

ORDINARY COUNCIL - 3 October 2024 Attachments

8.1.2. PUBLIC QUESTIONS ON NOTICE - ROBIN SMITH - PERSONAL MOBILITY DEVICES (E-SCOOTERS) - 25 SEPTEMBER 2024.....	3
8.1.2.1. Public Question on Notice - Robin Smith - Personal Mobility Devices (e- Scooters) - 25 September 202.....	3
8.1.3. PUBLIC QUESTIONS ON NOTICE - ROBIN SMITH - DUTY OF CARE TO OFFICERS (PARKING) - 25 SEPTEMBER 2024.....	4
8.1.3.1. Public Question on Notice - Robin Smith - Duty of Care to Officers (Parking) - 25 September 2024 Re.....	4
11.1. PSA-LLP0012 - PLANNING SCHEME AMENDMENT - NEW PROPERTIES ONTO THE LOCAL HERITAGE LIST AND NEW DATASHEETS.....	5
11.1.1. PS A- LL P 0012 - Attachment 1 - Amended Instrument 2.....	5
11.1.2. PS A- LL P 0012 - Attachment 2 - Amended Instrument 3.....	7
11.1.3. PS A- LL P 0012 - Attachment 3 - Amended Instrument 4.....	11
19.1. ROAD RESERVES, PARKS AND PUBLIC RESERVES OCCUPATION POLICY (27-PLX-012).....	14
19.1.1. Guidelines for Occupation of Roads, Parks and Public.....	14
20.2. OCCUPATION LICENSING ACT 2005 - NOMINATIONS TO BE A "LICENCED PERSON".....	26
20.2.1. Attachment 1 - CBOS Fact Sheet - changes made by the Residential Building (Miscellaneous Consumer.....	26
20.4. MONTHLY FINANCIAL PERFORMANCE REPORT.....	45

20.4.1. COL - Monthly Financial Snapshot August 2024.....	45
20.5. CODE OF CONDUCT FOR COUNCILLORS.....	48
20.5.1. To be rescinded - 14-Pix-032 Code of Conduct for.....	48
20.6. REPRESENTATION AT THE 2024 RAIL TRAILS CONFERENCE - 18 TO 19 OCTOBER 2024.....	56
20.6.1. 2024- Rails- Trails- Conference- Flyer-18-to 19- October-2024....	56

From: "Robin Mark Smith" [REDACTED]
Sent: Wed, 25 Sep 2024 23:57:32 +1000
To: "Contact Us" <contactus@launceston.tas.gov.au>
Subject: QoN

Dear Sir/Madam,

Please find below a 'Question On Notice' for the next council General Meeting:

Question:

I have previously asked of council a number of questions about Personal Mobility Devices (e-scooter) riding. To bridge the gap between our differing interpretations of their permitted use in the Brisbane Street Mall, I would appreciate if you could comment on the following as it relates please:

Rule 100 of the *Road Rules 2019* (Road Rules) covers 'no entry' signs below:

100. No entry signs

A **driver** must not drive past a no entry sign.

Penalty: Fine not exceeding 10 penalty units.

Under the Road Rules, personal mobility device users are defined as pedestrians:

18. Who is a pedestrian

A pedestrian includes –

(e) a person in or on a personal mobility device, unless otherwise expressly stated.

Thank you,

Yours faithfully,

Robin Smith

From: "Robin Mark Smith" [REDACTED]
Sent: Thu, 26 Sep 2024 00:16:55 +1000
To: "Contact Us" <contactus@launceston.tas.gov.au>
Subject: QoN

Dear Sir/Madam,

Today (25th Sept.) a City of Launceston parking officer was abused in Charles Street by a motorist as they left in response to having been issued with an infringement under the road rules. The tirade of verbal threats and abuse, together with the graphic nature of the language used, cannot stand.

What options does the council have (or what duty of care) is open to it, if it was felt that action should be taken against the driver?

Thank you,

Yours faithfully,

Robin Smith

TASMANIAN PLANNING SCHEME - LAUNCESTON Amendment PSA-LLP0012

add 38 new properties to the local heritage listings within LAU-Table C6.1 Local Heritage Places

#	Address	Folio of Register
1	21 Abbott Street, East Launceston	146229/1
2	25 Bain Terrace, Trevallyn	60959/1
3	79 Bain Terrace, Trevallyn	81807/1
4	8 Berean Street, East Launceston	55015/10
5	3 Beulah Gardens, East Launceston	70486/2
6	7 Bifrons Court, East Launceston	17260/6
7	13 Birdwood Street, Mowbray	55255/134
8	268 Charles Street, Launceston	41546/1
9	10 Connaught Crescent, West Launceston	91768/9
10	9 David Street, Newstead	200246/1
11	11 David Street, Newstead	226497/1
12	13 David Street, Newstead	69009/22
13	22 Duke Street, West Launceston	29237/21
14	103 Elphin Road, Newstead	202612/1
15	10 Forster Street, Invermay	59817/6
16	20 Forster Street, Invermay	240030/1
17	25 Glen Dhu Street, South Launceston	138159/1
18	2 Gloucester Street, West Launceston	17261/28
19	7 Gorge Road, Trevallyn	22856/3
20	78 Hill Street, West Launceston	201778/1
21	58 Holbrook Street, Invermay	17680/2
22	52 Invermay Road, Invermay	150129/1
23	98 Invermay Road, Invermay	231807/1
24	4 Irvine Street, Invermay	55300/15
25	6 Lanoma Street, East Launceston	55013/3
26	20 Lanoma Street, East Launceston	144507/1
27	18 Laura Street, West Launceston	114041/1
28	4 Lyttleton Street, East Launceston	221464/1
29	94 Margaret Street, Launceston	121082/1
30	4 Norwood Avenue, Norwood	198882/1
31	43 Penquite Road, Newstead	160841/1
32	64 Robin Street, Newstead	55051/1
33	2 Sherwins Avenue, Launceston	60715/2
34	300 St Leonards Road, St Leonards	5510/1
35	148 Vermont Road (Lamont House)	50354/1
36	145-147 Wellington Street, Launceston	172763/1
37	19 Welman Street, Launceston	134068/1
38	15 Wyett Street, West Launceston	56558/23

**THE COMMON SEAL of the
City of Launceston is affixed,
pursuant to the Council's resolution
in the presence of:-**

Date:

**Sam Johnson
Chief Executive Officer**

TASMANIAN PLANNING SCHEME - LAUNCESTON Amendment PSA-LLP0012

create 38 new datasheets within Appendix A: Local Historic Heritage Code Datasheets,

1.0 Property List (new)

#	Address	Folio of Register
1	21 Abbott Street, East Launceston	146229/1
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2.0 Datasheets

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Table C6.1 Local Historic Heritage Places Datasheet - LAU-C6.1.XXX

Town/Locality

Invermay

Address:

58 Holbrook Street

Folio of the Register: 17680/2

Description:

Dwelling as shown in Figure 1 - Federation era bungalow, c1915

Specific Extent:

The entire site and facades visible from the street being of high importance.

Figures of specific extent:

Not applicable

Statement of local historic heritage significance and historic heritage values:



Figure 1

(a) Significance of the local heritage place and its historic heritage values because of its role in, representation of, or potential for contributing to the understanding of:

(i) local history -

Highly significant as one of a large group of dwellings built during the major phase of suburban development of Launceston and indicative of the housing that characterised Launceston. Its townscape associations are regarded as important to the community's sense of place.

Builder has been noted as Adams by Davies. James Robertson's estate was divided up around 1910 to make Forster Street. From about 1915-22 the property occupied by Roy A Coogan. In the 1925 Assessment Roll John W Ikin (tinsmith) owned and occupied a house on this site until around 1948. In 1935 the street name changed from Gunn Street to Holbrook Street (*Examiner*, 10 Sept 1935, p.6).

(ii) creative or technical achievements -

Significant in demonstrating a high degree of technical achievement and compositional balance with well-designed bungalow style comprising timber cladding; and simple verandah. House complete with good gardens and fence to street.

(iii) a class of building or place -

A good representative example of a Federation domestic building form, with projecting bay with projected gable detail, and simple fretwork detailing

(iv) aesthetic characteristics -

Aesthetically significant as a single storey weatherboard Federation bungalow style building. Typical of its type, the structure is homely, unpretentious and honest in

character. It is considered to contribute aesthetically and historically to the surrounding streetscape.

(b) Significance of the local heritage place and its values because of its association with:

(i) a particular community or cultural group for social or spiritual reasons -

A social assessment has not been undertaken for the property. However, the place is considered to add to the collective ambiance of Launceston, closely linked with the region's sense of place.

(ii) the life or works of a person, or group of persons, of importance to the locality or region -

There is no readily available information to suggest that the place is associated with the life or works of a person or group of persons. Should new documentary evidence become available, this criterion should be amended.

Figures for statements of local heritage significance and heritage values:

TASMANIAN PLANNING SCHEME - LAUNCESTON Amendment PSA-LLP0012

introduce 38 new properties into the local heritage listing place overlay map

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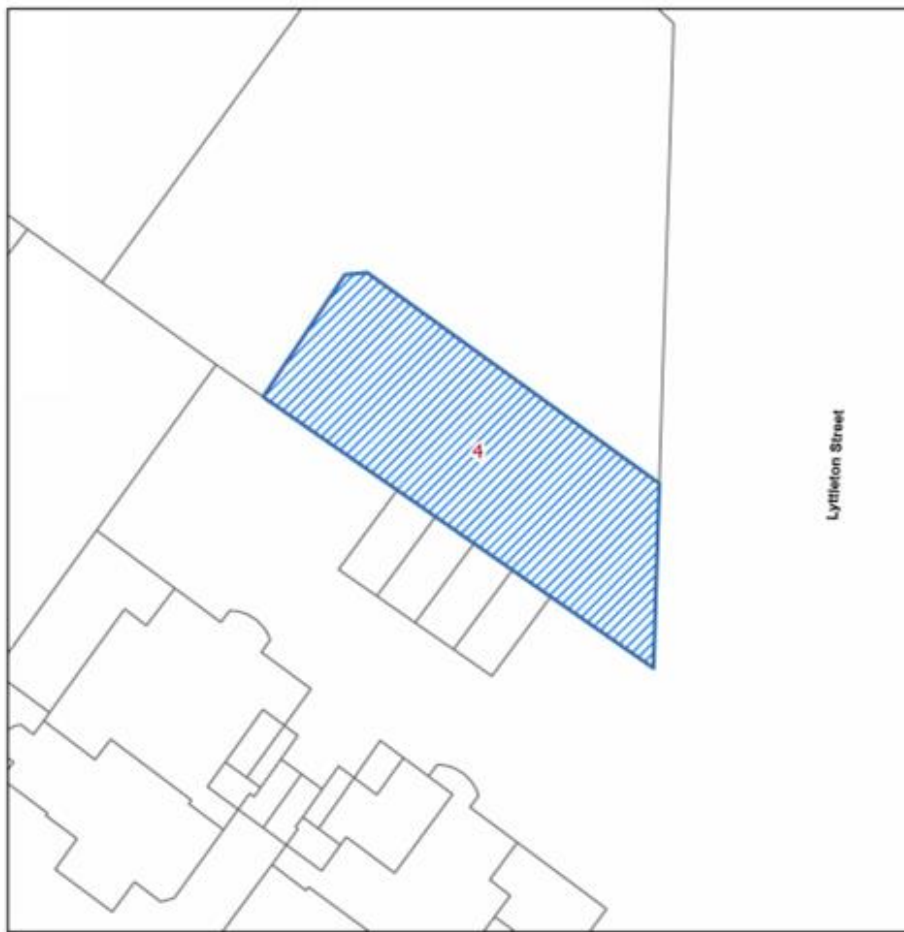
TASMANIAN PLANNING SCHEME - LAUNCESTON LOCAL PROVISIONS SCHEDULE

Amendment PSA-LLP12

Apply Heritage Overlay to the following property as shown:

Address: 4 Lyttleton Street, East Launceston
Title: 221464/1

Amend the Tasmanian Local Provisions Schedule maps as below



1:300

 New Heritage Listing

THE COMMON SEAL
of the City of
Launceston was
hereunto affixed in the
presences of: -

Date

Sam Johnson
Chief Executive Officer

Guidelines for Occupation of Roads, Parks and Public Reserves



Contents	
1	Works requiring a Permit/Authorisation 3
2	Purpose of Guidelines 3
3	Scope 4
3.1	Non-Council Road or Land 4
3.2	Utility Providers 4
3.3	Events 4
4	Definitions 5
5	Occupation Fees 6
5.1	Permit Exclusions 6
5.2	Fee Exclusions 6
5.3	Fee Structure 7
6	Application process 7
6.1	How to Apply 7
6.2	Timeframe for Application 7
6.3	Decision on Application 8
7	Commencement of Works 8
7.1	Commencement 8
7.2	Stakeholder Notification 8
7.3	Unplanned Works 8
7.4	Emergency Works 8
8	Penalties 9
9	Extensions 9
10	Long-term use of Contractors or Sub-contractors 9
11	Inspections 9
12	Cancellation of Permit/Authorisation 9
13	General Conditions 10
14	Policies and Procedures 11
15	Related Legislation and Guides 12
16	Review 12
17	Web Addresses 12

1 Works requiring a Permit/Authorisation

To undertake commercial activities or works on, from or within a public road, park or public reserve under the care and control of the City of Launceston ("the Council"), all individuals, builders, contractors, businesses and organisations are required to have either a Permit or Authorisation before commencing such activity or work.

Works and commercial activities may include:

- placing objects or materials within or over a highway
- building any structures
- providing service connections
- use of machinery and/or vehicles for building works
- erect a hoarding, overhead protective awning, or scaffolding
- fencing
- landscaping works, including planting or removing a tree or other vegetation
- placement of skip bins and shipping containers

2 Purpose of Guidelines

The purpose of these guidelines is to:

- explain the process for undertaking commercial or building activities on, from or within a public road, park or public reserve
- give guidance on the types of activities that may be considered appropriate on a public road or in parks and public reserves
- detail the General Terms and Conditions that may be applicable to Permit/s and Authorisation/s for such activities
- ensure activities are carried out in accordance with relevant legislation and/or the Council's by-laws
- ensure activities are carried safely, efficiently and sustainably
- ensure the integrity of the Council's road/public road network is protected for current future needs; and that user disruption is minimised
- ensure the amenity of the Council's parks and public reserves is protected for use by current and future generations
- Minimise community impact wherever practicable

This document is not a specification and does not contain detailed conditions. The Permit or Authorisation will specify in detail what the Council's site-specific conditions are; and whether all works will be required to comply with the [Tasmanian Municipal Standard Specifications and Drawings](#).

The guidelines are not intended to override or otherwise set definitions under any Act, the by-law, or any other relevant legislation.

3 Scope

These guidelines apply to all individuals, builders, contractors, businesses and organisations seeking to undertake temporary commercial activities or building works within a public road, park or public reserve under the ownership, care and or control of the City of Launceston.

3.1 Non-Council Road or Land

The Council cannot issue a Permit or Authorisation to work in/on a public road or on land managed by other agencies (for example, the Department of State Growth, or the Tasmanian Parks and Wildlife Service), or on private roads. Permits or Authorisations for works undertaken on public road or land managed by these agencies should be directed to the relevant agency.

For road responsibilities, including the list of roads in the municipality that are the responsibility of the City of Launceston and the Department of State Growth, see our [Roads and Transport webpage](#).

When you enquire about works in a road, park or public reserve, we will let you know if it is not under the Council's control and direct you to the appropriate agency.

3.2 Utility Providers

It is acknowledged that many utility providers operate under legislation that allows them to operate in public streets, parks and public reserves without seeking specific authorisation from the Council. It is the Council's preference that for planned works, utility providers apply for authorisation to ensure Council's policy requirements are satisfied, and that both parties can manage and maintain safety and occupancy of the areas for the benefit of all users.

3.3 Events

Event organisers will continue to be encouraged, where it is practicable and more suitable to do so, to conduct their event off-road.

Fees will apply to events unless listed under the Fee Exclusion section below or if the Council determines otherwise.

4 Definitions

Applicant	A person who applies for a permit or authorisation to occupy a road, park or public reserve
Approved City Activation Trial	Activation trials create a community sense of place, encourage social connections, improve safety and bring vibrancy to the City of Launceston. Trials may include temporary infrastructure such as seating, games and interactive play, as well as public art and cultural storytelling. Activation trials do not include events, for-profit activities or busking. Approval from Manager Liveable Communities is required.
Authorisation	An authorisation issued under the <i>Local Government Act 1993 or Facilities and Highways By-Law No. 1 of 2021</i>
City	City of Launceston
Duty of care	The legal duty of all employers, employees and others including contractors and consultants who have an influence on the potential hazards at a work site, which requires them to take reasonable care to protect the health and safety of others at the work site including road users who may be at foreseeable risk of harm.
Emergency works	For the purposes of these guidelines, emergency work is building work, utility provider work or demolition work that: <ul style="list-style-type: none"> a) is required to be performed under an emergency order; or b) is required on reasonable grounds to be performed in an emergency, or to circumvent an emergency to: <ul style="list-style-type: none"> (i) protect public health or safety; or (ii) prevent significant damage to property; or (iii) prevent a waste of water; or restore a water supply that has been cut off to prevent a waste of water; or free a blocked pipe
Events	Means community and major events and festivals that take place annually, biennially, occasionally or once-off. It includes arts and cultural events, food and beverage, sporting and special interest events, community celebrations and civic commemorations, as well as one-off major events that have capacity to draw a substantial number of visitors to the city.
Footpath	The paved or made portion of a thoroughfare used or intended for use by pedestrians and cyclists
Permit	A permit issued under the Local Government (Highways) Act 1982
Planned works	Works that are planned for the future and do not require an immediate response. Planned works may be maintenance or capital type works.
Public Reserve	For the purposes of these Guidelines, public reserve means a reserve, area of bushland, park, flood levee or garden usually open to the public, and under the control and management of the Council.
Road	Means any street, road, lane, thoroughfare, footpath, bridge, or place open to or used by the public, or to which the public have or are permitted to have access, whether on payment of a fee or otherwise.
Traffic Management Plan (TMP)	A document containing Traffic Guidance Schemes and documentation of project details and assessment of risks in regard to traffic management at a site. The documentation of project details includes, responsible personnel, proposed timing of the works, approvals that have been gained, traffic volumes/type details, documentation of risk management and special provisions for specific road user types e.g., pedestrians and cyclists.
Unplanned works	Works to address unanticipated day-to-day maintenance or rectification of failures/breakdowns that require a timely response
Utility provider	Organisations that provide services utilised by the public, such as electricity, gas, water, sewerage, communications, transportation, etc.
Works	Construction and maintenance work in work sites wholly or partly within the road, park or public reserve boundaries or any other works that cause interference or obstruction to the normal use of the reserve by any user.

CITY OF LAUNCESTON - Guidelines for Occupation of Roads, Parks and Public Reserves

5 Occupation Fees

The aim of the occupation fees is to create a financial incentive to encourage applicants to occupy a public road, park or public reserve in a more efficient way, and to minimise disruption to users and the community in general.

Occupation of roads, parks and public reserves can impact our community through:

- traffic congestion;
- reduced access to amenities;
- alterations to services that may discriminate against users with a disability;
- effects on the reliability of public transport and emergency response;
- effects on emergency response access;
- compromised access and enjoyment of the space by users;
- compromised safety of pedestrians, cyclists, workers, dog walkers, visitors, tourists and the community in general; and/or
- businesses suffering from loss of trade, or difficulties in undertaking their business operations.

The fee structure therefore encourages applicants to consider, for example:

- Does the activity need to occur on, from or within the public road, park or public reserve?
- Where occupation is required, what measures can be taken to reduce the scale and time of the occupation?
- Can the occupation be staged to limit community impact?

5.1 Permit Exclusions

The permit does not apply to the following activities (where covered by other specific policies and procedures:

Such as:

- On-Street Dining
- Mobile Food Vendors
- Private Driveway Vehicular Crossing Works. (Where no additional occupation of the public road occurs during the works)

5.2 Fee Exclusions

The fees do not apply to the following activities:

- Hire of parking bays (for other activities with specific policy and guidelines)
- Charitable organisations (activities/events)
- Council-sponsored events
- Approved City Activation trials
- Emergency works
- Public roads, parks or public reserves that are not under the ownership, care and/or control of the Council
- Traffic management only

CITY OF LAUNCESTON - Guidelines for Occupation of Roads, Parks and Public Reserves

- Utility providers
- Works on Council or government-owned buildings adjacent Road or Park Reserves

5.3 Fee Structure

The occupation fees are set by Council, reviewed annually, and published on our website [here](#). Fees will be invoiced and must be paid for prior to the issuing of the permit.

The fees are structured such as:

- Location and size of the area being occupied
- Level of impact on users and the community
- Duration of occupation
- For occupations less than one week, fees are calculated on a 7 day pro rata basis, with a minimum fee applicable
- Permits exceeding the maximum weekly rate will be capped at the nominated rate
- Where permit extensions are required, the permit holder must contact the relevant issuing officer a minimum of 3 business days prior. Additional fees will apply

6 Application process

6.1 How to Apply

Any application for a Permit or Authorisation is to:

- be in accordance with any form determined by the Council;
- be signed by the applicant;
- provide the information required by the form including, insurance details, accredited Traffic Management Plan and Traffic Guidance Scheme, pre-condition inspection photos; and
- identify the area to be occupied and the duration of occupation for determination and fee calculation.

The Council may require an applicant to (however not limited to):

- provide additional information related to the application before determining the application for a Permit/Authorisation; and/or
- give local public notice of the application for a Permit/Authorisation.
- apply for Road Closure Permit (where applicable)
- Undertake stakeholder notification

6.2 Timeframe for Application

Submission of an application for a Permit/Authorisation is required at least ten (10) working days prior to the intended commencement date of the proposed works. Late applications may be considered, but the Council cannot guarantee that the application will be considered in time for the Permit/Authorisation to be granted.

No work can be undertaken without an approved permit. Penalties apply.

CITY OF LAUNCESTON - Guidelines for Occupation of Roads, Parks and Public Reserves

6.3 Decision on Application

The Council may:

- a) Approve the application and issue a Permit/Authorisation subject to conditions; or
- b) Refuse to approve the application and provide the applicant with written notice of the refusal.

Council is committed to supporting business development and growth through the controlled occupancy of Council's roads, parks and public reserves. It acknowledges that on occasions a proposed occupancy may not be possible, and in those instances, council will work with businesses to find a suitable alternate solution where practicable.

7 Commencement of Works

7.1 Commencement

Works may not commence until:

- the application has been considered and the Permit/Authorisation has been issued to the applicant; and
- the relevant fee has been paid and receipted by the Council in full.

7.2 Stakeholder Notification

The permit holder is expected to notify relevant stakeholders prior to commencing works regarding any potential impacts it may cause to public transport providers, retailers, emergency services etc where required. The applicant must provide copies of communications to the City of Launceston and demonstrate efforts to minimise any impacts that may be caused by or arise from its works.

7.3 Unplanned Works

Instances commonly arise when a person must undertake works on, from or within the public street in response to a failure/breakdown of their infrastructure. Where these works are short term and low impact, advising or seeking approval from the Council may be unnecessary. Council must be contacted and advice sought from the relevant officer prior to undertaking works.

If the works disturb or will disturb Council infrastructure and/or cause or will cause interference or obstruction to the normal use of a road, park or public reserve by any user, the Council must be consulted to determine approval requirements.

7.4 Emergency Works

Due to the nature of emergency works, approval need not be obtained from the Council to commence the works; however, advice must be provided as soon as practicable after commencing works. Council will, where applicable, specify any required reinstatement work including sign-off.

8 Penalties

In the event that:

- an applicant commences works prior to the issuance of the Permit/Authorisation, or without paying the relevant fee as prescribed by the Council; or
- the Permit/Authorisation holder has failed to comply with a condition of the Permit/Authorisation,

then subject to the applicable legislation and/or by-laws, the Council may take any reasonable measure and/or action to resolve the issue or to ensure compliance including but not limited to:

- refusing an application previously submitted by the applicant;
- issuing an infringement notice to the applicant for the offence/s as prescribed and permitted under the relevant legislation or the By-Laws;
- revoking, cancelling or amending the Permit/Authorisation which had been previously issued.

9 Extensions

A request for an extension can only be made while the Permit/Authorisation is valid. The extension request must be submitted in writing at least three (3) business days prior to the expiry date. Requests for an extension after the expiry date of the Permit/Authorisation will not be accepted, and a new application must be completed.

10 Long-term use of Contractors or Sub-contractors

The Permit/Authorisation holder is responsible for ensuring contractors or sub-contractors acting (long term) on their behalf are conversant with the terms of the permit, requirements of all relevant legislation and codes of practice and the obligation to consult with and obtain approval from relevant parties, including the Council, prior to proceeding with works.

11 Inspections

The Council may inspect the works as appropriate to ensure compliance with the conditions of the Permit/Authorisation.

The permit must at all times be posted clearly on the worksite so as can be easily reviewed from a public place.

12 Cancellation of Permit/Authorisation

The Council may cancel by written notice the Permit/Authorisation if the Permit/Authorisation holder has not complied with a:

- Condition of the Permit/Authorisation or
- Provision of any written law which may relate to the activity regulated by the Permit/Authorisation

13 General Conditions

Permits/Authorisations for occupation of roads, parks and public reserves are ordinarily subject to terms and conditions, the nature of which are outlined below. Each application will be considered on a case-by-case basis, with consideration given to the application, supporting information, relevant legislative and regulatory controls, and these Guidelines. The terms and conditions applicable to any such Permit/Authorisation will be determined as part of this process.

Area Clean and Tidy	The Permit/Authorisation holder is required to maintain the cleanliness of their Worksite and not impact the public space beyond the specified Worksite with litter or dust.
Posting of Permit	Permit must be prominently displayed onsite at all times. Failure to display or obscuring permit from view will result in cancellation of permit.
Comply with Acts and Regulations related to Work Health and Safety and Workplace Relations	While occupying public land the Permit/Authorisation holder is required to ensure the safety of the workplace, the public and nearby properties; and prevent unauthorised access to the Worksite. The Permit/Authorisation holder is also responsible for providing a safe system of work that complies with all Acts and Regulations related to Work Health and Safety and Workplace Relations, and including, where required, but not limited to, Working in a Road and Traffic Management Plans.
Comply with Planning Permit conditions	The Permit/Authorisation holder must comply with any relevant Planning Permit conditions
Conditions may be varied	The conditions of the Permit/Authorisation may be varied at the discretion of the Chief Executive Officer or Delegated Officer.
Council Trees	Council trees may need to be trimmed to allow access to the Worksite and prevent damage to the trees. Council's arboriculture team shall direct this work at the applicant's cost. AS 4970-2009 (Protection of trees on development sites) applies to all works undertaken near Council trees. New underground infrastructure shall be installed so as not to disturb the tree roots of Council's trees. In locations where there are no trees present, it is Council's preference for new underground infrastructure to be located in footpaths under power lines to ensure greening can occur where no overhead powers lines occur.
Removal or Altering of Street Furniture or Public Assets	Where the removal of any public infrastructure is required to facilitate access, this must be identified in the application and approved prior to the issuing of the Permit. Removal of any hard infrastructure is prohibited unless noted on the permit.
Damage to Council Infrastructure	The Permit/Authorisation holder is liable for all damage caused by the use of land subject to the Permit/Authorisation (the Worksite). Photographic evidence of condition prior to commencement and post works must be submitted. The Permit Holder is responsible for the reinstatement of all damage. The Permit cannot be closed until all reinstatement is completed to the satisfaction of the issuer. Where the reinstatement is not satisfactory, Permit Fees apply until reinstatement is accepted.

Hoarding definition and conditions	Hoarding is defined as the use of boards, fences, scaffolding or other standing structures to signal and secure the boundary of either a construction site, or existing building/structure undergoing renovation, maintenance, or refurbishment. Hoarding may be subject to Building and Planning approval, and may not display advertising other than that which is directly associated with the works being undertaken.
Non-Exclusive Use	The City of Launceston reserves the right to access the public land within the Worksite if required, and the issuing of a Permit/ Authorisation does not constitute a lease agreement.
Occupation of Metered Parking Spaces	The Permit/Authorisation does not give the holder permission to park a vehicle in a time limited parking space in excess of the posted time limit. Additional hoarding fees applies for occupation of any metered parking spaces.
Occupation of unmetered Parking Spaces	Where unmetered parking spaces are to be occupied as part of the identified zone for the exclusive use of the undertaking, Road Occupation Permit Fees apply.
Permit/Authorisation not Transferable	The issued Permit/Authorisation is not transferrable.
Public Liability Insurance	The Permit/Authorisation holder must maintain current public liability insurance cover up to a minimum of \$20m at all times whilst the Permit/Authorisation is in force.
Quality of work	All work must be undertaken and completed to a professional standard in accordance with relevant laws including but not limited to the <i>Building Act 2016 (Tas)</i> .
Removal and Reinstatement	On completion of the works, the Permit/Authorisation holder is required to remove hoarding/scaffolding and reinstate the Worksite to its original condition to the satisfaction of the authorised City of Launceston representative. Failure to remove hoarding within the specified timeframe or leaving the site in a state of disrepair may result in addition fees or the City of Launceston seeking compensation for costs incurred for any repair works.
Submitted Plan	The Permit/Authorisation holder must submit and comply with a Plan for the safe management of public users of the footpath and road/mall/park/public reserve. All variations to the submitted Plan must be communicated to and agreed by the City of Launceston

14 Policies and Procedures

The following policies and procedures are relevant to these guidelines:

- 27-PLx-003 Roads, Parks and Public Reserves Occupation Policy
- [City of Launceston Event Planning Guide](#)
- [26-Plx-005 Tree Management Policy](#)
- [26-Plx-019 Nature Strip Policy](#)
- [26-HLPr-005 Guidelines for Nature Strips](#)
- [City of Launceston Accessibility Framework 2020-2024](#)
- 27-Rfx-012 Standards for Surface Reinstatement of Works in the Road Reserve

15 Related Legislation and Guides

The following key legislation and guides are relevant to these guidelines:

- [Local Government Act 1993](#)
- [Local Government \(Highways\) Act 1982](#)
- [Facilities and Highways By-Law Number 1 of 2021](#)
- [Parking Facilities By-Law Number 2 of 2023](#)
- [Roads and Jetties Act 1935](#)
- [Austroads Guide to Temporary Traffic Management](#)
- [AS 1742.3:2019 Manual of uniform traffic control devices, Part 3: Traffic control for works on roads](#)
- [AS 4970-2009 Protection of trees on development sites](#)
- [Traffic Control for Works on Roads - Tasmanian Guide \(DSG\)](#)

16 Review

These guidelines will be reviewed no more than 5 years after the date of approval (version) or more frequently, if dictated by operational demands.

17 Web Addresses

Links to City of Launceston web addresses have been provided throughout these guidelines. For reference, the full addresses are also provided below

Web page	Web address
Austroads Guide to Temporary Traffic Management	https://austrroads.com.au/network-operations/network-management/temporary-traffic-management
City of Launceston	www.launceston.tas.gov.au
Legislation and By-laws	https://www.launceston.tas.gov.au/Council/Legislation-and-Policy/Legislation-and-By-laws
Payments, Fees and Charges	https://www.launceston.tas.gov.au/Council/Payments-Fees-and-Charges
Roads and Transport webpage	https://www.launceston.tas.gov.au/Roads-and-Parking/Roads-and-Transport
Standards Australia	https://www.standards.org.au
Tasmanian Legislation online	https://www.legislation.tas.gov.au/
Tasmanian Municipal Standards (Local Government Association of Tasmania website)	https://www.lgat.tas.gov.au/lgat-advocacy/engineering-local-government-standards-and-guidelines

FACT SHEET

Consumer Building and Occupational Services

Changes made by the *Residential Building (Miscellaneous Consumer Protection Amendments) Act 2023*

Information for local government and building industry stakeholders – updated August 2024

The *Residential Building (Miscellaneous Consumer Protection Amendments) Act 2023* (“the Consumer Act”) passed Parliament in 2023. It will amend several different Acts and Regulations after commencing in 2024.

- This Fact Sheet covers a range of topics that will be changed by the Consumer Act.

What is the commencement date?

- The provisions of the Consumer Act primarily affecting the work of building services providers and local government will commence on 1 October 2024.
- Changes to resolving residential building work disputes, started on 1 July 2024.

Topic 1: Statutory responsibilities of councils, including permit authorities

- This Act makes miscellaneous changes to several Acts and Regulations that affect the activities of councils including;
 - The *Building Act 2016* (for the compliance and regulatory functions of general managers and Permit Authorities); and
 - The *Occupational Licensing Act 2005* and the *Occupational Licensing (Building Services Provider) Regulations 2016* (for the licensing of Permit Authorities).
- The Consumer Act makes significant changes regarding the roles of the council, the permit authority, and the general manager of the council, consolidating these roles into one, being the council as the licensed permit authority.
- To facilitate these changes, some sections of the *Building Act 2016* have been amended, substituted, or repealed.
- For example, section 41 of the Building Act, which provided statutory obligations and community expectations of councils, has been repealed. This section included provisions that a council of a local government area, as far as reasonably practicable, is to –
 - Ensure that owners of property are informed of their duties under the Building Act;

- Make the council itself aware of building work, plumbing work and demolition work being performed within their municipal area, and the use and occupation of such buildings;
- Enforce an order issued by a building surveyor, if appropriate to do so; and
- If applicable, ensure proceedings are instituted against any person or body failing to comply with this Act.
- These requirements have now been relocated to be under the “functions of permit authorities” in section 25 of the Act, given that these responsibilities of the council have become the responsibilities of the council as ‘permit authority’, licensed as a corporate entity.
- This model will ensure that councils as a corporate body are accountable in the performance of their statutory functions, and it will also ensure that the person who is acting as permit authority for the council is suitable qualified and competent.
- This also makes clear that it is still the expectation of councils to follow up on issues within their area, including enforcing orders, or commencing proceedings against persons who fail to comply with the Act or with relevant orders.

Topic 2: Changes to Council General Manager functions

Background

- The Building Act 2016 provides that the General Manager appointed by the council has powers to perform functions under the Act, including certain compliance activities.
- Most of the general manager compliance functions in the Building Act 2016, will instead be performed by the council’s Permit Authority;

Current examples of these activities or functions include:

- Serving of Building or Plumbing Notices and Orders
- Powers to enter premises to conduct investigations
- Issuing a Dilapidated Building Notice
- Serving infringement notices for offences against the Act or regulations
- Granting consent to temporarily occupy a non-habitable building.

The Consumer Act provides that Permit Authority will instead undertake broader compliance roles that the Council and General Manager now does under s.41(1) of the *Building Act 2016*.

Savings for notices and orders already issued by General Manager

- Where the general manager has issued any Notice or Order under the *Building Act 2016*, then after the commencement day of the Consumer Act, it immediately becomes a Notice or Order of the Permit Authority, issued on the

same terms and conditions. (reference: new section 330B(2) of the *Building Act 2016*).

Topic 3: Permit Authority licensing

Background

Since 1 January 2017, the *Occupational Licensing Act 2005* has required that council staff appointed to perform the Permit Authority role for a council have needed to be licensed.

- Existing staff performing the Permit Authority role were transitioned into the occupational licensing system.
- Since 2017, new appointees as a Permit Authority, have had to make a licence application to Consumer Building and Occupational Services.

Changes:

From the commencement of the Consumer Act on 1 October 2024:

- All councils will become a licensed entity under the *Occupational Licensing Act 2005* with the council deemed as holding a Permit Authority licence; and
- The permit authority roles will then all belong to the council as a body corporate, which must be licensed under the Occupational Licensing Act.
 - The functions and powers of the permit authority under the *Building Act 2016* must still be exercised by a nominated natural person, licensed under the *Occupational Licensing Act 2005*.
 - The exercise of any functions of a Permit Authority are of no effect if they are performed by any person other than those appointed as a Permit Authority by the council under the Building Act, and have been licensed under the Occupational Licensing Act.
- As mentioned in Topics 1 and 2, to support these licensing changes, the Consumer Act made a number of amendments to remove references to 'council' or 'general manager' from the Building Act and the Building Regulations, as these matters now belong to the council as a licensed 'Permit Authority.'

Permit Authority Licensing - Questions and Answers:

Q: What does a "Licensed Entity" mean?

A: The *Occupational Licensing Act 2005* covers the licensing of several types of building services providers, including builders, designers and building surveyors.

- In 2017 the new licence category of permit authority was created, for the natural persons who were appointed by the council to perform statutory roles under the *Building Act 2016*.
- The *Occupational Licensing Act 2005* also provides for a separate type of licence that can be held by a corporate body, including a company, a partnership, or a council.
- That entity licence exists independently from any natural person and therefore it can have perpetual succession – if the entity has nominated a

licensed natural person to do that role, the entity can continue to operate or function.

- Until now, CBOS has not required that a council itself must hold an entity licence for the Permit Authority role. However, as the role of the Permit Authority has now been expanded and upgraded, the amendments in the Consumer Act now require councils to hold this type of entity licence.

Q: Does this change mean that individual council officers and the Council, will both need a licence as a Permit Authority?

A: Yes, council officers appointed to that role will still need to hold a Permit Authority licence as a natural person, and the council as a statutory body corporate, will now hold a separate Permit Authority entity licence.

Q: Can a Council be a licensed “person” as well as a licensed entity?

A: No. The *Occupational Licensing Act 2005* provides for licensing of individuals, and a “corporate” type licence for any Building Services Providers, called an Entity Licence, which is applicable to “organisations” that are councils, trading corporations (companies) or a partnership.

- As the Local Government Act created the council as a legal “person”, then as a statutory corporation an Entity Licence is appropriate for that type of organisation, while an individual licence is appropriate for natural persons appointed to perform the Permit Authority functions for the council.

Q: Do these licensing amendments require the council to do something?

A: Yes, within 7 days of the commencement of these changes (on 1 October 2024), the council is to nominate a natural person employed or engaged by the council, who holds a permit authority licence, to be the licensed person for the council.

- However, as there has been a requirement since 2017 for the appointment of, and the licensing of Permit Authorities, this will not require any additional actions by councils, as they have already appointed a licensed person to perform the Permit Authority role on its behalf, and those persons currently licensed will be accepted by Consumer Building and Occupational Services (CBOS) as having been “nominated” to meet the requirements of the Occupational Licensing Act.

Q: Does the Council now have to apply for the new entity licence?

A: No. It will be deemed by law to have received this licence. Each council will be a licensed entity from the commencement of the Consumer Act amendments on 1 October. (Reference amended section 45 of the *Occupational Licensing Act 2005*).

Q: Do existing permit authority licences continue?

A: Yes. Every natural person with a current individual licence as a Permit Authority can continue to work in that role, and they are not affected by these changes regarding licensed entities.

Q: Why do we need to license individuals as a permit authority now that council permit authority licences are mandatory?

A: Since 2017, the *Occupational Licensing Act 2005* has provided that individual natural persons working as a permit authority for a council must hold a licence.

Amendments made by the Consumer Act will now require that the council itself, as a separate legal entity, must also hold a licence as a permit authority.

- In the case of a licensed council, this means that it must have a nominated natural person employed or engaged by the council, who holds the permit authority licence. This person will carry out all the functions of the Permit Authority for the council, with the council still being the responsible entity.
- It is necessary for both the council and the licensed natural person, who is the permit authority officer, to hold a licence, as the Permit Authority officer must still be the individual who meets minimum requirements regarding entry qualifications, experience and achieving the required continuing professional development activities.

Q: Can a person appointed as a permit authority and licensed by CBOS, perform that role for more than one council?

A: Yes, but the person must have been appointed as a Permit Authority by each of the councils that they intend to work for; (reference s.37C(7) *Occupational Licensing Act 2005*).

- Upon application for a licence from CBOS, they must indicate which council they are working for, to show that they will be the nominated person to act on behalf of that council, being a body with an entity licence.

Q: When will CBOS issue a licence number to councils?

A: CBOS is working on making changes to its occupational licensing systems and data bases to implement these changes and will provide a number to councils by September 2024.

Q: How long does each entity licence last for?

A: Initially, for 24 months (reference section 45 *Occupational Licensing Act 2005*). When it needs to be renewed in 2026, CBOS may then issue a three-year licence.

Q: Does the council have to pay a licence fee for its own entity licence?

A: No, the council itself as a licensed entity is exempt from paying a fee for that type of licence. (Reference new regulation 15A of the *Occupational Licensing (Building Services Work) Regulations 2016*).

Q: Do council officers (natural persons) still need to pay a licence fee?

A: Yes, it is payable either one or three yearly; currently (2024) a one-year fee is \$448.80, and the triennial fee is \$1148.10.

Q: Why is there no fee for a Council Entity Licence, but still a fee for individuals?

- A: Regulation 13 of *Occupational Licensing (Building Services Provider) Regulations 2016* provides that any natural person is required to pay a licence fee; but amendments in the new regulation 15A, requiring the council to hold an Entity Licence, will give a licence fee exemption: -

15A. Licensed entity fees for council

- A fee is not payable under this Division in respect of a building services licence that is issued to a council to enable the council to perform the functions of a permit authority under the *Building Act 2016*.

Q: As a council now holds an Entity Licence as a Permit Authority, can the council use anyone on staff to perform its role as the permit authority?

A: No, the council must appoint specific persons to perform the roles of that statutory position, and they must be licensed.

- It can also appoint the current holder of a particular job position in the council to be its Permit Authority. For example, the elected council can determine that the person who is the current holder of the position of “manager development services” can then do that statutory permit authority role for it. The current holder of that position must still apply for a Permit Authority licence from CBOS.

Q: Is any officer of council who undertakes an investigation that leads to a building notice/order, required to be a licensed permit authority?

A: No. As the appointed decision maker with the statutory role of compliance functions, such as signing an order, only the person appointed by the council for performing the statutory Permit Authority role needs to be licensed.

- The Permit Authority officer can rely on the services or support of any other council employees or contractors necessary to give them the information needed to do its role as the Permit Authority.

Q: What happens if the council does not appoint a natural person as its Permit Authority?

A: Section 24 of the *Building Act 2016* requires that the council shall appoint a natural person as its Permit Authority. The *Occupational Licensing Act* also requires the council to have “nominated” a person to be licensed to perform that role.

- If the council fails to appoint a person, section 37D of the *Occupational Licensing Act 2005* provides that it may then have to forfeit its Permit Authority entity licence, which may then create significant problems for its ability to administer the *Building Act 2016*.
 - The Director of Building Control may then have to take on this role as an emergency measure; see also the information below: “No Permit Authority Available” under the section: “*Oversight of Council and Permit Authorities by the Director or the Minister*”.

Q: Are council Permit Authority officers (natural persons) still required to hold insurance?

A: Yes, but council staff are covered by the insurance that their council buys to cover the activities of its staff – so they do not need to buy individual insurance and they can expect to be indemnified by their employer for work done, including any act done, or an omission made, in good faith.

Q: Will council Permit Authority officers still need to undertake Continuing Professional Development?

A: Yes, the same as now, 36 points is required over the three-year licence period. As the council as a corporate body is not a natural person, it does not need to complete any CPD to retain its entity licence.

Q: Are there changes to the functions of a Permit Authority?

A: Yes, it will now take on certain compliance functions that have previously been the responsibility of the general manager.

Individuals (natural persons) who are currently licensed as a Permit Authority are not generally affected by the changes made by the Consumer Act, except for the statutory functions taken over from the general managers, meaning a potential change in their workload within individual councils.

Q: If the Council is responsible for issuing the approvals, notices, orders etc under the Council licence number, why do the individuals have to also hold a licence? *It would be nice if the Council only had to be licensed and obtain CPD points instead of each individual obtaining CPD points that are impossible to obtain? Council gives the GM delegation as the Permit Authority and we go back to the GM signing all permits, notices, orders, etc, with no need to individuals to be licenced as Permit Authorities, and a less of a cost to rate payers.*

A: As it is a corporate organisation, and not a natural person, a council can only act through the agency of its employees or contractors and it cannot itself undertake training, CPD or similar education based activities to become qualified and experienced.

If a council only wants its General Manager to perform all the roles of its Permit Authority, then it may nominate only that person to the role to be licensed, and that person may delegate to other staff under section 8; however, for practical reasons it is better that councils have appointed several qualified and licensed staff able to perform these important statutory roles. Single person dependency is on organisational risk to be avoided.

Q: Who signs the approved forms: licensed individual Permit Authority or licensed corporate Permit Authority?

A: From 1 October each council will hold a licence as a Permit Authority (being the special “entity licence” in its own right as a corporate “person”).

Work such as statutory functions of a Permit Authority under the *Building Act 2016* are performed by natural persons, who are appointed by their council and are also licensed by CBOS as a Permit Authority.

Therefore, as that work by those natural persons is performed for and on behalf of the Council, it is appropriate that the council’s name and its unique Permit Authority

licence number are entered on documents such as Forms approved by the Director of Building Control under the *Building Act 2016*.

For example, on Form 15 (Building Order) the “Permit Authority Details” would have the council’s name and the council’s permit authority licence number inserted.

- If a licensed natural person works at two councils as their Permit Authority, then for work within each council area, the name of the relevant council would appear on that form.
- The licensed natural person would then sign on behalf of the council as it is the responsible corporate body. Their employment or engagement by the council, their appointment to the Permit Authority role, and then their status as holding a licence to do statutory functions as a Permit Authority, is abundant authorisation and power to sign on behalf of the council.
- The Building Act Approved Forms can also have a header inserted, identifying the name of the council.

Topic 4: Oversight of Council and Permit Authorities by the Minister or the Director

The *Building Act 2016*, as amended by the Consumer Act, will ensure that councils are more accountable for their decisions, ensuring that when action is required by the council, the council will take that action in the interest of consumers and the community.

- The Building Act and *Occupational Licensing Act 2005* have been amended to change the accountability of councils in the building regulatory framework.
- Councils are provided significant powers under the Building Act. The objective in providing councils with such powers and functions under this Act, is to ensure that building, plumbing and demolition work within their municipal area is safe and compliant, for the enjoyment and amenity of the residents, building occupants and broader community.
- Recent events have highlighted a need for increased protection in circumstances where there is a need to act in relation to the safety of a building, but a council fails to act.
- The Building Act will provide that the Minister for Small Business and Consumer Affairs may issue an order directing a council to perform a function, or exercise a power, that the council as permit authority is provided to perform under the Act. This includes compliance and enforcement functions.
- The Order can be in relation to a power or function provided to the permit authority under the Building Act, so can relate to a range of matters such as the issuing of a Plumbing Order or the issuing of an Emergency Order.
- The Minister will be able to issue this order to direct a council on their own initiative if the Minister is satisfied that it is necessary to protect public health or safety; or to prevent significant property damage.
 - For example, if the Minister is satisfied that the council, as permit authority, has failed to satisfactorily exercise a power, such as issuing an Emergency Order, the Minister may order the council to exercise this power.

- In relation to all other circumstances, the Minister may only make such an order on the recommendation of the Director of Building Control.
 - Prior to making a recommendation to the Minister, the Director of Building Control must first provide the council, as licensed permit authority, the opportunity to be heard, allowing it to provide a submission.
 - If, after considering the submission from the council, the Director believes that the council as a permit authority has not satisfactorily performed a statutory function or exercised a power, the Director may then give a written recommendation to the Minister of a course of action.
 - This will ensure that in circumstances where the council as a permit authority will not act, or not act in an appropriate manner, the Director of Building Control and Minister for Small Business and Consumer Affairs can take appropriate action to protect the community.

It should be noted that the exercise of these powers by the Director or Minister are envisaged to only used where the interests of the public need to be protected, and must be satisfied that the permit authority has not already satisfactorily performed its statutory functions.

Failure to exercise statutory functions by Permit Authority

- If the Minister for Small Business and Consumer Affairs is satisfied that a Permit Authority has not satisfactorily performed a function, or exercised a power, of a permit authority under the Building Act, the Minister may direct the Permit Authority, by order, to perform its duties under the Act.
- In addition to these Permit Authority changes, the Act also provides for the Minister for Small Business and Consumer Affairs to issue orders requiring a council, as permit authority, to carry out a function or exercise a power provided to the Permit Authority under the Building Act.

No Permit Authority available

- Amendments made by the Consumer Act will allow the Minister for Small Business and Consumer Affairs to appoint the Director of Building Control as the Permit Authority for one or more councils and specify which powers they may exercise.
- This appointment may be made where the council is no longer a licensed entity, or it has not appointed a licensed natural person to perform that role.
- That is to enable the filling of a gap in the performance of statutory regulatory functions, and it should only need to be used in exceptional circumstances.

Question:

Q: If a Council is directed by the Minister to undertake an action, is there an appeal to TASCAT for consistency and to protect legal rights for procedural fairness and natural justice?

A: Yes, there could be a review of a Ministerial decision under the *Judicial Review Act 2000* to the Supreme Court.

- A person who is aggrieved by a decision to which this Act applies may apply to the Court for an order of review relating to the decision.

- “a person aggrieved” (s.7) means that their “interests are adversely affected by the decision”.

Grounds for a right to seek review of an administrative decision are found in s.17(2) of the *Judicial Review Act*.

(2) The application may be made on any one or more of the following grounds:

- (a) breach of the rules of natural justice;
- (b) required procedures were not observed;
- (c) person did not have jurisdiction to make the decision;
- (d) decision not authorised by the enactment;
- (e) an improper exercise of the power conferred by the enactment;
- (f) decision involved an error of law;
- (g) fraud;
- (h) no evidence or other material to justify the decision;
- (i) otherwise contrary to law.

Topic 5: Changes to the Approved Forms under the *Building Act 2016* and *Building Regulations 2016*

Background

The *Building Act 2016* and the *Building Regulations 2016* are amended by the Consumer Act in a number of ways.

- The Director of Building Control has approved forms as templates for use by councils, building services providers and other parties, to facilitate activities under the Act and its Regulations.
- The commencement of the Consumer Act therefore required minor changes to some existing Approved Forms.

Existing Forms that are amended:

- Application for Building Certificate – Form 57
- Building Certificate - Form 51
- Building Inspection Direction - Form 44
- Registers Permit Authority - Form 36
- Demolition Order - Council - Form 32
- Emergency Order - Permit Authority - Form 27
- Plumbing Order - Permit Authority - Form 23
- Certificate of Substantial Compliance - Building Work - Form 17
- Building Order - Building Surveyor/Permit Authority - Form 15
- Certificate of Final Inspection - Building Work - Form 12
- Certificate of Likely Compliance - Building Work - Form 11A

New Form approved:

New provisions regarding rectification of defective building work have required that one new form be approved:

Defective Building Work Order - Building Surveyor - Form 16

Why are these changes being made?

The statutory compliance roles of the **council general manager** have been transferred to the council Permit Authority, so those references need to be changed on the Emergency or Demolition Order forms and on the Building Certificate form.

There are also new provisions relating to rectification of **defective building work** through defective work orders.

- This has required one new form to be created (Number 16 – Defective Work Order) and minor changes to the legislative references on some other forms. The new form 16 is used by the building surveyor when defective work is discovered, after a certificate of completion of the work was issued by the permit authority or building surveyor.
- The Certificate of Likely Compliance has an updated listing of additional mandatory notification points to trigger inspections.
- Terminology updates – to change Alternative Solution to Performance Solution.
- Building or Plumbing Notice or Order forms now have space to insert a “compliance by” date when the recipient must either do something or cease to do something after being ordered to do so, by the permit authority or building surveyor.

Consultation on draft amended forms

CBOS sought council and other stakeholder comments on these draft forms, with the consultation ending on 5 July 2024.

- As a result of the feedback received during consultation a further minor change was made to:
 - Amended Form 27 – (Emergency Order) to remove a reference to sending a “copy to the Permit Authority” as the Permit Authority is now the person who processes and sends this Order.
 - New Form 16 (Defective Work Building Order) – removed the reference to any “Low Risk Building work” as a building surveyor would not have been engaged for that work.

Question about Approved Forms:

Q: When will the amended forms be available?

A: The final forms that have been approved by the Director of Building Control will be available for download from the CBOS website as Word documents before they come into effect on 1 October 2024.

See also the question in Topic 3 on [who signs Approved Forms.](#)

Topic 6: New Defective Work provisions (Building Act 2016)

- The definition of 'defective work,' as provided in section 207 of the Building Act, is work that does not comply with the Act, or the National Construction Code, and is discovered during an inspection of the work under this Act or at any point after the completion of the work.
- Therefore, even if the work was approved, but does not comply with the National Construction Code, it is defective work and may be subject to a direction, or building order, or a defective work order, to make it comply.

Defective work found during construction

- If the building surveyor finds defects at any stage of construction prior to the issue of a Certificate of Completion of building work, they may issue an inspection direction to the builder. Failure to comply with this direction by the will lead to a building notice under section 237 of the Act, and if that is not complied with, the matter can be escalated to a building order under section 246.

Defective Work found since completion

Part 15 of the Act deals specifically with Defective Building Work. However, the operation of that Part has not been as practical as intended.

- For example, section 208 meant that it is limited to pre-completion defect rectification. If a Certificate of Completion of the building work had been issued by the Permit Authority under section 153 (permit building work) or by the building surveyor under section 104 (notifiable building work), the building surveyor then no longer has a power to direct that rectification must take place.
- Another deficiency in the Act regarding rectification of defects, was that section 209 was limited to rectification of defects by the builder, which were discovered within only 12 months after the issue of a Certificate of Completion.

The Consumer Act has made two major changes to rectification of work in Part 15:

Extended time period in which a person is required to rectify defects

The period in section 209 of the Building Act allowing for the discovery of defective work, requiring rectification by the builder at their own cost, has been extended from 12 months to a maximum of 24 months.

New Defective Work Order – Building Surveyor

The Consumer Act amends the *Building Act* to insert a new section 209A and provides for a new Defective Work Order that can be issued by the building surveyor.

- Significantly, this type of Order can be issued after the certificate of completion of building work, and overcomes the limitation found in section 208(7).
- The Defective Work Order can be served on the builder up to 24 months after a certificate of completion had been issued.

- Many latent defects may only be observable by the owner within this extended period of time, particularly given two full annual seasons.
- The building surveyor in respect of building work must issue this order if they, or the Director of Building Control, have certified that the building work as defective work under section 209(b).
- The person who carried out that work, and is served with this Order, must ensure it is rectified.
- This will add to the period by which a building surveyor is involved in respect of a building project. However, binding the building surveyor to a building project for 24 months following its completion, was considered a reasonable period of time.

Defective Work Orders are not limited to residential building work. The relevant building surveyor can issue an order irrespective of the class, or use, of a building.

Defective work orders can also be served on registered owner builders.

- The provisions of section 208 have not been changed and this can still be used to serve a written direction on the contractor to rectify defects, so long as a certificate of completion had not been issued.
- The new Defective Work Orders will not assist consumers when the defects are minor or only relate to workmanship issues relating to standards in the residential building contract. Instead, the Director of Building Control has new powers to organise mediation of residential building work disputes to attempt to arrange a settlement of those matters.

Questions about Defective Work Orders:

Q: Does the Building Surveyor have to notify Council that they issued the defective building order? if yes, is there timing and penalty?

A: There is no notification, instead the new section 209A(7) provides that a copy is to be provided to the permit authority:

If a person issues an order under this section in respect of defective building work, the person is to provide a copy of the order to each of the following as soon as practicable after the order has been issued:

- (a) the relevant Permit Authority for the work;
- (b) the Director of Building Control.

Q: Why don't the new Defective Work Orders apply to defective plumbing work?

- A: Tasmania's building regulatory framework provides significant responsibilities to a number of key persons, most notably building surveyors and the Council Permit Authority.
- In relation to building work, the building surveyor is the relevant technical approval authority who undertakes the technical and statutory assessments for that work, to ensure that the work is compliant, safe and, at the conclusion of the building work, that the building is safe and fit for occupation.

- Under the current provisions of the Building Act, the building surveyor has limited opportunities to have work rectified post-completion, as they cannot issue a building notice or a building order to the builder after formal completion of the building work.

The context for plumbing work is different.

- Under the Building Act the approval authority for plumbing work is the council permit authority.
- Permit Authorities can issue Plumbing Notices or Plumbing Orders at any time, including after completion of plumbing work.
- Circumstances where the council can issue a plumbing notice or order include that plumbing work or a plumbing installation is faulty or defective, meaning that the council can already take decisive action regarding defective plumbing work.
- Given these existing provisions for plumbing work, there is no need for specific defective work provisions for plumbing work.

Q: Does the new Defective Work Order need to be included on a s.337 Certificate?

- A: Yes: in Schedule 6 of the Local Government General Regulations, item 48(b), provides that all orders are to be disclosed; but they will need to have been copied to the permit authority; and remain not yet complied with.

Topic 7: Advice to permit authorities and building surveyors regarding compliance with orders issued under the *Building Act 2016*

Under the Building Act, building surveyors and a council as Permit Authority may issue notices or orders requiring the responsible person for the building, plumbing, or demolition work, to do the work specified in the relevant notice or order.

The Building Act did not include a prescriptive requirement that these orders must always specify a period within which an order must be complied with.

This has had an unfortunate impact on non-compliance with some orders, with questions arising whether a person has failed to comply with an order if there is no required time within which they must comply.

- The amended Act now introduces a requirement that orders must specify a period within which the order must be complied with.
- This is a common sense approach to ensure that building compliance issues are addressed within an appropriate period of time.
- If an order was made without a specifying a period, the relevant permit authority can then amend any order to specifying a time limit.
- This change will also apply to any orders that are currently in effect, including orders issued by building surveyors or the council as permit authority.

Note also that various Approved Forms dealing with compliance matters, have been amended by the Director of Building Control, and now provide a specific place for inclusion of details of by when that order must be complied with.

Question about compliance with orders:

Q: Orders remain in place until acted on or revoked, so why a need to have a complied by date on them?

A: Without a date given to the wrongdoer (owner/ builder/ plumber etc.) to **comply with the order**, it can effectively be ignored leading to continued non-compliance. This fundamental problem is not addressed by section 254 of the Building Act on the “duration” of a valid order.

Topic 8: Licensing changes – Proper cause for disciplinary actions (*Occupational Licensing Act 2005*)

Information for all licensed building services providers

Q: The Occupational Licensing Act has new provisions regarding a “proper cause for disciplinary action” against licensed persons. What is the purpose of these provisions?

A: Currently, within our building regulatory framework, the Director of Building Control and the Administrator of Occupational Licensing were given limited opportunity to consider the conduct of licensees as far as that conduct relates to non-fulfillment of compliance orders, such as a building order, issued against that person.

The Consumer Act now includes provisions that would allow the Administrator of Occupational Licensing to clearly consider orders issued against a licensed person as proper cause for disciplinary action.

If licensed persons consistently fail to do the right thing, the Administrator must be appropriately empowered to commence disciplinary action.

- For example, if a licensed builder has been subject to a building order, and the builder frequently failed to comply with those building orders, the Act will allow the Administrator to then commence disciplinary action against the licensee if the Administrator considers that it is appropriate to do so.
- Currently, the Occupational Licensing Act provides a range of reasons for why the Administrator may consider there is proper cause for disciplinary action. This includes that the licensed person is guilty of improper conduct, that the licensee has given false or misleading information, or that the licensee has contravened a provision of the Act or a code of practice.
- To support the changes, the Act also includes a mandatory notification in the event that a Building Order is not complied with. Currently, this information is not reported to the Tasmanian Government and is only obtained by undertaking audits.

Topic 9: Mandatory Inspection stages in the *Building Regulations 2016*

Background

- The Building Regulations provide that at on the completion of certain stages of building work, the person responsible for the work (the licensed builder) is required to notify the building surveyor for the work, that an inspection is ready to take place.
- Inspections provide for the assessment of building work before further work can continue and are critical in ensuring key structural, safety and amenity matters are achieved.

Changes

Two new mandatory notifications for inspections of stages during building work have been added to the *Building Regulations 2016*, effective 1 October 2024:

1. Work in wet areas of any class of building; and
2. Work involving penetrations of fire-resistant building elements (e.g. pipes through a fire-rated wall or floor). This applies to Class 2-9 buildings.
 - This change primarily affects builders (performing work) and building surveyors (who inspect that work after they have been notified)
 - These changes have required some minor additions to some Approved Forms e.g. to form No. 11A Certificate of Likely Compliance, to allow for these notification stages to be added.
 - It is required by the Regulations that an inspection of wet areas, as a mandatory notification, is to be performed for all new work in any buildings containing a wet area that had required a formal approval of the work.
 - The mandatory notification stages set out in the Regulations apply to new building work including the construction of a new building or the alteration of an existing building.

Definitions:

Wet area: The NCC 2022 defines a wet area as:

“an area within a building, supplied with water from a water supply system, which includes bathrooms, showers, laundries, and sanitary compartments (Water Closet) and excludes kitchens, bar areas, kitchenettes or domestic food and beverage preparation areas”.

Penetrations of fire rated construction:

are apertures created through fire-rated and smoke proof walls, floors and ceilings which must resist the spread of smoke and fire within a building. These include:

- building service penetration installations. These services might include plumbing, electrical, gas or telecommunication pipes, wires, and cable trays; or

- other building, plumbing or demolition work that compromise fire safety such as creating new doors, windows, skylights or similar through smoke or fire rated building elements.

Fire-resisting walls, floors and ceilings are installed to slow or stop the spread of fire through a buildings fire or smoke compartment or between separate tenancies, therefore, unsealed penetrations could reduce the effectiveness/ fire resistance level. Unsealed penetrations are unable to provide protection against the spread of smoke, heat and toxins. The Deemed to Satisfy provisions of the National Construction Code require that service penetrations in fire rated and smoke-proof construction are protected by fire stopping products.

What does this mean for builders?

- The regulations provide that at on the completion of those stages of building work, the builder responsible for the work is required to notify the building surveyor for the work, that an inspection is ready to take place.
- The builder must ensure that work is compliant with the approval and National Construction Code.
- After inspection, the building surveyor may either:
 - consent to the work progressing as it is compliant; or
 - direct the responsible person for the work to perform the building work so that it complies with the building approval issued in respect of the work.

What does this mean for building surveyors?

- Inspections provide for the assessment of building work before further work can continue and are critical in ensuring key structural, safety and amenity matters are achieved.
- On the certificate of likely compliance, the building surveyor will have ticked the box against the types of applicable work that require mandatory notification.
- A notification received from the builder for the mandatory inspection stage therefore advises the building surveyor that the building work has been progressed to the completion of the next mandatory stage when an inspection may be carried out.
 - On receipt of the notification, the building surveyor may inspect that work. Alternatively, they may determine if there is a reason they do not intend to inspect. In that case:
 - the building surveyor is to notify the builder that they do not intend to inspect the work; and
 - must make a record of the reason the inspection was not carried out; and
 - record the details of any alternative inspection, or certification, of the work that was relied on in place of the inspection.

Topic 10: Introduction to dispute resolution changes from 1 July 2024 in the *Residential Building Work Contracts and Dispute Resolution Act 2016*

Background

The Consumer Act makes a number of significant changes to *the Residential Building Work Contracts and Dispute Resolution Act 2016* to give more options for parties seeking to resolve building disputes. These changes chiefly are:

1. Informal mediation of disputes, arranged by the Director of Building Control, to encourage a negotiated settlement; and
2. For disputes where mediation was attempted but not successful, an application may be made to the Tasmanian Civil and Administrative Tribunal (TASCAT) to determine the dispute.

Who can apply for mediation?

The aim of the Act's mediation provisions is to facilitate discussion and mutual agreement of the parties to a residential building work dispute. If parties are willing to attend mediation it can often result in an agreement to resolve a dispute.

- Most residential building dispute matters are between the owner and the building contractor.
- The Director may also join parties to mediation.

Can building contractors also use the mediation and dispute resolution provisions in the Act?

Yes, as a party to the building contract, the building contractor can use these dispute resolution mechanisms in order to settle a dispute.

Are parties bound by mediation outcomes?

If the parties sign a settlement document, it is registered by the Director of Building Control. If a party to it defaults on the settlement, the other party may enforce it by making an application to the TASCAT.

What fees apply to parties attending mediation sessions?

- The costs of mediation are to be shared equally between the parties to the dispute.

Will the mediation provisions be available to parties who entered a building contract at any time?

- Yes. The improved mediation mechanisms within the Contracts Act will also be available to owners who have entered into residential building work contracts before 1 January 2017.
- However, there are also time restrictions on seeking redress, which is six years from the date of practical completion, or, if there is no such date in relation to the work, six years from the date on which residential building work was last performed.

Does the Consumer Act prevent a person from pursuing action in a court?

- The Consumer Act does not prevent parties from pursuing action in a court to resolve a building dispute.
- The Act does, however, contain a provision that allows a court in which proceedings have commenced, to refer those proceedings to the TASCAT if the court is satisfied that the Tribunal is the most appropriate authority to determine the proceedings.

TASCAT given new jurisdiction

- The Consumer Act gives new powers to the TASCAT for dealing with residential building work dispute matters
- TASCAT will be able to determine:
 - If residential building work is incomplete or is deficient;
 - If the work has not been completed to the standard, or using the materials, required under the contract;
 - If the work has caused, or resulted in, damage to any building, structure or residential building work;
 - If residential building work complies with the requirements of a relevant Act, such as permits, and certificates under the Building Act; and
 - Disputes relating to the terms of a contract.
- However, if the parties to a building contract have not already attempted mediation arranged by the Director of Building Control, then the TASCAT cannot accept an application to determine that building dispute.

Will the new TASCAT dispute resolution mechanism be available to parties whose contracts was entered into before 1 January 2017?

- No. The changes made by the Consumer Protection Act (including giving the TASCAT authority to hear disputes) do not apply to contracts entered before the *Residential Building Work Contracts and Dispute Resolution Act 2016* commenced on 1 January 2017.

Note: For more detailed information on dispute resolution and mediation arrangements, see these CBOS website resources:

- [Resolving Residential Building Work Disputes](#)
- [Mediation](#)
- [Mediation Fact Sheet](#)

Responsible Output: Consumer Building and Occupational Services

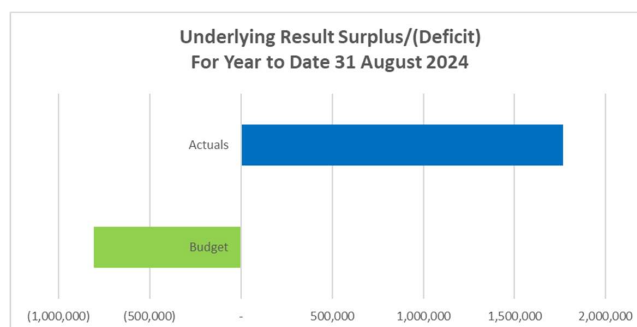
Version number: 1.0

Version approved: September 2024

CITY OF LAUNCESTON
Statement of Comprehensive Income
For Year to Date 31 August 2024



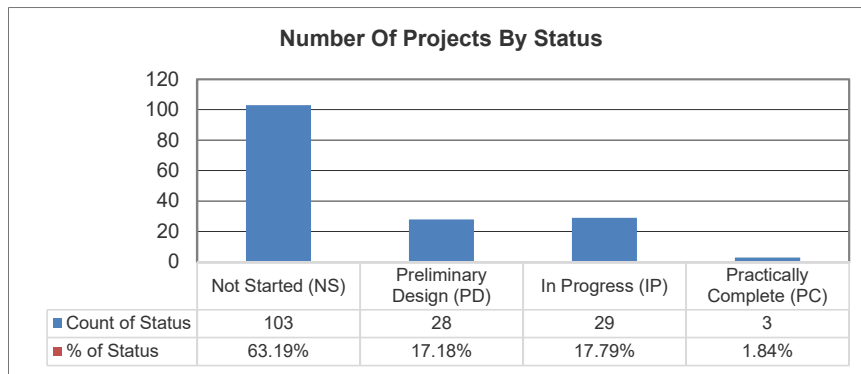
	2024/25 YTD \$ Actual	2024/25 YTD \$ Budget	Variance YTD \$ Fav/(Unfav)
REVENUES FROM ORDINARY ACTIVITIES			
Rates	14,600,725	14,698,588	(97,863)
User Fees and Charges	4,667,069	4,607,936	59,133
Statutory Fees & Charges	1,424,674	1,261,022	163,653
Capital Grants	3,207,247	3,127,247	80,000
Financial Assistance Grants	214,764	214,764	-
Other Operational Grants	409,430	412,016	(2,586)
Contributions	21,092	18,592	2,500
Interest	605,644	922,879	(317,235)
Other Income	422,433	405,710	16,723
	25,573,078	25,668,754	(95,675)
EXPENSES FROM ORDINARY ACTIVITIES			
Employee Benefits	8,860,858	9,298,298	437,440
Materials and Services	7,009,149	8,583,326	1,574,177
Impairment of Debts	-	1,917	1,917
Interest on Loans	-	15,700	15,700
Provision for Rehabilitation	16,666	16,667	1
Lease Liability Borrowing Cost	-	667	667
Depreciation	4,473,122	4,381,877	(91,245)
State Government Landfill Levy	(57,713)	755,320	813,032
Rate Remissions and Abatements	296,295	292,795	(3,501)
Loss on Disposal of Fixed Assets	7,223	115,833	108,610
	20,605,601	23,462,398	2,856,797
Comprehensive Result Surplus/(Deficit)	4,967,477	2,206,355	2,761,122
Loss on Disposal of Fixed Assets	(7,223)	(115,833)	108,610
Capital Grants	3,207,247	3,127,247	80,000
TERHAP Contribution	-	-	-
	3,200,024	3,011,414	188,610
Underlying Result Surplus/(Deficit)	1,767,453	(805,058)	2,572,512



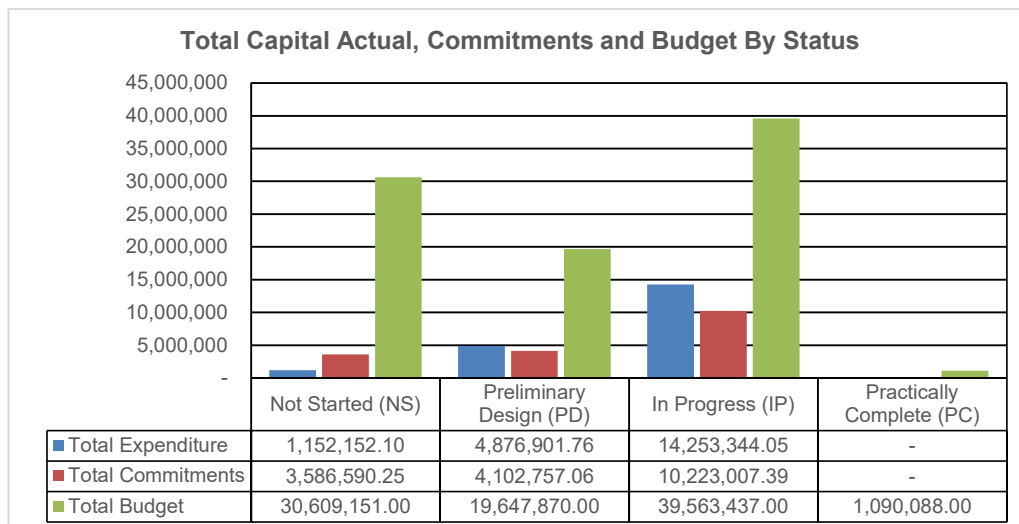
Monthly Capital Expenditure Report - August 2024

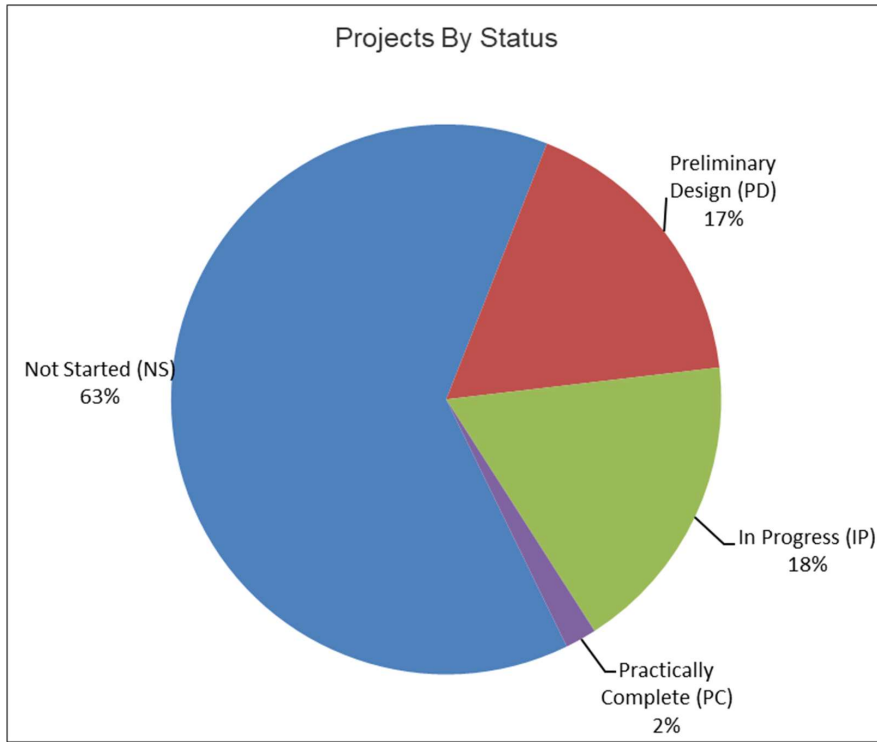
PROJECT DESCRIPTION	Budget	Actual Expenditure			Projected Expenditure			PERCENT OF BUDGET
	TOTAL ESTIMATE	W.I.P. JULY 1	ACCRUED ORDERS	YTD EXPEND.	TOTAL ACTUAL EXPEND.	COMMITTED COSTS	ACTUAL PLUS COMMITTED	
	\$	\$	\$	\$	\$	\$	\$	%
GRAND SUMMARY NETWORK								
Office of the Chief Executive	-	-	-	-	-	-	-	-
Organisational Services	2,188,189	367,580	970	354,233	722,783	316,987	1,039,770	48%
Creative Arts & Cultural Services	2,388,012	95,793	-	45,935	141,728	166,016	307,743	13%
Community and Place	4,144,790	320,082	45	105,561	425,688	420,475	846,163	20%
Infrastructure and Assets	76,189,555	15,925,655	12,531	2,930,303	18,868,489	17,008,877	35,877,365	47%
Land Sales (see analysis below)	6,000,000	123,238	-	473	123,711	-	123,711	0%
GRAND TOTAL	90,910,546	16,832,348	13,546	3,436,505	20,282,398	17,912,355	38,194,753	42%

Total capital expenditure budget for 2024/2025 is made up of carried forward budget funds of \$48,237,904, Current Year Council Funds of \$24,353,000 and External Funding of \$18,319,642 for a total budget of \$90,910,546.



Council currently has a total of 163 capital projects with 103 (63.19%) not started. This is an increase from the July period where there were a total of 157 capital projects and 99 (63.06%) not started.





Code of Conduct for Councillors

MODEL CODE OF CONDUCT

Part 1 - Decision Making

1. A Councillor must bring an open and unprejudiced mind to all matters being decided upon in the course of his or her duties, including when making planning decisions as part of Council's role as a Planning Authority.
2. A Councillor must make decisions free from personal bias or prejudgement.
3. In making decisions, a Councillor must give genuine and impartial consideration to all relevant information known to him or her, or of which he or she should have reasonably been aware.
4. A Councillor must make decisions solely on merit and must not take irrelevant matters or circumstances into account when making decisions.

Part 2 - Conflict of Interests that are not Pecuniary

1. When carrying out his or her public duty, a Councillor must not be unduly influenced, nor be seen to be unduly influenced, by personal or private interests that he or she may have.
2. A Councillor must act openly and honestly in the public interest.
3. A Councillor must uphold the principles of transparency and honesty and declare actual, potential or perceived conflicts of interest at any meeting of Council and at any Workshop or any meeting of a body to which the Councillor is appointed or nominated by Council.
4. A Councillor must act in good faith and exercise reasonable judgement to determine whether he or she has an actual, potential or perceived conflict of interest.
5. A Councillor must avoid and remove himself or herself from, positions of conflict of interest as far as reasonably possible.
6. A Councillor who has an actual, potential or perceived conflict of interest in a matter before the Council must:
 - (a) declare the conflict of interest and the nature of the interest before discussion of the matter begins; and
 - (b) act in good faith and exercise reasonable judgement to determine whether a reasonable person would consider that the conflict of interest requires the Councillor to remove himself or herself physically from any Council discussion and remain out of the room until the matter is decided by Council.
7. This Part does not apply in relation to a pecuniary interest.

Part 3 - Use of Office

1. The actions of a Councillor must not bring the Council or the office of Councillor into disrepute.
2. A Councillor must not take advantage, or seek to take advantage, of his or her office or status to improperly influence others in order to gain an undue, improper, unauthorised or unfair benefit or detriment for himself or herself or any other person or body.
3. In his or her personal dealings with the Council (for example as a ratepayer, recipient of a Council service or planning applicant), a Councillor must not expect nor request, expressly or implicitly, preferential treatment for himself or herself or any other person or body.

Part 4 - Use of Resources

1. A Councillor must use the Council's resources appropriately in the course of his or her public duties.
2. A Councillor must not use the Council's resources for private purposes except as provided by the Council's policies and procedures.
3. A Councillor must not allow the misuse of the Council's resources by any other person or body.
4.

Part 5 - Use of Information

1.
2. A Councillor must only access or use the Council's information needed to perform his or her role and not for personal reasons or non-official purposes.
3.
4. A Councillor must only release the Council's information in accordance with established policies of the Council and procedures and in compliance with relevant legislation.

Part 6 - Gifts and Benefits

1. A Councillor may accept an offer of a gift or benefit if it directly relates to the carrying out of the Councillor's public duties and is appropriate in the circumstances and is not in contravention of any relevant legislation.
2. A Councillor must avoid situations in which a reasonable person would consider that any person or body, through the provisions of gifts or benefits of any kind, is securing (or attempting to secure) influence or a favour from the Councillor or the Council.

- 3.
- 4.
- 5.
- 6.
- 7.
- 8.

Part 7 - Relationships with Community, Councillors and Council Employees

- 1. A Councillor:
 - (c) must treat all persons fairly; and
 - (d) must not cause any reasonable person offence or embarrassment; and
 - (e) must not bully or harass any person.
- 2. A Councillor must listen to, and respect, the views of other Councillors in Council and Committee Meetings and any other proceedings of the Council and endeavour to ensure that issues, not personalities, are the focus of debate.
- 3.
- 4. A Councillor must not contact or issue instructions to any of the Council's contractors or tenderers, without appropriate authorisation.
- 5. A Councillor must not contact an employee of the Council in relation to matters of the Council unless authorised by the General Manager of the Council.

Part 8 - Representation

- 1. When giving information to the community, a Councillor must accurately represent the policies and decisions of the Council.
- 2. A Councillor must not knowingly misrepresent information that he or she has obtained in the course of his or her duties.
- 3. A Councillor must not speak on behalf of the Council unless specifically authorised or delegated by the Mayor or Lord Mayor.
- 4. A Councillor must clearly indicate when he or she is putting forward his or her personal views.
- 5. A Councillor's personal views must not be expressed publicly in such a way as to undermine the decisions of Council or bring the Council into disrepute.
- 6. A Councillor must show respect when expressing personal views publicly.
- 7. The personal conduct of a Councillor must not reflect, or have the potential to reflect, adversely on the reputation of the Council.
- 8. When representing the Council on external bodies, a Councillor must strive to understand the basis of the appointment and be aware of the ethical and legal responsibilities attached to such an appointment.

Part 9 - Variation of Code of Conduct

1. Any variation of this model Code of Conduct is to be in accordance with section 28T of the *Local Government Act 1993* (Tas).

SCHEDULE 1 - Additional Information to Support the Model Code of Conduct

PURPOSE:

The Code of Conduct sets out the standards of behaviour expected of the Councillors of the City of Launceston, with respect to all aspects of their role. As leaders in the community, Councillors acknowledge the importance of high standards of behaviour in maintaining good governance. Good governance supports each Councillor's primary goal of acting in the best interests of the community. Councillors, therefore, agree to conduct themselves in accordance with the standards of behaviour set out in the Model Code of Conduct.

SCOPE:

This Code of Conduct applies to a Councillor whenever they:

- conduct Council business, whether at or outside a meeting;
- conduct the business of their office (which may be that of Mayor, Deputy Mayor or Councillor); and/or
- act as a representative of the Council.

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

PRINCIPLES:

By adopting the Model Code of Conduct, Councillors commit to the overarching principles of good governance by being:

- Accountable - explain, and be answerable for, the consequences of decisions made on behalf of the community.
- Transparent - ensure decision making processes can be clearly followed and understood by the community.
- Law-abiding - ensure decisions are consistent with relevant legislation or common law, and within the powers of local government.
- Responsive - represent and serve the needs of the entire community while balancing competing interests in a timely, appropriate and responsive manner.
- Equitable and inclusive - provide all groups with the opportunity to participate in the decision-making process and treat all groups equally.
- Participatory - ensure that anyone affected by or interested in a decision can participate in the process for making that decision.
- Effective and efficient - implement decisions and follow processes that make the best use of the available people, resources and time, to ensure the best possible results for the community.
- Consensus oriented - consider the different views and interests in the community, to reach a majority position on what is in the best interests of the whole community and how it can be achieved.

ADDITIONAL INFORMATION:

Making a Code of Conduct Complaint

A person may make a Code of Conduct complaint against one Councillor in relation to the contravention by the Councillor of the Model Code of Conduct.

A person may make a complaint against more than one Councillor if the complaint relates to the same behaviour and the same Model Code of Conduct contravention.

Code of conduct complaints are lodged with the Chief Executive Officer, City of Launceston and must comply with legislative requirements, as outlined below.

A complaint may not be made by more than two complainants jointly.

A Code of Conduct complaint is to:

- be in writing;
- state the name and address of the complainant;
- state the name of each Councillor against whom the complaint is made;
- state the provisions of the relevant code of conduct that the Councillor has allegedly contravened;
- contain details of the behaviour of each Councillor that constitutes the alleged contravention;
- be lodged with the Chief Executive Officer within six months after the Councillor or Councillors against whom the complaint is made allegedly committed the contravention of the code of conduct;
- be accompanied by a statutory declaration, signed by the complainant or by each complainant, verifying the accuracy of the information contained in the complaint;
- contain details of all efforts made by the complainant to resolve the issue that is the subject of the complaint; and
- be accompanied by the Code of Conduct complaint lodgement fee.

Once satisfied that the Code of Conduct complaint meets prescribed requirements, the Chief Executive Officer will forward the complaint to the Code of Conduct Panel or to the Director of Local Government, as appropriate.

Code of Conduct Complaint Lodgement Fee

The Code of Conduct complaint lodgement fee is prescribed under Schedule 3 (Fees) of the *Local Government (General) Regulations 2015*. The lodgement fee is 50 fee units (\$93.50 effective 1 July 2024).

FURTHER ASSISTANCE:

Councillor Dispute Resolution

Councillors commit to developing strong and positive working relationships and working effectively together.

Prior to commencing a formal code of conduct complaint, Councillors who are party to any disagreement should endeavour to resolve their differences in a courteous and respectful manner, recognising that they have been elected to act in the best interests of the community.

A Councillor who is party to any disagreement should request the Mayor or the Chief Executive Officer to assist that Councillor in resolving the disagreement informally.

If informal assistance does not resolve the disagreement, the Chief Executive Officer may, with the consent of the parties involved, choose an external mediator to help resolve the disagreement. If an external mediator is appointed, Councillors who are party to the disagreement must strive to cooperate with the mediator and use their best endeavours to assist the mediator and participate in the mediation arranged.

Where a matter cannot be resolved through internal processes, the next step may be to lodge a formal Code of Conduct complaint.

Councillors should only invoke the provisions of the Code of Conduct in good faith, where it is perceived that another Councillor has not complied with the provisions or intent of the Code of Conduct.

Complaints Under the *Local Government Act 1993 (Tas) (the Act)*

Any person can make a complaint to the Director, via the Local Government Division (contact details below), in accordance with section 339E of the Act, where it is genuinely believed that a Council, Councillor or Chief Executive Officer may have committed an offence under the Act or failed to comply with the requirements of the Act.

To make a complaint, it is recommended that you first contact the Local Government Division to discuss whether the matter is something that the Division can assist with.

Public Interest Disclosure

Any instances of suspected corrupt conduct, maladministration and serious and substantial waste of public resources or substantial risk to public health or safety or to the environment should be reported in accordance with the *Public Interest Disclosures Act 2002 (Tas)*. Disclosures may be made to the Tasmanian Ombudsman or the Tasmanian Integrity Commission.

Key Contacts

Department of Premier and Cabinet's Local Government Division
Level 5, 15 Murray Street, HOBART TAS 7000
GPO Box 123, HOBART TAS 7001
Phone: (03) 6232 7022 Fax: (03) 6173 0257
Email: lgd@dpac.tas.gov.au
Web: www.dpac.tas.gov.au/divisions/local_government

Local Government Association of Tasmania
326 Macquarie Street, HOBART TAS 7000
GPO Box 1521, HOBART TAS 7001
Phone: (03) 6233 5966
Email: admin@lgat.tas.gov.au
Web: www.lgat.tas.gov.au

The Tasmanian Integrity Commission
Surrey House, Level 2, 199 Macquarie Street, HOBART TAS 7000
GPO Box 822, HOBART TAS 7001
Phone: 1300 720 289
Email: integritycommission@integrity.tas.gov.au
Web: www.integrity.tas.gov.au

Ombudsman Tasmania
NAB House, Level 6, 86 Collins Street, HOBART TAS 7000
GPO Box 960, HOBART TAS 7001
Phone: 1800 001 170
Email: ombudsman@ombudsman.tas.gov.au
Web: www.ombudsman.tas.gov.au

RELATED POLICIES & PROCEDURES:

[14-HLPrx-005 Public Interest Disclosure Procedure](#)

[14-Plx-031 Policy for Acceptance of Gifts and Donations by Councillor...](#)

RELATED LEGISLATION:

The code of conduct framework is legislated under the *Local Government Act 1993* (the Act). The Act is available to view via the Tasmanian Legislation Website at www.thelaw.tas.gov.au.

REVIEW:

This policy will be reviewed within three months after each ordinary Local Government election.

2024 Rail Trails Conference

Attracting more rail trail
users - providing better
experiences and facilities



For the first time in over 20 years, **Rail Trails Australia** is bringing its rail trail conference to Melbourne.

Join discussions and be inspired by hearing how others are making the most of rail trails Australia-wide as they explore the conference topic of 'attracting more rail trail users - providing better experiences and facilities'.

Keynote speaker Christine Harris, Marketing Manager of Ride High Country at Tourism North East will launch the conference by discussing how to develop a strategic tourism direction.

Presentations include Tiffany Stodart of Tweed Shire Council reflecting on the success of the Northern Rivers Rail Trail and Alarna Timmins and Julie Blyth, Murrindindi Shire Council, discussing value-adding for rail trails (focussing on Art on the Great Victorian Rail Trail). Bicycle Network's CEO Alison McCormack will explore the rise of e-bikes and gravel bikes taking to the trails. Get in quickly to also secure your ticket to Friday night's conference dinner at a local venue.

A cycling/lunch event will be held on the Lilydale to Warburton Rail Trail on Saturday 19th October to help celebrate 30 years of the 'Warby Trail' and explore its continuing expansion into the Yarra Valley.

Register now to join in the largest gathering of rail trail supporters ever!

Early bird registrations close 31 August.

Date

Friday 18 October 2024 (Conference)

Saturday 19 October 2024 (Rail Trail event)

Location

Jasper Hotel

489 Elizabeth St, Melbourne

To register for this event, scan the QR code or [click here](#).



Proudly supported by



Opportunity for further sponsors

Conference program

Day one

Friday 18 October

- 9.00-9.20** Welcome, Acknowledgement of Country, and Opening
Steven Kaye, Vice President, Rail Trails Australia
- 9.20-9.50** Keynote presentation: Building a trail network
Christina Harris, Marketing Manager of Ride High Country, Tourism North East
- 9.50-10.15** The Northern Rivers Rail Trail Success Story
Tiffany Stodart, Northern Rivers Rail Trail
- 10.15-10.40** Morning tea
- 10.40-12.00** Servicing the needs of rail trail users
Rachael Northwood, Alpine Hotel Warburton
Melanie Hardcastle, Carriage Cafe
Danielle Bortignon, Cog Bikes Australia
Amanda Godridge, Great Southern Bike Hire
- 12.00-12.30** The Bicycle Revolution
Alison McCormack, Chief Executive Officer, Bicycle Network
- 12.30-1.15** Lunch
- 1.15-2.15** Panel Discussion 1: Increasing rail trail usage
Damian Cerini, Tour de Vines
Christina Harris, Tourism North East
Tiffany Stodart, Northern Rivers Rail Trail
Alison McCormack, Bicycle Network
- 2.15-2.45** Value adding to rail trail experience - Artwork on the Great Victorian Rail Trail
Alarna Timmins and Julie Blyth, Murrindindi Shire Council
- 2.45-3.30** Panel Discussion 2: The role of volunteer Committees of Management and Friends Groups
Ross Vaughan, Friends of Great Victorian Rail Trail
More speakers to be announced
- 3.30-4.30** Break and networking
- 4.30-5.00** Rail Trails Australia Annual General Meeting
- 5.00-Late** Conference drinks and dinner at nearby venue

Day two

Saturday 19 October

- 11:00-5:00** Get out on the wonderful Lilydale to Warburton Rail Trail
This cycling/lunch event at the unique Carriage Cafe will help celebrate 30 years of the 'Warby Trail' and explore its continuing expansion into the Yarra Valley, with a presentation by the trail manager.

Program subject to revision.



Hotel Parking

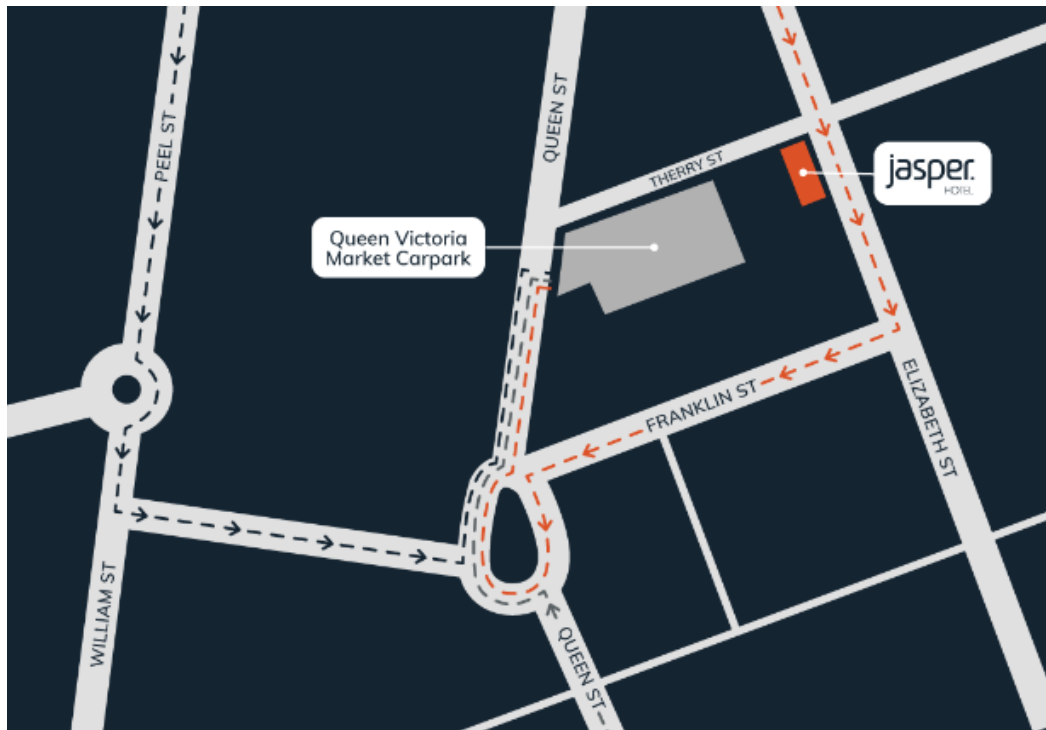
Guest parking is not available onsite at Jasper Hotel. However, there is a secure, multi-level undercover car park just around the corner, operated by the Queen Victoria Market.

Queen Victoria Undercover Car Park Details

Located on 456 Queen Street Melbourne, VIC 3000

The Queen Vic Market Undercover Car Park is open 24 hours a day, seven days a week.

The maximum vehicle height for entry into this car park is 2.2 metres.



Conference Guests can receive discounted parking - \$25.00 per day (7:00am - 7:00pm)
This is a single exit ticket; one entry and exit only is permitted.

Access

Entering the car park. No ticket is required, as licence plate recognition is used.

Jasper Hotel guests are only permitted to use the Munro underground car park on levels on B3 and B4.

Exit

Scan parking voucher as provided by Jasper hotel.



Public Transport

Train

Catch any service into the city centre via the City Loop. Depart at Melbourne Central Station and take the Elizabeth Street exit to the corner of Latrobe and Elizabeth Streets. Walk 200 metres north along Elizabeth Street to Jasper Hotel, located on the left-hand side over Franklin Street just before Therry Street.

Tram

Several trams reach the city from various north and northwestern suburbs including routes 19, 57, 59 that travel along Elizabeth Street stopping outside Jasper Hotel. Trams on Elizabeth Street connect with most other services from Melbourne's outer suburbs. Jasper hotel is also reachable using the Free Tram Zone.

Taxi

Taxis can be booked by the hotel reception at any time, they can also make bookings for the future.