenorchy City Council
- LGAT General Meeting (April)
- TasWater – meetings, teleconferences
- General Management Committee – May Meeting, Teleconferences
- TasWater Campaign Steering Committee
- ALGA Board Meeting
- ALGA Regional Cooperation and Development Forum
- ALGA National General Assembly
- Mayors Professional Development Day
- LGAT Strategic Planning
- Property Council – Policy Committee

Media/Communication

- Radio, print and television on:
 - TasWater - Legality
 - Financial Assistance Grants
- The Pulse

- Media releases: State Budget; TasWater Legal Advice; George-Town/West Tamar; State of the Regions Report
- Op Ed: TasWater

Other

- Local Government Professionals National Conference – Panel

4 CEOs REPORT

Decision Sought

That Members note the report on activity since the last General Meeting, 24 March to 23 June 2017 inclusive.

Key meetings and events

- ALGA Board Meeting
- ALGA CEO Meeting
- ALGA National General Assembly
- ALGWA National Conference Dinner - Launceston
- Audit Office re LGAT Audit process
- Brighton Council – Digital RoundTable
- Chief Officer’s Forum - Hobart
- Chief Owner Rep- regular discussions
- Commissioner Glenorchy City Council
- Cradle Coast Authority – input into strategic planning
- Deputy Secretary State Growth – Road Issues
- Director of Local Government regarding iPlan
- Director of Local Government regarding review of councillor allowances
- DPIPWE on cat management
- General Management Committee Meeting (May)
- Glamorgan Spring Bay Council
- Government House – LGAT received an award as an Army Reserves Employer
- Jeremy Rockliff (Minister) regarding cat management
- LGAT 2IC Workshop
- LGAT Assist Board Meetings
- LGAT General Meeting (April)
- LGAT Special General Meeting – TasWater (May)
- Local Government Division re Code of Conduct Review
- Local Government Division, regular monthly meetings
- Local Government Professionals National Conference (Hobart)
- Local Government Professionals Tasmania Board Meetings
- MAV Insurance Board
- Mayors Workshop - Launceston
- National Disability Service
- OzHelp re Mayor’s Workshop
- Peter Carr Advisory
- Planning Reform Taskforce
- Premier’s Local Government Council Officials Meeting
- President – regular discussions

- Property Council – Policy Committee
- RDA Tasmania Committee Meeting
- Rosalie Woodruff MP regarding land use planning
- Secretary DPIPWE, general catch up
- Sharing Accommodation Working Group
- TasWater

Strategic Policy Activity

- Code of Conduct review – discussion paper
- Grant application preventative health
- Input into future work agenda for the Planning Taskforce
- LG Amendment Bill - Submission
- Rating crown lands – legislation successfully passed.
- Sharing accommodation
- TasWater - extensive

Media and Messaging

- The Pulse Newsletter
- Print and radio regarding:
 - Planning
 - TasWater
 - Non payment of rates
 - Cats
 - Climate Change
 - Air BnB
- ALGA #Endthefreeze thunderclap
- Media releases TasWater, State of the Regions, State Budget, Georgetown/West Tamar
- Op Ed – Rate Capping

Organisational

- Annual Plan development
- Budget preparation
- Design Annual Report
- Early stage implementation of SharePoint
- Finalising conference program
- GMC Elections
- LGAT staff structure review
- LGAT Strategic Planning – EOI for consultant, staff session, GMC session, prep and review.
- Planning for 2IC Forum, General Manager’s workshop and Mayors’ Professional Development Day
- Policy Director Performance Review
- Preparation for General Meetings and GMC
- Subscription modelling
- Women and Leadership Australia – Final Course Component

5 BUSINESS ARISING *

Decision Sought

That Members note the following information.

At **Attachment to Item 5** is a schedule of business considered at the meetings held on 7 April and 11 May 2017 and the status thereof.

6 FOLLOW UP OF MOTIONS *

Contact Officer: Dion Lester

Decision Sought

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

Follow up on outstanding motions

A matrix indicating progress to date on motions passed at General Meetings, which remained outstanding at the last General Meeting, is at **Attachment to Item 6**.

7 MONTHLY REPORTS TO COUNCILS *

Decision Sought

That Members note the reports for March, April and May 2017.

Background comment:

Monthly reports to Councils that briefly outline the Associations activities and outcomes for the previous months are at **Attachment to Item 7**.

8 ITEMS FOR NOTING

8.1 Ownership of Taswater Contact Officer: Katrena Stephenson

Decision Sought

That Members note that a verbal update will be provided on the day.

Background Comment:

Subsequent to the 11 May 2017 Special General Meeting, the General Management Committee formed a special Steering Committee to strategically guide LGAT's advocacy efforts in this space.

A verbal report will be provided on the outcomes of the Steering Committee discussions to date as well as any further information that the Government may provide at the PLGC scheduled for 28 June.

Budget Impact

This currently forms a significant workload in a time when a number of significant reform agendas are in play. LGAT has secured additional support as required through use of a consultant to support media activity.

Current Policy

Strategic Plan:

- Priority Area 1: Strategic Relationships
- Priority Area 2: Sector Profile & Reform

8.2 Review of the Local Government Act * Contact Officer: Katrena Stephenson

Decision Sought

That Members note the following report.

Background Comment:

At **Attachment to Item 8.2** is a copy of the LGAT Submission to the *Local Government (Targeted Review) Amendment Bill 2017*.

Matters raised by the Local Government sector are due to be discussed at the Premier's Local Government Council on 28 June 2017.

LGAT has sought informal feedback from Mayors and General Managers on three specific issues, namely the use of Ministerial Orders, the Mayoral function "to oversee the councillors" and eligibility to stand for Local Government following a dismissal.

Feedback will be provided on these issues, and the progress of the Bill at the Meeting.

Budget Implications

Does not apply.

Current Policy

Strategic Plan:

Priority 1: Strategic Relationships

Priority Area 2: Sector Profile & Reform

8.3 Code of Conduct Update Contact Officer: Dion Lester

Decision Sought

That Members note the progress of the Code of Conduct review.

Background Comment:

At the February 2017 General Meeting, Members were provided background on the Code of Conduct legislation, received a report from the Director of Local Government on the Code of Conduct and noted that the Minister, through the Premier's Local Government Council, had committed to a twelve month review of the Code of Conduct legislation.

On 1 May, the Minister wrote to all Mayors advising that he has requested LGAT take carriage of the Review and report. In subsequent discussion with the Local Government Division it was agreed that the Division will be seeking feedback from Code of Conduct Chairs, Panel Members and the Executive Officer; while LGAT would seek feedback from Local Government. The advice from LGAT Members, Panels and the Division will be jointly considered in developing recommendations for the Minister.

At the time of writing, final work was occurring on the discussion paper to go out to councils seeking initial feedback. It is intended that once draft recommendations are formed (from the initial round of feedback), these would be provided to councils for review and further feedback (likely September) in order for the final recommendations to be endorsed at the November General meeting.

LGAT is aware, at a high level, of some concerns. These include:

- The legality of the Model Code;
- The extent (or lack of) to which Chairs are applying frivolous and vexatious powers;
- The weight given to unsubstantiated claims;
- The lack of interaction with Council or LGAT with regard to training requirements;
- The application of training sanctions to a whole council when the complaint is against individuals;
- The lack of interaction/advice from General Managers in relation to complaints being determined;
- The experience/consistency (or lack of) of the panellists and/or Executive Officer;
- The application of procedural fairness and natural justice processes;
- The appropriateness of Code of Conduct panels for matters which have other avenues for appeal (eg planning decisions);
- The cost of determining a complaint; and
- The role of the Local Government Division.

At this stage, the Association does not have a lot of detail on these matters, and more information will be sought as part of this process.

Budget Impact

Being undertaken within current resources.

Current Policy

Strategic Plan:

- Priority Area 1: Strategic relationships;
- Priority Area 2: Sector profile and reform; and
- Priority Area 4: Sector capacity.

8.4 Land Use Planning

Contact Officer: Dion Lester

Decision Sought

That members note the progress of the planning reform and the key issues for the Local Government sector.

That members also note the progress of the Planning and Building Portal.

Background Comment:

Now that the State Planning Provisions (SPPs) have been declared it is Local Government's responsibility to develop the Local Provision Schedule (LPS) for their respective municipal areas.

Broadly speaking this will involve a number of key steps for councils. They are:

- Development of individual and regional workplans;
- Review of the Regional Land Use Strategies and minor updates to correct inconsistencies with SPPs and to capture any recent strategic planning processes that have been through a community and council endorsement process;
- Preparation of the LPS zone maps;
- Development of any local area objectives, Special Area Plans, Particular Purpose Zones and Site Specific Qualifications;
- Preparation of Code mapping or lists as required; and
- Development of the required supporting documentation.

It has been estimated that this work will take the quickest councils at least five months. However, very little work has commenced yet as critical State Government supplied documentation is still being prepared.

Since the release of the SPPs (in late February) the State Government, via the Planning Policy Unit (PPU) and Tasmanian Planning Commission (TPC), has or is proposing to undertake a number of activities designed to support Local Government in the preparation of the LPSs, this has included:

- Regional workshops with council staff to outline the proposed approach;
- Establishment of a LPS Steering Committee, which LGAT sits on;

- Development of support material such as guidelines and other advisory documentation; and
- A statewide workshop on the Agricultural mapping and Natural Assets Code.

At the time of writing not all of the required support material had been provided by the State Government, although the expectation is that this should all be released by mid July.

Each of the three regional groupings of councils have prepared work plans for the development of their Local Provision Schedules. These plans have been submitted to the State Government for endorsement. Once endorsed councils can then commence the preparation of their individual LPSs in earnest. The endorsed work plans will also release the financial assistance for each region promised in the recent State Budget.

Key Issues:

- The development of Local Provision Schedules is likely to require significant resources;
- To date the State Government has not been efficient or well organised in the development of the necessary processes and support material to enable councils to commence the development of their LPSs;
- There are still a significant number of unresolved questions from Local Governments perspective;
- The approach taken by each of the regions is not consistent; and
- Local Government will bear the brunt of implementation and community angst in relation to the new provisions.

Planning and Building Portal (IPlan Stage 2)

LGAT sits on the project steering committee for the Planning and Building Portal Project, which is the extension to the successful IPlan Project. The funding of this second stage was LGAT's number one priority for the 2016-17 Budget.

The project is being delivered by the Department of Justice and has begun with a review of the business case, meeting with relevant stakeholders, undertaking jurisdictional analysis and market research.

To date there has been Local Government consultation to establish an initial understanding of the technical and business processes within each council. The purpose was to identify where each council is at in terms of systems, IT support, online options, and planning, building and plumbing processes (at a high level). The Project Team has another round of visits scheduled for July - early August and will be contacting those councils that they haven't already met with shortly. The primary focus for the next round of visits is to better understand processes in the planning area of councils.

In parallel, the Project Team is working with a consultant to document the building, plumbing and demolition requirements in a way that can be used by a software system (i.e. as a schema). The objective of this is to capture the rules in a way that either the general public, or a permit authority, can work through a checklist/decision tree style enquiry which would assist to identify the category that the work falls within and the associated requirements e.g. is it notifiable or permit required, who must be engaged, what additional documents are required etc. The project team will soon be commencing work with building surveyors, permit authorities and Consumer Building and Occupational Services staff to inform the content of the enquiry process.

In addition, the project team has released a request for information (RFI) from potential software providers. The RFI will close on 10 July, 2017. Once responses are received,

there will be a period of time where these will be reviewed and it is hoped they will assist to inform the requirements specification. The aim is to have the specification out for tender by the last quarter of this year.

Budget Impact

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

Current Policy

Strategic Plan:

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

8.5 Visitor Accommodation Changes

Contact Officer: Dr Katrena Stephenson

That the Meeting note the concerns raised by LGAT in relation to change to Visitor Accommodation approvals.

Background

Currently ANY property that is to be used for visitor accommodation requires a planning permit.

The State Government initially mooted, through the draft State Planning Provisions, a 'no permit required' approach for anything less than 42 days per year but Local Government did not support that as compliance would have been very difficult to manage.

LGAT suggested the divide should centre primarily around whether a property was the principle place of residence or not (up to a certain scale). That is, no permit required for those principally interested in sharing their primary residence and meeting new people while supplementing their existing incomes in a small way, versus others interested in listing properties on sites such as Airbnb primarily for commercial gain. This position was articulated in a position paper provided to Members through our General Meeting process last year. LGAT did not support a blanket exemption as from a land use and infrastructure planning perspective it is important to know where this accommodation is.

The two categories proposed by the Government (own home up to four bedrooms, and own home with more than four bedrooms/investment property less than 300m²) represent not only a relaxing in relation to planning permit processes but also building owner requirements.

It is estimated that over 600 existing properties will benefit from this relaxation. That being said, there are some building requirements, accounted for through a self declaration process which is similar to that now required of commercial building owners in relation to maintenance under the changed Building Act. The compliance triggers also primarily sit with the Building Act but may also rest with the Land Use Planning and Approvals Act.

The accommodation industry had hoped that through the State Planning Provisions of the Tasmanian Planning Scheme a trigger for requiring a permit would be that the applicant had an ABN. We did not support that on the basis that an ABN is not an appropriate planning trigger.

The Minister then engaged with us regarding this new intermediate category. The concerns raised with him were:

- What would the new combined process look like and how would that be managed by councils?;
- What would the self-certification/declaration entail and what liability for councils?; and
- We would not support a flat fee approach as the cost of planning application assessment varies across councils based on volume (note: this has been partially resolved through setting an upper limit on fees rather than a flat fee).

The Government convened a Reference Group to support implementation but it would be fair to say that LGAT has been frustrated and disappointed by the slow pace of work. Councils have only been marginally engaged and a commitment to establish a Local Government implementation working group was not honoured. With a 1 July start date, councils only received the information sheets and the application form on Monday 26 June. This does not give them long to consider the process or fee structure.

That being said, LGAT has been advised that these will be distributed promptly, that all information will be on a central portal (Justice Website), that there will be a public information campaign from 1 July and that there will be a dedicated officer for an extended period from 1 July to deal with operator and council questions and concerns. This process has worked well in relation to the Building Regulatory Reform which also had a short lead in time for councils in terms of implementation.

There has been feedback from commercial accommodation operators expressing concern at what they feel is unfairness in easing of the regulations in that it poses an opportunity for people to compete in the accommodation market without paying commercial accommodation rates.

While the impact on rates paid will vary across councils depending on rating policies, some properties will change classification from commercial to residential. Currently the Valuer General relies on notification from councils (typically change of use permit issued) to update the classification (from residential to commercial). If properties are in the no permit required category they will have to advise the Valuer General in order to affect the data provided to councils which is used to set rates. It is not anticipated many properties fall into this category. There will be advice on this matter in the information sheets that are being finalised.

The Association notes the potential risks to housing affordability and welcomes the commitment to a review of impacts within two years.

Budget Implications

Does not apply.

Current Policy

Strategic Plan:-

Priority Area 5: Land Use Planning & Environmental Sustainability

8.6 Preventative Health Contact Officer: Penny Finlay

Decision Sought

That Members note the following report.

Background Comment:

To follow on from previous work to support Local Government in action on preventative health, LGAT held a workshop for all Tasmanian councils on 30 May 2017. There were representatives from 20 different councils, with 4 councils, Clarence City, Burnie, Glenorchy and Central Coast Councils, presenting their current work. Presentations were provided by LGAT and the Department of Human and Health Services.

Some key issues raised in the presentations included:

- Significant activity is occurring within Local Government in Tasmania in the preventative health arena.
- The *Local Government Act 1993*, at S.20, notes a council has the function to 'provide for the health, safety and welfare of the community'. The current legislative framework provides for flexibility and innovation but many of those who work in Local Government would like greater recognition of the key role played by Local Government and greater clarity about our sphere of influence.
- At a national and international level, the focus is on what can be done to address chronic diseases given that they make up 61% of the burden of disease in Australia with 31% due to preventable factors. It is recognised that local action to address risk factors is an effective approach.

At the workshop, it was suggested the next steps should be:

- Gaining recognition and legitimacy for Local Government undertaking preventative health work, both inside and outside of councils;
- Resourcing actions that will promote the health of local communities;
- Promotion and branding of preventative health programs and initiatives in a way which will reach target populations; and
- Sharing knowledge about what is effective & what works.

Budget Impact

Being undertaken within current resources.

Current Policy

Strategic Plan:

- Priority Area 1: Strategic Relationships
- Priority Area 2: Sector Profile & Reform
- Priority Area 4: Sector capacity

8.7 Strategic Plan & Annual Plan *

Contact Officer: Dion Lester

Decision Sought

That Members note the new LGAT Strategic Plan 2017-2020 and the 2017/18 Annual Work Plan.

Background Comment:

In 2012 LGAT developed a five year strategic plan which, while significantly reviewed in 2015, was due to be fully revisited. This is particularly imperative in the context of ongoing and significant reforms impacting upon the sector (e.g. Local Government Act, Feasibility Studies, Building and Planning, TasWater) and with State Government and Local Government elections both likely to occur in 2018.

In December 2016, LGAT released a Member survey to aid us in assessing whether we are meeting member expectations and also in flagging concerns and priorities for the sector. At the February 2017, General Meeting a workshop was held with those that attended to further describe the challenges and opportunities facing the sector over the next few years and what LGAT could do to assist.

Since that time, LGATs General Management Committee and staff have been pulling this background information together and developing a clear and compelling Strategic Plan for 2017-2020 and an Annual Work Plan for the 2017/18 financial year.

A full copy of the Strategic Plan will be provided at the Meeting but the Vision Statement and Annual Work Plan are included at **Attachment to Item 8.7** for reference.

Collectively, they will provide the basis for resourcing decisions and work planning by the LGAT CEO and staff, however these plans are not intended to comprehensively describe all the work that LGAT undertakes or reflect all the activity within councils and we expect that both will be reviewed regularly in order to appropriately reflect the social, economic and political environments within which councils are working.

LGAT Strategic Plan 2017 - 2020

The Strategic Plan contains:

1. A long-term Vision of success for LGAT – *“Vibrant Tasmanian communities”*;
2. LGATs Central Purpose – *“Help Tasmanian Councils to be the best they can be for their communities”*;
3. Our Core Functions (from the Local Government Act);
4. Five proposed Key Focus Areas, which are
 - a. *Facilitating change across Local Government*;
 - b. *Building Local Government’s reputation*;
 - c. *Fostering collaboration*;
 - d. *Promoting financial sustainability*; and
 - e. *Underpinning Local Government capacity and capability to deliver*.
5. Key performance indicators for each focus area;
6. A short-list of critical Priorities for the next twelve months that fulfil our core Purpose and address our Key Focus Areas; and
7. The values LGAT will strive to be known by.

Annual Work Plan 2017 - 18

The Annual Work Plan provides the more detailed actions LGAT will undertake to fulfil its Strategic Plan and in particular the critical priorities as indicated. In addition to the critical priorities, the Annual Work Plan acknowledges the ongoing role LGAT has in representing Local Government interests in key policy priority areas of State and Federal Governments.

Annual Plan 2016 – 17

A report on the progress against the 2016 – 17 Annual Plan can also be found at **Attachment to Item 8.7.**

Budget Impact

An external consultant was used to support the Strategic Plan preparation, with a total cost of \$5,825.00 (ex GST). The staff resourcing required in preparation and follow up was substantial, but this is a critical task.

Current Policy

The current Strategic plan has five priority areas, listed below:

- Strategic relationships;
- Sector profile and reform;
- Financial sustainability;
- Sector capacity; and
- Land use planning and environmental sustainability.

8.8 National General Assembly of Local Government Contact Officer: Katrena Stephenson

Decision Sought

That Members note the report on the National General Assembly and the State of the Regions Report.

Background Comment:

The ALGA Regional Cooperation and Development Forum and National General Assembly were held in Canberra from 18-21 June. The theme this year was “Building Tomorrow’s Communities” in recognition of the role of Local Government in investing in people and places with a goal of more productive and liveable communities.

In addition to presentations from key Federal politicians such as Fiona Nash (Minister for Local Government and Regional Development); Stephen Jones (Shadow Minister for Regional Services, Territories and Local Government), Bill Shorten (Leader of the Opposition) and Angus Taylor (Assistant Minister for Cities and Digital Transformation), there were speakers on building liveable communities; technology and building tomorrow’s communities; engagement through social media and governance in a digital age (see www.alga.asn.au for more information).

One hundred motions were considered, including several Tasmanian motions. Hobart City Council’s Australia Day motion garnered significant debate.

The annual State of the Regions Report was also released, this is the 20th edition of this report commissioned by ALGA and prepared by National Economics. The *State of the Regions: Pillars of Growth Report*, has found that infrastructure deficiencies have played a part in making it harder for struggling regions in Australia to increase their productivity, create jobs and improve outcomes.

This year's report builds upon the accumulated knowledge from previous reports, providing a coherent framework for analysing regional development and notes there is a growing expectation that councils will take an increasingly significant role in regional economic development, from planning through to implementation.

The authors of the *State of the Regions* Report note that economic growth is founded on productivity increases and identify the pillars of regional growth as skills formation, capital investment, knowledge creation and the formation of supply chains. They also note that resources and opportunities vary markedly from region to region.

Based on 19 years of reports, the authors have developed some key insights (stylized facts) and while noting they don't apply equally to all regions, many will be of particular interest to Tasmanian policy-makers.

These include:

- High income economies now depend on innovation as the core driver of long-term economic growth;
- The capacity to innovate depends on knowledge and networks at the regional level;
- Infrastructure deficiencies and a lack of investment in telecommunications and transport make it difficult for low productivity or high unemployment regions to increase productivity;
- Low productivity regions are rapidly ageing;
- Tourism exports are an important driver of economic activity and employment in many regions but the net benefit from tourism for the majority of regions is relatively low;
- Market mechanisms will not reduce inequality of economic performance between regions. Therefore, public policy has a key role in maximising overall economic growth of the nation.

The data in the State of the Regions report reflects what is largely understood about Tasmania. That is:

- We have a greater than average proportion of people on income support and this is significantly greater when it comes to the disability pension. Relative to the rest of Australia, we have the lowest household disposable incomes and household wealth and we have a high proportion of single person households;
- Tasmania has had negligible population growth in the last few years and the unemployment rate across all regions sits between 11 and 12 per cent for 2017;
- Local Government rate collections in Tasmania are no more than the Australian average;
- We have seen some growth in construction rates between 2012-2014 and 2015-2017 (around 11-12% in the North and South and 5% in the North West) and particularly high rates in the new residential constructions in the Southern region; and
- The authors note that liveability and jobs go hand in hand and if patent applications are a sign of innovation and creativity, then Tasmanian regions rate poorly compared to others across Australia.

The report confirms that metropolitan core regions, their residents and workers, have been gaining increasing shares of national income, but regions which are distanced from metropolitan centres have suffered decline and the gap is growing. There is a need to supercharge local area productivity through mobilising State and Local Government resources and through the private sector leveraging off this Government's investment.

Members should also note that Mayor David O'Laughlin, President of ALGA will be speaking at the LGAT Conference.

Budget Implications

ALGA Membership fees are funded through LGAT Subscriptions.

Current Policy

Strategic Plan:

- Priority Area 1: Strategic Relationships
- Priority Area 2: Sector Profile & Reform
- Priority Area 4: Sector capacity

8.9 Policy Update

Contact Officer:

Decision Sought

That Members note the following report on current policy activity.

Street Lighting LED replacement projects

The Northern Lights project is rolling out as planned. The installation began in February 2017, and at 5 June the project was 44% complete with 3,391 lights replaced. Meander Valley is the first council to have their installation completed and works are continuing in Launceston where around 60% of lights have been changed over. Work will commence in George Town in July.

Launceston and Meander Valley Council are also working with TasNetworks to trial some major road LEDs with the hope that they may be available in the coming years as a replacement option.

The Southern and North-West councils have had business cases completed for the roll out of LEDs and are considering their options. Many of the councils have workshopped the business case with senior managers and elected members. A number of the councils in the north west have committed to progressing to a detailed feasibility study with Central Coast Council committing to implement the role out. A critical mass of at least 2000 lights is needed to support the role out in a region.

The southern councils are exploring the opportunity of accessing funding for the project through the State Governments Accelerated Infrastructure fund.

Renewal Local Government Public Lighting Contract

In July 2014, non-metred public lighting became contestable. As a result, LGAT facilitated a competitive procurement process for the sector, which achieved significant savings across the sector (approximately \$500K per annum). LGAT is again facilitating a similar process with the current contract coming to an end on 30 June 2017. Goanna Energy

has been engaged to run the Request for Price process with the retailers.

There has been some delay in the re-contracting due to the Government's decision in May to intervene in the energy market. As a result, there was a delay in Hydro releasing the wholesale price of energy to retailers.

At the time of writing it is likely that Councils will be in a position to make a decision regarding re-contracting or going back to tariff around the 30 June 2017.

Emergency Management

Significant reform is continuing to occur in the emergency management space. Much of this has been driven by recommendations to come out of the Justice review into Tasmania's Emergency Management Arrangements and additional reform is likely to emerge as a result of the Flood review. At the time of writing the State Government had not responded to the review.

Key recommendations to come out of the Flood Review which may impact on Councils include:

- Municipal committees develop and or review flood related sub plans of the municipal emergency management plan every two years;
- Councils include a weblink for the public to their municipal emergency management plan and community safety information;
- Councils and SES educate the community regarding BOM flood warnings;
- The flood warning consultative committee (that many council officers sit on) consider the merits of delineating the Ouse river as a separate catchment from the Derwent River basin;
- Subject to funding, that the flood warning consultative committee investigates the hydrological matters and advice received during this review;
- The flood warning consultative committee review flood classification levels in the service level specifications with BOM specifically relating to flood level triggers on gauges;
- The BOM and the flood warning consultative committee in consultation with gauge owners review flood gauges and develop a program to update data used to support hydrological modelling. This should include reviewing gauge maintenance before and after floods;
- In the event of a major emergency, a government department be appointed to coordinate infrastructure repair to the extent that funding allows, for the whole state;
- The organisation responsible for the construction, maintenance and ownership of bridges review their design guidelines and, if necessary, update them to specifically include consideration of debris and flood impact on bridge design; and
- The Riverine flood hazard code is finalised and approved as soon as practicable as part of the Tasmanian Planning Scheme.

LGAT will continue to lobby the government to fund the implementation of these recommendations and to better fund the State's capability in planning for, and responding to, floods.

Guide to Minute Taking Handbook

As part of LGAT's commitment to councils to develop best practice tools and resources, we have prepared a *Guide to Minuting Taking Handbook* to provide guidance in best practice minute taking.

This handbook is based on the requirements from current legislation and has had input from those within the sector and the Local Government Division. It is currently available on the LGAT website for council's use.

To support this, currently in development is an example set of fictitious minutes that provide visual guidance on how to best record council meetings in accordance with the handbook and legislation.

For councils wishing to be refreshed on minute taking and agenda preparation, the Tasmanian Training Consortium are running an Agenda and Minute taking course in Hobart on Friday 10 November. To register please follow the link [here](#).

Any feedback post release of this handbook should be made to the LGAT Contact Officer in the first instance.

Rating Amendment Bill

On 23 June the *Local Government Amendment (Rates) Bill 2017* received Royal Assent.

This Bill, initiated at the request of the sector, amends the Local Government Act to:

- Clarify that exemptions from non-service rates under section 87(1)(b) of the *Local Government Act 1993* do not apply to Crown land that is subject to leases, and licences that confer a right to exclusive occupation and are used for commercial or private use;
- Provide an exemption from non-service rates for unallocated seabed Crown land and seabed Crown land within municipal areas that supports a marine farming lease made under Part 4 of the *Marine Farming Planning Act 1995*;
- Extend the definition of municipal area to include land that adjoins municipal areas in certain circumstances;
- Validate current and previous rates notices that were issued in relation to land previously subject to an exemption under section 87(1)(b) of the Local Government Act, other than those rates notices issued to the Crown; and
- Amend section 120 of the Local Government Act in relation to the liability of rates, specifically in relation to Crown land leases and licences.

Parliament amended Clause 9 of the Amendment Bill to exclude from validation any rates notices that are the subject of current court proceedings. The court proceedings must have been initiated before 14 March 2017, which was the day the Amendment Bill was introduced to the House of Assembly.

The progression of this Bill highlights the effectiveness of the PLGC process and collaboration between LGAT and the Local Government Division. It has taken some considerable advocacy effort to progress with the need to allay a number of concerns along the way. LGAT wishes to acknowledge the hard work of the Division staff in this regard.

By way of background, most councils have traditionally levied general rates on marine facilities in the municipal area which are on or adjacent to crown land based on valuation and property identification data from the Office of the Valuer-General. These properties exist on valuation rolls. The application of rates has been undertaken on the belief that

the rating exemptions provided for under the *Local Government Act* supported the intentions of the 2003 financial reform agreement between State and Local Government, which was not to provide rating exemptions for private or commercial benefit from the use of such land.

Further, there has been support to date for amendments to clarify that land that is partially or wholly outside of the municipal boundary but a logical extension of the parcel of land can continue to be rated. The amendments will address the concerns around marine leases without creating any rating problems. This is an important issue as it removes doubt regarding a council's power to rate certain land. The amendment to the *Local Government Act* will ensure that structures and development beyond the municipal area are included within the municipal area, meaning that it is clear rates can continued to be charged.

Building Act

In March LGAT wrote to the Minister for Building and Construction, the Hon. Guy Barnett, to raise the significant concerns voiced by members in relation to the recent commencement of the Building Act 2016 ('the Act') and related instruments. Essentially the new arrangements have caused significant confusion both within the sector and more broadly across the building industry and the general public since the new legislation commenced in January 2017.

Since April, 26 of the State's 29 councils have met with Consumer and Building Occupational Services (CBOS) within the Department of Justice to discuss specific concerns in relation to the implementation of the Act. In addition, Building Surveyors' and Permit Authorities' Forums held in Launceston in April were well attended and the feedback from the sector has been more positive.

CBOS has re-established technical reference groups (e.g. Local Government, building surveyors, plumbers) to assist them with identifying areas of the Director's Determination and prescribed forms that require additions and amendment. LGAT is involved with the Local Government reference group, along with several councils. This group met in early May and will reconvene in the second half of the year.

CBOS has made some significant changes to the suite of prescribed forms that relate to building and plumbing work and have worked closely with councils and practitioners to streamline processes.

From observation at meetings and forums there appears to be a positive and constructive relationship between council officers and the CBOS staff and the earlier teething issues appear to be settling.

LGAT's Policy Director continues to meet with the Director of Building Control on a fortnightly basis to work through the issues raised by the sector. LGAT will liaise with councils over the coming months to ensure that any residual concerns are addressed. LGAT, via the Premier's Local Government Council, has indicated that we believe a review of the Act later this year is still warranted.

Cat Management

The Tasmanian Government announced in its May budget ongoing funding of \$360,000 per annum to support the implementation of the Cat Management Plan in partnership with Local Government.

LGAT has met separately with both Minister Rockliff and DPIPWE officers to discuss how this partnership would be managed.

DPIPWE proposes that three regional officers will implement action plans to be developed in consultation with LGAT, DPIPWE and key stakeholders including the hosting councils. These roles are likely to be located within a council in each of the North, North-West and South, and the officers will work across the region to deliver education and support to change attitudes and behaviours in cat ownership.

In meeting with Minister Rockliff he stated that he did not support containment of cats but that changes to the legislation would include compulsory microchipping and desexing. The role of the regional officers will be to work with councils about how to manage complaints on nuisance cats but with a major focus on education rather than compliance.

Weeds

Extra funding for weeds management was announced by the Tasmanian government in the May budget. The package includes \$2 million to improve weed, pests and invasive species management.

DPIPWE is developing an action plan that includes three new Invasive Species Officers (weeds and vertebrate pests). The positions will be located in each region (Devonport, Launceston and Hobart).

The roles will be on the ground, working in collaboration with councils as well as the various industry groups and landowners. The officers will be involved in the broad range of tools from awareness/engagement through to compliance.

LGAT will provide input into action plans and ongoing collaboration with Local Government.

Waste Management

At the May Premier's Local Government Council meeting, the State Government advised that they would not be introducing a waste levy but that the Environment Protection Authority (EPA) would be updating the Tasmanian Waste and Resource Management Strategy (TWRMS). The draft Strategy was expected to be released by mid 2017 with a three to five year time horizon. It was likely to be project and action based in the first instance.

It was anticipated that the updated TWRMS would address issues such as a Container Deposit Scheme, waste tyres, the C-Cell and organics. With other issues under consideration including (but not limited to) asbestos, E-waste, plastics, litter, household hazardous waste, construction and demolition waste, industrial and commercial waste and waste tracking.

At the July 2016 LGAT General Meeting, members moved that LGAT re-establish the Waste Reference Group (WRG) to develop recommendations for Members, with respect to the TWRMS and/or a waste levy. The WRG consists of representatives from each of the three regional waste authorities and the LGAT Policy Director.

At the November 2016 General meeting, members moved that LGAT reconfirm its commitment to the introduction of a statutory waste levy of \$10 per tonne to be collected by public and private landfills, as endorsed at the Local Government General Meeting in July 2012.

In late 2016 the WRG determined that it was strategically important that a “statewide waste strategy” from a Local Government perspective be prepared. This document will be used as our main tool to engage with the EPA. The completed strategy was presented at the April 2017 General Meeting and provided to the EPA shortly after to inform the update of the TWRMS.

LGAT has met with the EPA to discuss the initiatives we put forward and we now await the release of the State Government’s draft TWRMS later this year. The next meeting of the LGAT Waste Management Reference Group will be on release of the draft TWRMS for comment.

At the time of writing LGAT was also consulting with councils regarding proposed changes to Schedule 2 of the *Environmental Management and Pollution Control Act 1993* to make the storage of more than 100 tonnes of waste tyres an activity subject to assessment and approval by the Board of the EPA.

Key Issues:

- There are a number of practical waste management projects that require funding;
- The State Government has advised that they would not be introducing a waste levy;
- The Tasmanian Waste and Resource Management Strategy is now seven years old and a new State-wide strategy is needed to deal with issues that are beyond the capacity of regional waste authorities; and
- There remains a need to collaboratively consider key waste issues strategically, from a whole of sector basis.

Climate Change

At the beginning of June 2017, the State Government released *Climate Action 21*, Tasmania’s Climate Change Action Plan for 2017 – 2021. The Plan follows the earlier draft plan, *Embracing the Climate Challenge*, released for public comment in January 2016. Climate Action 21 sets out an “aspirational emissions reduction target of zero net emissions by 2050” and actions in six priority areas:

1. Understanding Tasmania’s future climate.
2. Advancing our renewable energy capability.
3. Reducing our transport emissions.
4. Growing a climate-ready economy.
5. Building climate resilience.
6. Supporting community action.

The government has committed \$3M over the next four years to implement the Plan.

The Plan recognises that Local Government is the sphere of government closest to communities and notes the sector can assist with informing and educating local communities about climate change, and considering climate change in their decision making.

Some of the specific actions within the Plan related to Local Government include:

- Working in partnership with TasNetworks, Local Government and the private sector to support the rollout of electric vehicle charging infrastructure;
- Supporting Local Government to manage risks to new and existing settlements from coastal hazards; and
- Working with Local Government and regional bodies to embed climate change adaptation into strategic and financial decision making, through actions such as preparing tailored climate change projection summaries for each Local Government area.

LGAT Climate Change Forum

LGAT and Climate Tasmania teamed up in May to facilitate a Local Government climate change, energy efficiency and sustainability forum, hosted by the City of Hobart. The forum was open to Local Government practitioners and interested members of the public, and was well attended by elected members, Federal, State and Local Government professionals, along with scientists and consultants from inside and outside Tasmania.

This forum was designed to bring local, state and national expertise together to look at climate change risks and discuss practical responses. It provided an opportunity for attendees to hear about current climate change, energy efficiency and mitigation activities of interest and relevance to the Local Government sector.

Given the success of the day and the enthusiastic response to the forum's content and networking value, LGAT and Climate Tasmania will consider opportunities to deliver another forum, focussing on adaptation, early 2018.

Procurement

The National Procurement network (NPN) is the name given to the collective of all Australian State and Territory Local Government Association procurement arms, with access provided as a service to all LGAT members. There is no charge for councils to use the LGAT/NPN contracts.

The purpose of such a procurement service is to harness the collective purchasing power of the Local Government sector, delivering savings in time and cost to its member councils.

In Tasmania councils' benefitting from the NPN are increasing each year. For example, in the twelve month period to the end of March 2016 there was a **\$3.9m spend** and approximately **\$700,000 worth of savings for councils**. Compared with a **\$6.8m spend** and **\$1.04m savings** for the same period this financial year.

Of the 29 councils, 28 purchased items through the LGAT/NPN in the twelve month period to the end March 2017, with the key area of expenditure being the Truck category (\$3.3m) followed by the Plant Machinery and Equipment category (\$1.9m) and the Specialised Trucks and bodies Category (\$1.2m).

There is significant scope for councils to make further savings in time and money through making greater use of the LGAT/NPN.

Procurement Documents

Queensland, and subsequently South Australia and Victoria have created a comprehensive series of templates to guide councils when selecting providers through quote and tender processes and when developing contracts. The resources are designed to be used in a modular way, with parts substituted to suit circumstances. The resources were designed to help achieve good purchasing policy and procedures and in some instances to meet specific state legal requirements for good practice.

LGAT has obtained permission to use these resources to help prepare new resources for the Tasmanian context. LGAT have identified a range of template documents likely to be most relevant and developed the following draft documents:

- A request for quotation;
- General conditions of contract, for goods/services by a request for quotation;
- Conditions of tender for goods/services; and
- Conditions of tender for minor works

These resources are expected to be available in August 2017.

Budget Impact

Being undertaken within current resources

Current Policy

Strategic Plan:

- Priority Area 1: Strategic relationships
- Priority Area 2: Sector profile & reform
- Priority Area 3: Financial sustainability
- Priority Area 4: Sector capacity
- Priority Area 5: Land use planning & environmental sustainability

Motions For Which Notice Has Been Received

9 ROADS AND INFRASTRUCTURE

9.1 Motion – Public Transport Services Council – City of Hobart

Decision Sought

That the State Government be urged to increase its per capita spending on the provision of public transport services within metropolitan and regional Tasmania.

Background Comment

“The travel needs of many city centre workers can only be met by mass public transport. As Australia’s urban economies have transitioned and more jobs are located in city centres, patronage on public transport has grown significantly. In the past decade, the rate of average annual growth of public transport patronage (2.4 per cent) surpassed the rate of population growth in capital cities (1.8 per cent). Additionally, the presence of public transport infrastructure attracts higher-density development, with corridors of higher density housing and commercial premises locating along transit routes. This is an increasingly common urban form change in Australian cities.”

State of Australian Cities 2015

Public transport usage experienced a decline over two decades but began increasing again in 1996. Between 2006 and 2011, Australia experienced the biggest increase in public transport mode share since 1976 (Mees & Groenhart 2012). The revival in public transport usage did not include Adelaide, Canberra or Hobart. Delivering sustainable urban mobility;

Australian Council of Learned Academies (ACOLA) 2015

Tasmania has a very low public transport mode share. There is poor service coverage, low service frequency and insufficient infrastructure to lift patronage. Additional funding is required in the public transport space to improve Tasmanian’s access to services, education and jobs. We cannot have growth in Tasmania without additional spending on public transport services.

LGAT Comment

LGAT notes that currently there are several State Government publications and plans that relate to the provision of public transport infrastructure and services. These include:

- Tasmanian Infrastructure Strategy;
- Transit Corridor Planning Project;
- Greater Launceston Metropolitan Passenger Transport Plan;
- Regional Integrated Transport Plans;
- Regional Land Use Strategies; and
- Tasmanian Urban Passenger Transport Framework

The Government's Tasmanian Infrastructure Strategy's long-term vision for transport infrastructure includes the objectives of delivering a public transport system which is:

- A first choice option providing a cost-effective alternative to more road infrastructure, and
- An integrated passenger transport system with appropriate services and concessions to alleviate social disadvantage.

Tasmanian Government Agency Comment

The Tasmanian Government invests significantly in public transport networks and currently provides over \$90 million annually to support public passenger bus services across the State. The Government recognises that increased use of public transport is an important means of reducing congestion in urban centres and for providing equity of access to those living in rural areas. The Government is working to more efficiently and effectively target the allocation of its resources and is implementing a number of activities to improve public passenger transport services across the State and increase patronage.

The Department of State Growth (State Growth) is currently undertaking an extensive review of all current public passenger bus network services and providers. The review, referred to as 'Project 2018', will focus on ensuring development of the right network and the right number of buses and services to, from and between communities. Work has also commenced on investigating the potential for unifying ticketing services across individual bus operators. This 'common ticketing' would give patrons the convenience of being able to use one smartcard to pay for bus fares across multiple operators.

State Growth is continuing to work closely with councils to make existing passenger services more efficient and attractive to patrons. State Growth has already progressed work with the Glenorchy and Hobart City Councils on opportunities to optimise bus services along the main road corridor through consideration of bus priority measures and a review of bus stop locations. Providing priority for buses is a key lever available to councils to influence the take up of passenger transport.

During the back-to-school period between 30 January and 24 February 2017, a free pre-7:00am business day bus service was trialled as a specific measure to address congestion in the Hobart urban area. This initiative aimed to encourage commuters to try something different and, at no personal cost, sample a different transport mode and avoid the back-to-school traffic. During the trial, there was a 14% increase in patronage of the pre-7:00am service.

In conjunction with these initiatives, the Government is currently finalising its Transport Access Strategy to provide better integrated and coordinated transport services for Tasmanians disadvantaged through economic circumstances, disability, frailty or age. When released, the Strategy, which focuses on transport disadvantage, will be a first critical building block for a wider, more holistic approach to passenger transport in the future.

10 SECTOR REFORM

10.1 Motion – Local Government Rates, Fees & Charges Regulator Council – Burnie City

Decision Sought

That LGAT write to the Minister for Local Government seeking an investigation into the merits of introducing an independent body (similar to the prices regulator for power, water and sewerage) to be the regulator of Local Government rates, fees and charges and to oversee estimates of Capital works budgets.

Background Comment

In preparing budgets and developing asset and financial plans elected members rely heavily on the advice of their General Managers as they do not have the broad experience or necessarily time to be involved in the fine detail of determining the equitable setting of fees, charges and rates.

This should not be seen as a criticism of elected members but a statement of fact, as all are there to represent the community in the resolution of their daily issues predominantly. Elected members are presented with Budgets from the General Manager with the assistance of senior managers and the involvement of Aldermen/Councillors is generally to ensure a balanced operational budget and to adopt a capital works program in line with the available funds.

The level of challenge and justification of specific items in budgets is generally superficial, as the elected members do not have the detailed knowledge of the operation, hence relying on the General Manager. In recent years local government entities have established Audit Panels, however this can only scrutinise a single entity and not more broadly across the local government sector. An independent body to advise elected members as to the accuracy or justification of the rates, fees and charges would be beneficial for the community. An independent body could also examine the expenditure to ascertain whether the services provided are fair and reasonable.

An independent body could also consider the asset base of each Council examining the depreciation rates that are being used and the appropriateness of the capital works program.

Such an independent body of overarching supervision would allow for Statewide consistency in the setting of rates, fees and charges with an ability for Councils to argue factors as to whether the body should take into account disability factors of individual municipalities.

It would also highlight long term issues such as where Councils are not maintaining infrastructure or replacing it with a long term interest is maintaining the quality of assets.

There are models around Australia where State Government impose rate capping/pegging and this motion provides local government with an opportunity to be involved in an investigation with the Minister of Local Government before it is imposed on the sector.

LGAT Comment

A number of jurisdictions have imposed or wish to impose rate capping on Local Government. As articulated to Members in a paper to the November 2016 Meeting, evidence suggests that rate capping is not an appropriate mechanism for yielding

efficiency dividends and leads to negative and long-lasting consequences such as: loss of autonomy and flexibility in relation to determining local infrastructure and service requirements; a propensity to develop a back log of infrastructure maintenance and renewal requirements; and the potential for inter-generational transfer or burden.

While LGAT has no position on the suggestion of an independent regulator, we note that over the last few years, through LGAT, there has been significant investment in improving the sector's approach to Long Term Financial and Asset Management planning, including officer and elected member training, practice notes, maturity assessments, new legislated requirements and a focus by the Auditor General.

It should be noted that at this stage while the Property Council is calling for the introduction of rate capping, the Government has stated this is not their intent. However, in light of the highly charged reform environment this is not a guaranteed position.

The risk of an imposed rate capping model must be weighed against the risks related to a regulated model such as outlined in this motion. For example, LGAT notes the advice of the NSW Independent Review Panel on the high cost of preparing, reviewing and determining applications around rate capping relative to the benefits delivered. This may be a risk in a new regulatory environment in Tasmania and would have to be carefully contemplated in any model going forward, along with consideration of how consideration is given to local variations in service needs and preferences (based on demographic factors, geography, council's financial circumstances, the offerings of other levels of government, and conversely any service gaps, and the community's ability and willingness to pay).

Tasmanian Government Agency Comment

The *Local Government Act 1993* (the Act) allows councils to determine appropriate rating structures that support individual service delivery and asset management objectives. The community elects councillors to make decisions on its behalf including in relation to rates, charges and asset management. In turn, councils appoint general managers who have the capacity to provide qualified advice regarding rates, charges and asset management that aligns with councils' strategic plans.

A number of mechanisms are in place to support councils to deliver sound decision making with regard to the setting of rates and charges, and with regard to financial and asset management.

The Act requires councils to implement rates and charges policies to provide transparency in decision-making, and to educate their communities about how councils raise revenue. Rating policies are required to be consistent with councils' long-term financial and asset management plans, which are also a requirement under the Act.

Each year the Auditor-General prepares a report on the financial statements and financial sustainability of councils. In recent years, this report has included data related to efficiency including rates per head of population. There may be scope to build on the Auditor-General's analysis and reporting to further enhance transparency.

The motion proposes an independent regulatory body could have powers ranging from advisory (in particular providing benchmarking information to a council as to how its budget position and plans compare with other councils) through to regulation of rates, charges and capital expenditure. The State Government does not object to this proposal in principle, if the motion is agreed by the sector. Should the sector agree to the motion, the State Government is willing to work with Local Government to develop options as to how the regulatory body is established (or whether an existing regulator is given new powers), how it would be resourced and funded, and what new powers are to be provided.

11 SECTOR CAPACITY

11.1 Motion – Flood Mitigation Funding Council – Kentish

Decision Sought

That LGAT lobby the State Government to boost Tasmania’s disaster resilience by providing a significant increase in funding and work with the Commonwealth Government to change the disaster resilience mitigation funding under the National Partnership Agreement back to ⅓ Commonwealth, ⅓ State and ⅓ Council contributions.

Background Comment

Kentish has a long history of major floods causing disruption to business and on-going economic and social costs to the urban and surrounding rural community.

The 2011 floods were particularly severe resulting in significant economic, psycho-social, infrastructure and environmental impacts on the community, in particular Railton where 60 houses and 14 businesses were flooded. The June 2016 flooding had a lesser impact in Railton but still resulted in a number of properties being flooded and uninhabitable houses, one of which still remains vacant, along with destruction of major infrastructure including three bridges across the Mersey River.

Following the extensive flooding of Railton in January 2011, Council was grateful to secure funding from the Natural Disaster Resilience Program (NDRP) to develop a Railton Flood Mitigation Strategy.

Engineering Consultants SEMF were engaged to review flood mitigation options for Railton and model flows and water levels. The resultant SEMF report identified flood protection measures that would, if implemented, protect Railton from major flood events in the future.

The cost of this mitigation project is \$2,465,826. Kentish Council made an application to the Natural Disaster Resilience Grants Program to minimise flooding in the township of Railton and subsequently found out that only \$400,000 was available in the current Tasmanian allocation for flood studies and mitigation works. The application was unsuccessful.

In addition approximately 7 to 10 years ago the Regional Flood Mitigation programs (⅓ Federal: ⅓ State: ⅓ Local Government funding) was replaced with the National Partnership Agreement and the National Disaster Resilience program (50:50 funding).

The Tasmanian Longford flood levy was constructed under the previous program approximately 13 years ago and the cost of just over \$5 million was more than repaid when the township was protected from the June 2016 floods. The estimated cost of damage if the township had been flooded was approximated at \$12 million in 2004.

The Launceston City Council received significant funds for their flood levy project on a ⅓ (Commonwealth) ⅓ (State) ⅓ (Local Government) basis and Council understands that the funding for this project was a one-off special pledge from the Federal Government as a result of significant lobbying over a long period of time.

The issue of availability of funding for flood mitigation work/studies is significant and the limited money available through the current National Partnership Agreement will only scratch the surface.

Council believes the mitigation funding should be substantially increased and the previous model of $\frac{1}{3}$ Commonwealth, $\frac{1}{3}$ State and $\frac{1}{3}$ Local Government is the best way to fund mitigation works.

LGAT Comment

LGAT agrees that both the pool of funding for mitigation works and the current requirement under the partnership agreement for 50:50 split in contributions between the federal government and the funded organisation is inequitable, especially for smaller councils with significant risk. If funding is made available to Tasmania through future national partnership agreement or other mechanisms a more appropriate funding split should be considered as part of any grant program.

It is understood that other states provide similar mitigation programs (as agreed through their state specific partnership agreements with the Federal Government) and that some provide a more appropriate split in contributions to make it more accessible to poorly resourced stakeholders such as small councils. Some states also provide "top up" funding to the federal government funding to increase the pool of funding available to applicants.

LGAT has raised concerns in a number of forums in relation to these issues. These include the Premiers Local Government Council Officials meeting, though our budget submission to the Tasmanian Government for the 2017/18 budget, the Flood review submission and discussions with the Productivity Commission in relation to relief and recovery funding. The lack of funding for mitigation is also an area that ALGA has a strong policy position on.

The issue of the State Government using the National Partnership Funding for what, in some circumstances could arguably be considered as a core function is of concern and impacts on the availability of funding for other stakeholders. As with other jurisdictions, grant programs and funding for mitigation in Tasmania for stakeholders other than state government should be provided under different terms with a more appropriate split.

LGAT has identified this as a significant issue in the emergency management policy area.

Tasmanian Government Agency Comment

The State Government (through DPAC - Office of Security and Emergency Management) is engaged in ongoing negotiations with the Commonwealth (AGD) on national reforms to the Natural Disaster Relief and Recovery Arrangements (NDRRA) that are expected to be implemented from 1 July 2018. These reforms are likely to include new national funding arrangements that should allow access to additional Commonwealth funding for mitigation projects.

There is one more round of the 2015-17 of the National Partnership Agreement on Natural Disaster Resilience (NPA), which will be launched around September 2017 and, pending any agreed changes to the Tasmanian Implementation Plan, will provide \$400,000 towards the Natural Disaster Resilience Grants Program, \$200,000 for the Emergency Volunteer Fund, and \$565,000 for the State Emergency Management Program.

The Commonwealth has committed to an extension of the NPA, which will fund support programs at the same levels for 2017-18. However, no funding commitments have been made beyond 2017-18 as this is due to the need to await the outcome of the above NDRRA review.

The NPA requires Tasmania to match the Commonwealth funding contribution, but this may be cash or in-kind. The NPA requires a Tasmanian Implementation Plan, which specifies how project revenues/expenses are split. Since the start of the NPA, this has been on a 50% cash contribution through the NPA and a 50% cash or in-kind contribution from the applicant. Unlike the previous Regional Flood Mitigation Program, funding eligibility is now much broader and also includes Non-Government Organisations. To include a 1/3 State contribution under these circumstances would provide inequities in the proportion of the NPA/Commonwealth funding received, particularly for State Agency applicants who would have to pay 2/3 contribution.

Councils (or any other applicants) who have difficulty in meeting the 50% matching contribution (cash or in-kind) may seek an exceptional circumstances waiver on their grant application. Applicants also have the option of seeking/negotiating additional funding from additional sponsor agencies/organisations to further supplement grant applications.

11.2 Motion – Immunisation Programs Council – Devonport City

Decision Sought

That the Local Government Association of Tasmania lobby the State Government to investigate the coordination of school immunisation programs being undertaken on a State wide basis, rather than being an individual council responsibility to coordinate.

Background Comment

Councils are required by the provisions of the *Public Health Act 1997* to administer an “immunisation program” and therefore under this provision, the Director of Health has determined that Council must deliver a school immunisation program.

To deliver a school immunisation program, Council must obtain the services of two registered nurse immunisers.

At present, there are a limited number of nurses who are registered as “immunisers” and the result is that planned school programs are often delayed or cancelled.

This can be critical when certain vaccine booster shots are required to be delivered within a specified period. Devonport City Council is of the view that the way the program is administered should be reviewed and coordinated at the State level.

LGAT Comment

While the Department’s Public Health Services may provide significant support to councils in the delivery of school immunisation programs, there may be opportunity to better harness this effort.

LGAT can support the issues raised in this motion by negotiating with the PHS for an approach that will assist councils with the difficulty they experience in delivering this service.

Tasmanian State Government Agency Comment

This motion asks the LGAT to lobby the State Government to investigate how coordination of the school immunisation programs may be done on a State wide basis rather than by councils. The motion is not supported by the Department of Health and Human Services.

The Department's Public Health Services (PHS) already provides extensive state-wide coordination of school immunisation programs.

PHS coordinates state-wide school immunisation programs through substantial and frequent consultation with Local Government and stakeholders such as education. This activity occurs individually day-to-day and in forums held several times each year. PHS provides immunisation program guidance documents – developed in consultation with Local Government - to assist all providers to deliver efficient and consistent programs.

PHS has developed and refined state-wide supporting material such as information and consent packages for children and their parents. PHS maintains a state-wide register of authorised immunisers to support immunisation providers including Local Government. PHS coordinates access to and transport of vaccines for Local Government, and manages information about immunisation generated by the school-based programs.

Active involvement of Local Government in coordinating local delivery of school-based vaccines is an essential and appropriately local function.

The *Public Health Act 1997* includes succinct and clear requirements of Local Government:

57. Council immunisation programs

- (1) A council must develop and implement an approved program for immunisation in its municipal area.
- (2) *The Director may require a council to provide any information the Director determines relating to its immunisation program.*

These provisions reflect the understanding of the critical role of immunisation in ensuring the health of communities, and of the irreplaceable role of Local Government in providing locally-informed population-based immunisation services in settings such as schools.

PHS is currently participating in a program of applied research, in partnership with several other jurisdictions, to identify and implement improvements in how Human Papillomavirus vaccine is provided through school-based programs. PHS looks forward to involving Tasmanian local governments in this process, which is hoped to increase coverage of HPV vaccine from around 65% to well over 80%.

12 LAND USE PLANNING & ENVIRONMENT

12.1 Motion – Container Deposit Legislation Council – City of Hobart/West Coast & Clarence City Council

Decision Sought

That the Local Government Association of Tasmania lobby the State Government to introduce container deposit legislation for the state.

Hobart City Council

The introduction of a state-wide Container Deposit Scheme (CDS) would provide an effective measure to reduce container related litter as well as increase its recovery. Local Government plays a significant role in the collection of recycling and is also responsible for cleaning up public litter and are therefore burdened with the costs associated with providing these services.

By placing a significant value on recyclable containers, a CDS will provide increased recycling and reduced littering. It will also deliver benefits to local community groups, who will become engaged in collecting containers discarded to the environment to generate revenue.

Tasmanian Local Governments are currently paying significant costs for household containers to be recycled and programs that can reduce the amount of recycling requiring collection will deliver direct financial benefits. The City supports the implementation of a state-wide CDS on the grounds of economic, environmental, and social benefits

West Coast Council

A Motion supporting Container Deposit Legislation gained Council Support. It is thought that such legislation would:

- Substantially reduce road side waste
- Reduce waste to landfill
- Provide a funding stream for the likes of Scouts/Cubs

The West Coast Council wrote to the Premier on this subject and he indicated DPIPW were undertaking a study on the NSW Legislation and looking at whether the potential exists for Tasmania.

Clarence City Council

It is noted that:

- Tasmania and Victoria are the only Australian states that have not committed to introducing a Container Deposit Scheme;
- That the West Coast Council passed a motion providing in principle support to the establishment of a container deposit scheme in Tasmania and to lobby State Government to legislate for its introduction on 17 January 2017;
- The Liberal Western Australia and Labor Queensland Governments recently committed to introducing a 10c container refund scheme and the Liberal New South Wales Government has already tabled legislation;
- Clarence's beaches and waterways are being polluted with cans and plastic bottles, which make up more than half the plastic found (by volume) on Australian beaches;

- This was highlighted in the current “Bellerive Bluff Land and Coast Care” Newsletter#84, stating that under the “I CAN-WE CAN Project” over the past 3 years they have recycled 298.5kg of cans equating to approximately 18,000 cans; with about 60 cans to the kilo, raising \$136.75; and
- This community group has conveyed this information to the Government hoping it will help advance the move for “Container Legislation”.

A Container Deposit scheme could:

- Create new jobs in Tasmania, including for people living with a disability;
- Save kerbside recycling costs for Tasmanian Councils each year; and
- Benefit young Clarence residents looking for pocket money as well as schools, community groups, sporting clubs and small business enterprises.

In passing this motion the Council acknowledges that:

- A CDS is a state issue that has significant impacts on Tasmania Councils and their ratepayers;
- The State Government present draft legislation to the 2017 Local Government State Conference; and
- Clarence City Council is well placed to add its voice in lobbying for CDS as an on-going Leader in Waste and Recycling Management in Tasmania.

LGAT Comment

Historically there had been concern from the Tasmanian Local Government sector that the introduction of a CDS in Tasmania would undermine the viability of council recycling and it was not supported. However in 2013, LGAT, with funding from the regional waste bodies, commissioned a report which demonstrated the sector could be cautiously optimistic that a CDS would work in tandem with recycling programs in Tasmania.

That advice and the report was provided to the then State Government who commenced their own study in 2014. There was preference at State level to see what might transpire nationally and so we have been in a holding pattern for some time.

While some of the data and assumptions will need rechecking in relation to viability and impact, given time passed, LGAT welcomes the commitment of funds from State Government to further progress this work. We have been advised this is intended to be progressed in collaboration with Local Government, to ensure the right model to deliver the best overall waste outcomes for Tasmania. We fully support this partnership approach.

The LGAT Waste Reference Group has completed a Statewide Waste and Resource Management Strategy and provided this to the EPA to inform the update of the Tasmanian Waste and Resource Management Strategy. LGAT has met with the EPA to discuss the initiatives we put forward. Relevantly, the Strategy notes the lack of state government advocacy and support for implementation of national product schemes (such as CDS) has resulted in additional costs to Local Government and poor outcomes for the state. It goes on to suggest the need for statewide implementation and support of national product schemes where there is cost benefit to Tasmania.

Tasmanian Government Agency Comment

Under the 2017-18 State Budget, the Government is meeting its commitment to consider the feasibility of establishing a Container Deposit Scheme (CDS) for Tasmania. Funds of \$100,000 have been provided to EPA Tasmania to develop a model framework for a CDS that complements mainland schemes already in place or currently being developed.

Consultation with Local Government and industry will be integral to the development of the model CDS framework for Tasmania to make sure it provides the best levels of coverage and community access as cost effectively as possible.

EPA Tasmanian will coordinate with LGAT regarding the details of the CDS modelling initiative.

12.2 Motion – Smoking at School Crossings Council – George Town

Decision Sought

That LGAT lobby the State Government to amend the Public Health Act 1997 to declare all school road crossings a smoke free area under section 67B.

Background Comment

Council officers have been working on a project to make all School crossings within the George Town municipal area smoke free areas. The project stemmed from a motion that was passed through the George Town Safety Committee (GTSC) after receiving a presentation from a member of the Student Representative Committee at Port Dalrymple High School.

The student leaders had observed that some parents were smoking while congregating at the school crossings while dropping off and waiting to pick up their children. This resulted in all children who needed to use the crossing being exposed to environmental tobacco smoke (ETS) or more commonly known as secondhand smoke.

In response to the informative presentation, the GTSC agreed that the health matter was important enough to investigate declaring the school crossings as smoke-free areas.

LGAT Comment

The Local Government Association of Tasmania (LGAT) commends the work of George Town Council in collaboration with Public Health Services in creating awareness about the health impacts of smoking awareness at school crossings.

This motion has not previously been put to a General Meeting. LGAT notes the Government Agency comment and will be in a position to reflect the views of the membership in relation to this proposal through its regular communication with Public Health Services.

If an amendment to the Act is not supported then LGAT can support the motion via its meetings with Public Health Services and through sharing the positive collaborative results of Georgetown Council through its publications and website Better Communities Better Councils.

Tasmanian State Government Agency Comment

This motion asks the LGAT to lobby the State Government to amend the *Public Health Act 1997* to declare all school road crossings smoke free.

Tobacco Control Officers from Public Health Services (PHS) are supporting George Town Council in their initiative to establish smoke free crossings near their primary and secondary state schools.

Smoke-free laws aim to protect the health of non-smokers, including staff and patrons of businesses, from exposure to environmental tobacco smoke; reduce uptake in young people by denormalising smoking and making it less appealing; and support smokers by making it easier to quit and remain a non-smoker.

Section 67B(1)(c) of the *Public Health Act 1997* enables 'any area, including, but not limited to, a public street, that is not within private premises' to be designated smoke-free by the occupier. In the case of school crossings of public roads, it is understood the Council is the occupier. The *Tasmanian Tobacco Control Plan 2017-20* encourages the creation of new smoke-free areas by local councils.

PHS has developed a resource entitled *Declaring Smoke Free Areas A Guide for Local Councils*. This guide describes how to declare a new smoke-free area, consult with the public, provide smoke-free signs and undertake the responsibility to enforce it.

Declaring school crossings smoke-free requires Councils to engage with schools, children and parents, and the nearby community. It also provides an opportunity to link such initiatives to *Smoke-Free Generation – be a part* messages and resources (<https://www.smokefree.den.org.au>).

A blanket declaration (for example by amendment of the *Public Health Act 1997*) would first require Cabinet approval. If approved, it would still require substantial local work, including community consultation and education, preparation of maps, signage and planning and resourcing of ongoing enforcement. It is reasonable to consider such an amendment, noting that both a change to the Act, and the work to implement such an amendment, will take some time. In the meantime, PHS will continue to support Councils who wish to establish smoke-free areas around their school-crossings.

12.3 Motion – Fluoridation Act 1968 Council – Kentish

Decision Sought

That LGAT requests the State Government repeal section 13 of the Fluoridation Act 1968 (amended) which states that 'a Council must not hold an elector poll under Part 6 of the Local Government Act 1993 in relation to the addition of fluoride to a public water supply'.

Repealing section 13 will enable the people of Tasmania to participate in information-sharing and debate and to state their informed position regarding the routine addition of fluoride to their drinking water, through a referendum

Background Comment

The fluoridation of drinking water supplies in Tasmania is regulated by the Fluoridation Act 1968. Under the Act, the need to add fluoride to a water supply is assessed by a fluoridation committee, which then provides a recommendation to the Health Minister. The Health Minister may then choose to direct the water authority to add fluoride to the water.

Tasmania was the first state in Australia to add fluoride to a public water supply, in Beaconsfield, in 1953.

Supporters of fluoride believe that topical fluoride applications promote healthy teeth and gums.

Opponents believe that fluoride, when regularly consumed over an extended period of time, is bio-accumulative and can cause adverse effects including dental fluorosis, skeletal fluorosis, arthritic symptoms, bone fracture, and can affect many other tissues besides bone and teeth, including the brain and thyroid gland.

Lancet Neurology, vol 13, issue No 3, March 2014 (a publication of the British Medical Association) officially classified fluoride as a neuro-toxin.

LGAT Comment

The National Health and Medical Research Council (referred to below in the State Government comment) is evaluating evidence on the health effects of water fluoridation with the final Information Paper, which summarises and assesses how these research findings are relevant to Australia and Australians, likely to be released later in 2017. The Evidence Evaluation included the following activities:

1. A comprehensive evaluation of the dental effects of water fluoridation, which consisted of:
 - a. An overview of systematic reviews on the effects of water fluoridation on dental caries;
 - b. A systematic review of recent primary studies on the effects of water fluoridation on dental caries not identified in the reviews included in the overview; and
 - c. A critical appraisal of the evidence on tooth decay and dental fluorosis reviewed by the Cochrane Collaboration (Iheozor-Ejiofor et al published on 18 June 2015);
2. A systematic review of other possible health effects of water fluoridation.

Councils are encouraged to review this paper when it is published and share it with their communities in order to determine their view on the fluoridation of drinking water supplies.

Tasmanian Government Agency Comment

This Motion seeks the repeal of s13 of the *Fluoridation Act 1968*. This section provides that a council must not hold an elector poll under Part 6 of the *Local Government Act 1993* in relation to the addition of fluoride to a public water supply. The motion is not supported by the Department of Health and Human Services.

The 'background comment' of the Motion provides just over one line about what supporters of fluoride are said to 'believe', and six lines in two paragraphs about what opponents of fluoride are said to 'believe'.

Australia's peak medical scientific body, the National Health and Medical Research Council (NHMRC), strongly recommends drinking water fluoridation as an effective and safe way to prevent dental caries across the community. The current recommended fluoridation of water is in the range of 0.6-1.1mg/L. Evidence shows that fluoridation of drinking water is especially beneficial to the dental health of children, and those experiencing socioeconomic disadvantage who have reduced access to dental care. Fluoridation of community drinking water decreases the number of children with dental caries and the number of children requiring hospitalisation from complications such as dental abscesses. Children who experience significant dental caries and do not receive treatment, risk poorer educational and employment outcomes, lower self-esteem and social exclusion as adults.

There is evidence that dental fluorosis, a problem with the appearance of teeth, is caused by a high intake of fluoride from multiple sources when teeth are developing. Most dental fluorosis in Australia is mild and does not significantly affect the appearance or function of teeth. More significant dental fluorosis is associated with much higher levels of water fluoridation than that recommended by the NHMRC. There is reliable evidence that drinking water fluoridation in the range recommended by the NHMRC is not the cause of other health problems such as cancer, cardiovascular problems, neurological problems, skeletal problems, kidney problems or thyroid problems.

Therefore, aside from fluorosis, scientific evidence has effectively refuted the other putative adverse outcomes that the opponents of fluoride are said to believe, according to the 'background content'.

An extensive and current review of the health effects of water fluoridation is available on the NHMRC website (<https://www.nhmrc.gov.au/health-topics/health-effects-water-fluoridation>). An Information Paper on this was provided for public consultation in 2016 and will soon be published, followed by an NHMRC Public Statement that updates the Public Statement of 2007.

In Tasmania, under s10 of *Fluoridation Act 1968*, the decision to require the water authority (i.e. TasWater) to fluoridate a public water supply is made by the Minister, following the Minister's consideration of the recommendation of the Fluoridation Committee (which is appointed by the Minister under the Act). Tasmania is one of only three Australian jurisdictions in which all communities of 1000 or more persons that receive a public water supply all receive a fluoridated supply. Based on the current evidence for the safety and efficacy of fluoridation, it is therefore expected that the Fluoridation Committee will continue to recommend to Ministers that they require ongoing fluoridation of drinking water supplies by the water authority.

The objective of the motion is stated to 'enable the people of Tasmania to participate in debate through a referendum.' However, an 'elector poll' is not a referendum and does not bind the council, let alone the water supply authority which must comply with the Minister's decision. There are already many avenues for members of the public to debate this issue, including existing Local Government mechanisms such as petitions and public meetings.

13 PUBLIC POLICY GENERAL

13.1 Motion – Recognition Of Australia Day Council – City of Hobart

Decision Sought

That the Local Government Association of Tasmania be requested to lobby Tasmania's 29 councils to consider efforts they could take to lobby the Federal Government to change the date of recognition of Australia Day.

Background Comment

Every year there are ever increasing public rallies by both indigenous and non-indigenous people protesting against the current legislated date for Australia Day because Aboriginal people view it as Invasion Day.

Rallies held this year in capital cities drew large numbers of supporters including up to 50,000 people in Melbourne, several thousand in both Sydney and Brisbane and over 1000 in Hobart. There is a growing acknowledgement that 26 January is not a day of celebration for all Australians. The current date has only been in practice since 1994 and before that time it was celebrated on a long weekend in January.

If consideration is given to changing the date that we recognise as Australia Day it provides an opportunity to find a more inclusive date for all Australians to celebrate.

LGAT Comment

At the Australian Local Government Association National General Assembly (June 2017) a resolution was passed calling on the Assembly to encourage Australian councils to consider efforts they could take to lobby the Federal Government to change the date of recognition of Australia Day.

The Board of ALGA will be meeting in July to consider this and other Assembly resolutions and determine what action the Board will take. The ALGA Board noted the level of debate and the closeness of the result of the debate and will take these matters into consideration when determining a course of action.

Tasmanian Government Agency Comment

The Tasmanian Government is a member of the National Australia Day Network. The Network has representation from all jurisdictions and is led by the National Australia Day Council (NADC). An Australia Day Program of events and activities for Tasmania, including support for the Australian of the Year Awards, is delivered from within the Department of Premier and Cabinet.

NADC has said publicly that the Australia Day Network is committed to playing a part in the journey of reconciliation by helping all Australians to move forward with a better understanding of our shared past, and importantly how this affects the lives of Aboriginal and Torres Strait Islander peoples today and how we might build a better future together. It has stated that:

“Our national day should be authentic and mature where we can celebrate and mourn at the same time. We can honour all that is great about Australia and being Australian, remember the sufferings and our shortcomings and commit to build a more cohesive and inclusive nation.”

14 CLOSE