



City of
LAUNCESTON

STRATEGIC PLANNING & POLICY COMMITTEE AGENDA

**COMMITTEE MEETING
MONDAY 1 MAY 2017**

10.00am

COMMITTEE ROOM, TOWN HALL, ST JOHN STREET, LAUNCESTON

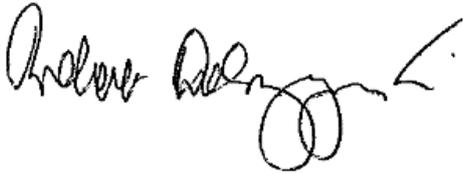
Section 65 Certificate of Qualified Advice

Background

Section 65 of the *Local Government Act 1993* requires the General Manager to certify that any advice, information or recommendation given to Council is provided by a person with appropriate qualifications or experience.

Declaration

I certify that persons with appropriate qualifications and experience have provided the advice, information and recommendations to Council in the Agenda Items for this Meeting.



Robert Dobrzynski
General Manager

Venue: Committee Room, Town Hall, St John Street, Launceston
Time: 10.00am

ORDER OF BUSINESS

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1 OPENING OF MEETING - ATTENDANCE AND APOLOGIES

2 DECLARATION OF INTERESTS

3 CONFIRMATION OF MINUTES

DECISION STATEMENT:

To resolve that the Minutes of the previous meeting are a true and correct record.

RECOMMENDATION:

That the Minutes of the Strategic Planning and Policy Committee Meeting held on 10 April 2017 be accepted as a true and correct record.

4 AGENDA ITEMS

4.1 Deputation - Theatre North

FILE NO: SF0097

AUTHOR: Anthea Rooney (Committee Clerk)

DIRECTOR: Richard Mulvaney (Director Queen Victoria Museum and Art Gallery)

DECISION STATEMENT:

To receive a deputation at 10.00am from Mr Justin Marshall (Treasurer), Ms Amanda Shepherd (General Manager) and Mr Greg Leong (Artistic Director) (Theatre North) initiated by Richard Mulvaney (Director Queen Victoria Museum and Art Gallery).

RECOMMENDATION:

That the Strategic Planning and Policy Committee receives a deputation from Mr Justin Marshall (Treasurer), Ms Amanda Shepherd (General Manager) and Mr Greg Leong (Artistic Director) (Theatre North) regarding Theatre North's Annual Presentation to Council.

REPORT:

Mr Justin Marshall (Treasurer), Ms Amanda Shepherd (General Manager) and Mr Greg Leong (Artistic Director) (Theatre North) will present their deputation at 10.00am. Theatre North currently holds a five-year lease with the City of Launceston on the Princess Theatre and Earl Arts Centre to manage the theatres and to provide performances from their subscription season and external hiring. The current lease is due to expire in December 2017 and Theatre North has indicated the desire to negotiate a new five-year lease. The deputation will also present Theatre North's annual report and audited accounts for the 2016 reporting year.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

4.1 Deputation - Theatre North ...(Cont'd)

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024
Priority Area 8 - A secure, accountable and responsive Organisation
Ten-year goals - To communicate and engage consistently and effectively with our community and stakeholders
Key Direction -
1. To develop and consistently use community engagement processes

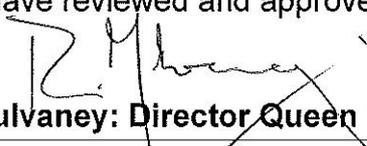
BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

I certify that I have reviewed and approved this advice and recommendation.


Richard Mulvaney: Director Queen Victoria Museum & Art Gallery

4.2 Proposed Feature Name - Rock Fissure in Punchbowl Reserve

FILE NO: SF0865/SF0621

AUTHOR: Dannielle Denning (Parks Planner)

DIRECTOR: Shane Eberhardt (Director Infrastructure Services)

DECISION STATEMENT:

To consider providing support to a proposal to officially name the rock fissure within Punchbowl Reserve.

RECOMMENDATION:

That Council resolves to provide support for the submission to the Nomenclature Board made by the Tasmanian Aboriginal Centre Inc. to name the rock fissure within Punchbowl Reserve; 'luyni mungalina' pronounced as (loy nee) (mu ngah lee nah) which translates as 'raining rock'.

REPORT:

The ephemeral waterfall associated with the rock fissure on the Kings Meadows Rivulet located within Punchbowl Reserve does not currently have a name registered with Placenames Tasmania. A photograph of the rock fissure at Punchbowl Reserve is attached ([Attachment 1](#)).

The rock fissure is a natural attraction that can be viewed from a small footbridge across the rivulet accessed via a gravel path heading south from the main central carpark which is sign posted 'Natural Rock Fissure' ([Attachment 2](#)). The Punchbowl Reserve Bushland Management Plan 1997 refers to the feature as 'Rock Fissure'. This reference appears to be merely a description rather than a name.

Punchbowl Reserve was purchased by the Launceston City Council in 1938 for £450 from the estate of a Mr Lawrence. Prior to this, the area was a popular picnic destination for the people of Launceston and was part of an area known as "The Sanctuary" which included the Launceston Golf Club and Carr Villa Memorial Park. Originally known as the 'Devil's Punchbowl', the name was shortened in the early 1900s to Punchbowl.

In October 2016, Mr Craig Doumouras, the administrator for a website and Facebook page promoting waterfalls across Tasmania, requested the Council to support an application to the Nomenclature Board naming the feature 'Punchbowl Falls'. In support of the application, Mr Doumouras also provided a number of references including photographs with references to 'Devil's Punchbowl' ([Attachment 3](#)).

4.2 Proposed Feature Name - Rock Fissure in Punchbowl Reserve ...(Cont'd)

The Nomenclature Board of Tasmania referred the proposal to the Tasmanian Aboriginal Centre (TAC) in accordance with the Aboriginal and Dual Naming Policy ([Attachment 4](#)).

In March 2017, a request from the TAC for the Council to support naming the feature using only the palawa kani name 'luyni mungalina', pronounced as (loy nee) (mu ngah lee nah). The translation for luyni mungalina is 'raining rock' as the falls only run after heavy rain ([Attachment 5](#)). TAC has undertaken consultation with the Aboriginal community and intends to undertake further consultation inviting feedback on the name through the TAC's Facebook page and website.

When considering any naming proposal, the Nomenclature Board of Tasmania abides by the Aboriginal and Dual Naming policy which gives the preference to Aboriginal place names for any geographic feature or place that does not already have an existing official name (Principle 2.1). This means that dual naming is not required and the palawa kani name will most likely become the official name of the falls.

While the Council has the power to allocate official street names within the municipality, it does not have the authority to allocate official names to other features.

That *Survey Co-ordination Act 1914* provides a power for the Nomenclature Board to name "places" within the State of Tasmania. Section 50D of that Act provides that a:

"place includes any town, township, mining district, area of land, locality, mountain, hill, peak, pass, glen, valley, forest, river, stream, creek, ford, lake, lagoon, marsh, bay, harbour, cape, promontory, railway station, standard permanent mark, or other topographical feature, but does not include a street in a city or town."

The recommendation is that the Council resolves to provide support for the submission to the Nomenclature Board made by the Tasmanian Aboriginal Centre Inc. to name the rock fissure within Punchbowl Reserve; 'luyni mungalina' pronounced as (loy nee) (mu ngah lee nah) which translates as 'raining rock'.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

4.2 Proposed Feature Name - Rock Fissure in Punchbowl Reserve ...(Cont'd)

SOCIAL IMPACT:

The decision to officially name a natural feature within one of our reserves will support the Aboriginal community in gaining acknowledgement in the Launceston area; will potentially attract more visitors by registering the feature on maps and provide an opportunity to improve interpretation and education.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024
Priority Area 4 - A diverse and welcoming city
Ten-year goal - To offer access to services and spaces for all community members and to work in partnership with others to address the needs of vulnerable and diverse communities
Key Direction -
3. To define and communicate our role in promoting social inclusion and equity

BUDGET & FINANCIAL ASPECTS:

Not considered relevant to this report.

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

I certify that I have reviewed and approved this advice and recommendation.



Shane Eberhardt: Director Infrastructure Services

ATTACHMENTS:

1. Photograph Rock Fissure at Punchbowl Reserve
 2. Location plan
 3. Waterfalls of Tasmania - Support for naming request
 4. Aboriginal and Dual Naming Policy
 5. Support for naming request - Tasmanian Aboriginal Centre Inc
-

Attachment 1



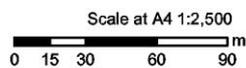
Photo 1: Rock Fissure at Punchbowl Reserve



Printed: 21/03/2017

Punchbowl Reserve

NOTE:
While all reasonable care has been taken to ensure the accuracy of the information portrayed on this plan, the information provided may contain errors or omissions. Please note that this info is draft only. This note forms an integral part of this plan. © Launceston City Council 2012



City of
LAUNCESTON

Attachment 3

Email from Waterfalls of Tasmania - Wednesday 7 October 2015 (ECM Doc #3598727)

Good morning Andrew,

My name is Craig Doumouras, and I run a website called waterfallsoftasmania.com.au, as well as administrate the Facebook Page, and Facebook Group both called Waterfalls of Tasmania.

Recently I submitted a proposal to the Nomenclature Board Tasmania regarding the waterfall that flows through Punchbowl Reserve, to get it officially registered (The submission Form is attached). If registered, 'Punchbowl Falls' will be featured on all future editions of Tasmans and Topographic maps. The Nomenclature Board has advised me that I need to request the permission of the Launceston City Council that I then need to send to the Nomenclature Board, hence this email to you.

If possible, could you respond with Launceston City Council's stance on this submission, and if you agree, please attach a letter stating your recommendation for the registration of Punchbowl Falls.

I look forward to your response.

Kind Regards,

Craig Doumouras
Waterfalls of Tasmania

Schedule I – Information to support a place-name application

Tasmanian Place-Name Proposal Form



Contact Details

Title	Given Name	Surname	Date
Mr	Craig	Doumouras	24 August 2015
Organisation (if applicable)		If application made under delegated authority provide details	
Street Address	Number	Street Name	Street Type
7 Bayview Drive			
Suburb	State	Postcode	Telephone
Blackstone Heights	Tas	7250	0417 146 522
Email			
craig@waterfallsotasmania.com.au			

Name Proposal

Feature Type	Falls	See Schedule 2 of Rules for Place Names in Tasmania
Description	A waterfall of approximately 4 - 6 metres in height, that flows along the Kings Meadows Rivulet, through Punchbowl Reserve.	A description of the feature (not the name)
Background	The name is derived from the region the waterfall is situated. 'Devils Punchbowl' is the traditional name, with the area and the suburb now called 'Punchbowl'. The waterfall is situated in Punchbowl Reserve.	Where the name came from
Reason	Unofficially it has been known by locals as Punchbowl Falls. The waterfall is situated within a Natural Rock Fissure. We believe the waterfall has enough history and enough character to warrant an official name.	The reason for proposing the name
Map or Location		Location of the place to be named – attach marked-up maps/plans as appropriate
Proposed Name	Punchbowl Falls	For generics: Schedule 3 & 4 and composition: Part 2 Division 3 of the Rules
Coordinates	Easting	Northing
Mid-point	-41.458127 Latitude 513972E TheList	147.167515 Longitude 5410367N TheList
Start		Carriageway/Feature start coordinate
End		Carriageway/Feature end coordinate

Note: If you have questions about completing this form, telephone (03) 6233 2554. Where required, please attach supporting documentation.

Mail: Nomenclature Office, GPO Box 44, Hobart 7001 Fax: 03 6233 6775

Email: Nomenclature.Office@dpiwve.tas.gov.au

Personal information will be managed in accordance with the *Personal Information Protection Act 2004* and may be accessed by the individual to whom it relates on request to the Nomenclature Board of Tasmania. Information provided to the Nomenclature Board of Tasmania may also be subject to claims under the *Right to Information Act 2009*.

Email from Waterfalls of Tasmania - Friday 3 March 2017 (ECM Doc #4020848)

Good morning Danielle,

Thank you for your phone call regarding the proposal from the Aboriginal Council for the naming of Punchbowl Falls. I personally like their name and I find the meaning of the word beautiful.

My feelings for the naming of Punchbowl Falls is it should be one that has significance in history. I believe if the Aboriginal Community does have traditional heritage in the Punchbowl region then their name should be used. Otherwise, the Punchbowl region, including the waterfall has been documented for well over 100 years, with the term 'punch bowl' being the significant theme. Given the length of time the word 'punchbowl' has been used, I believe it also has significant heritage.

Here are a few references for Punchbowl Falls dating back to circa. 1870:

[https://lincas.ent.sirsidynix.net.au/client/en_AU/tas/search/detailnonmodal/ent:\\$002f\\$002fARCH_HIVES_DIGITISED\\$002f0\\$002fARCH_DIGITISED:55655/one](https://lincas.ent.sirsidynix.net.au/client/en_AU/tas/search/detailnonmodal/ent:$002f$002fARCH_HIVES_DIGITISED$002f0$002fARCH_DIGITISED:55655/one)

[https://lincas.ent.sirsidynix.net.au/client/en_AU/library/search/detailnonmodal/ent:\\$002f\\$002fSD_ILS\\$002f0\\$002fSD_ILS:682729/one](https://lincas.ent.sirsidynix.net.au/client/en_AU/library/search/detailnonmodal/ent:$002f$002fSD_ILS$002f0$002fSD_ILS:682729/one)

[https://lincas.ent.sirsidynix.net.au/client/en_AU/library/search/detailnonmodal/ent:\\$002f\\$002fSD_ILS\\$002f0\\$002fSD_ILS:156786/one](https://lincas.ent.sirsidynix.net.au/client/en_AU/library/search/detailnonmodal/ent:$002f$002fSD_ILS$002f0$002fSD_ILS:156786/one)

[https://lincas.ent.sirsidynix.net.au/client/en_AU/library/search/detailnonmodal/ent:\\$002f\\$002fSD_ILS\\$002f0\\$002fSD_ILS:642912/one](https://lincas.ent.sirsidynix.net.au/client/en_AU/library/search/detailnonmodal/ent:$002f$002fSD_ILS$002f0$002fSD_ILS:642912/one)

<http://trove.nla.gov.au/newspaper/article/39557431>

Kind Regards,

Craig Doumouras
Waterfalls of Tasmania

Attachment 4

ABORIGINAL AND DUAL NAMING POLICY

A policy for the naming of Tasmanian geographic features

ABORIGINAL AND DUAL NAMING POLICY

Preamble

Geographic features in the Tasmanian landscape, on both land and sea, had Aboriginal names until they were supplanted by Europeans in the 19th century. The names formed complex interlinked networks in which place, their names and attributes, reflected the relationship between the people and the land. The names were not arbitrary but integral to the places to which they were attached, and derived from the activities of ancestral beings that formed the landscape as they moved through it.

The Committee for Geographical Names of Australasia, a working group of the Intergovernmental Committee on Surveying and Mapping (ICSM), recognises that “The relationship between Aboriginal people and the land is still as prevalent today as it was more than 400 centuries ago – it is fitting then, to acknowledge Aboriginal footprints in the sands of time.” The ICSM *Guidelines for the Consistent Use of Place Names in Australia* has, since 1992, encouraged naming authorities in all Australian states and territories to acknowledge the continuing importance of the original Aboriginal place names, and to adopt more frequent official use of these names, from both languages still spoken and languages no longer spoken.

Other States and Territories have Aboriginal and Dual Naming policies.

The Aboriginal and Dual Naming Policy has been developed to provide a framework for decision making for Aboriginal naming of geographic features and places.

This Policy is about giving preference to the Aboriginal names for geographic features or places that do not already have an official or assigned name. Aboriginal names could be used for towns and rural districts and infrastructure if it was considered appropriate.

A dual naming system enables the assignment of an additional name to a feature that already has an official name. It can be used for naming features when an official name is widely accepted and in long use and when a name change is not possible or acceptable. The Policy proposes that dual naming will be used to enable an Aboriginal name and an introduced name to be used together as the official name. Dual names would not be adopted for constructed features such as roads, highways, bridges or communication towers.

Dual naming is not considered preferable to one Aboriginal name. It is preferable that each dual naming proposal is first investigated to establish if the Aboriginal name would have enough community support to replace the introduced officially recognised name, instead of adopting a dual name. If so, transitional naming, or a period of temporary dual naming would be used to assist in changing from the introduced name to the new official Aboriginal name. This would provide an opportunity for public education and promotion of both the Aboriginal and Dual Naming Policy and the specific name change.

It is acknowledged that Aboriginal names which may appear at first to be complex in spelling and/or pronunciation will, over time, become familiar and easy to use within the Tasmanian community.

The Policy includes an implementation process.

The Policy will be given effect by incorporation into appropriate administrative mechanisms such as the Rules for Place Names in Tasmania.

The Policy will be reviewed, as required, and revised accordingly.

1. Purpose

To provide clear direction for Government agencies, Local Government Authorities and the Nomenclature Board about the use of Aboriginal names for naming Tasmanian features.

2. Principles

The Tasmanian Government acknowledges that places in Tasmania were named by Aborigines long before the arrival of Europeans. The Tasmanian Government acknowledges prior Aboriginal ownership and is committed to preserving Aboriginal heritage and language by ensuring that Aboriginal place names can be restored to Tasmanian geographic features and places.

- 2.1 That preference is given to Aboriginal place names for any geographic feature or place that does not already have an existing official name.
 - 2.2 That a dual naming system be adopted by which Aboriginal names can be applied to geographic features and places that already bear registered names and when a name change is not possible or acceptable. Both will be registered names, and both names will be used together in the future and appear together on all official documents and maps. It is expected that some Aboriginal names will replace the introduced name over time. The dual naming process gives the community time to adjust to the Aboriginal name.
-

- 2.3 That consideration is to be given to using an Aboriginal name for a natural geographic feature or locality where an existing introduced name has weak community support (e.g. in this way, "narawntapu National Park" was chosen to replace Asbestos Range National Park in 2000) .
- 2.4 That where a traditional place name is not known as a consequence of the disruption of Aboriginal occupation and language, the use of another Aboriginal name as a place name is also acceptable where the meaning of the word is appropriate for its intended use.
- 2.5 That consideration will be given to renaming places or features where the existing name is considered offensive to the Tasmanian Aboriginal community.
- 2.6 That where Aboriginal names have previously been registered as official names but with incorrect spelling or form, these names may be amended to ensure that they are recognisably consistent with authentic Aboriginal names which will be assigned in the future.
- 2.7 That where alternative non-Aboriginal place names have been used for long periods by Aborigines as part of community and cultural tradition, consideration will be given to renaming those features (e.g. Big Dog Island in place of Great Dog Island; Hummocky Island in place of Chappell Island etc).
- 2.8 That Aboriginal names will be advised to the Tasmanian Government by the Tasmanian Aboriginal Centre (TAC) as the recognised representative Aboriginal language organisation. The TAC will also advise on correct spelling and form of previously registered Aboriginal names.
- 2.9 That the Aboriginal and Dual Naming Policy will be implemented in accordance with the procedures developed with the Tasmanian Aboriginal community (through the TAC) and the Nomenclature Board.
- 2.10 That any proposal to the Nomenclature Board (e.g. from local Government) for the use of Aboriginal names for Tasmanian features and places will be referred to the TAC by the proponent.
- 2.11 That the TAC will consult with the Tasmanian Aboriginal community to confirm that each Aboriginal name is generally accepted by the community.

3. Application of the Policy

- 3.1 The Policy will apply to all applications to name Tasmanian features in accordance with the *Survey Coordination Act 1944*.
 - 3.2 The Policy will not apply to names assigned through legislation other than the *Survey Coordination Act 1944* (e.g. Commonwealth Agencies).
 - 3.3 The terms used in the Policy are defined in appendix I.
 - 3.4 The Policy is consistent with current legislation for nomenclature under the *Survey Coordination Act 1944*.
-

- 3.5 The Policy is also consistent with national standards as outlined in the International Committee on Survey and Mapping (ICSM) Guidelines for the Consistent Use of Place Names.

http://www.icsm.gov.au/icsm/publications/cgna/consistent_place_names_guidelines.pdf

4. The Process for implementing the Policy

- 4.1 Publication of the Aboriginal and Dual Naming Policy.
- 4.2 The Aboriginal and Dual Naming Policy will be incorporated into the Rules for Place Names in Tasmania.
- 4.3 The rules are published on the nomenclature website:
<http://www.dpipwe.gas.gov.au/inter.nsf/ThemeNodes/JGAY-53N55M?open>.
- 4.4 The Government will inform naming and signing authorities about the Policy.
- 4.5 The Government, in conjunction with the TAC, will implement an education program / prepare and disseminate communications materials about the implementation of the Policy.
- 4.6 The TAC identifies features for Aboriginal naming.
- 4.7 The TAC consults with the Aboriginal community and confirms community acceptance of the names.
- 4.8 The Nomenclature Board consults with the TAC on any applications for names of geographic features (as per Principle 2.1).
- 4.9 The TAC provides names to the Government (via the Nomenclature Board).
- 4.10 The Board publishes the names in accordance with the *Survey Coordination Act 1944* and the Rules for Place Names in Tasmania.
- 4.11 The current legislation will continue to provide for objections to proposed names. Under S20(G) of the *Survey Coordination Act 1944*, the Nomenclature Board receives objections (for 1 month from Gazettal). The process as it currently stands is that the Board disposes of all objections, reports its decision on the objections to the Minister and provides a recommendation. The Minister may confirm, modify or reverse the Board's decision.
- 4.12 Where an Aboriginal name is gazetted, the Aboriginal name shall be gazetted separately with a notation regarding the non-Aboriginal name.
-

- 4.13 Both parts of the dual name are to be shown on all official signage, directories, maps and all official documents and publications without any distinction between the two, other than the sequence. The Aboriginal name will appear first.
- 4.14 Official signage, maps and other information products will be updated incrementally as maintenance budgets for signage allow, or as new editions of maps and tourist information publications are released.
- 4.15 Implementation of the Geographical Names Portal will be in accord with the Aboriginal and Dual Naming Policy.
- 4.16 The use of Aboriginal generic terms:
- The Aboriginal generic term for the type of geographic feature designated eg river, bay, mountain etc shall be used where it is known, rather than the generic term in English (e.g. "timumili minanya" for Derwent River, not "timumili River").
 - Where an Aboriginal generic word is not known, or does not form part of the Aboriginal place name, the Aboriginal word may be used without a generic term. The generic term may accompany the introduced place name in a dual name (e.g. kunanyi / Mount Wellington).
 - Where the generic term does not exist in Aboriginal language, and there is agreement it is needed for clear identification of the location, the English generic term may be used with the preferred Aboriginal place name (eg narawntapu National Park).





Attachment 5

TASMANIAN ABORIGINAL CENTRE INC.

ABN 48 212 321 102

HEAD OFFICE 
 198 ELIZABETH STREET,
 G.P.O. BOX 569,
 HOBART, TAS. 7001
 Phone: (03) 6234 0700
 Fax: (03) 6234 0799
 Email: hobart@tacinc.com.au


 182 CHARLES STREET,
 P.O. BOX 531,
 LAUNCESTON TAS. 7250
 Phone: (03) 6332 3800
 Fax: (03) 6332 3899
 Email: launceston@tacinc.com.au


 53 ALEXANDER STREET,
 P.O. BOX 536,
 BURNIE TAS. 7320
 Phone: (03) 6431 3289
 Fax: (03) 6431 3372
 Email: burnie@tacinc.com.au

1 March 2017

Mayor Albert van Zetten
 Launceston City Council
 PO Box 396
 LAUNCESTON TAS 7250
council@launceston.tas.gov.au

Dear Mayor

We write again to request your support for the official adoption of an Aboriginal name for a place in the Launceston area.

The support given by the Launceston City Council in 2013 for the dual naming of kanamaluka/River Tamar was an important factor in the Nomenclature Board's decision to gazette that name. We have since seen the dual name embraced enthusiastically by the Launceston community, in such initiatives as NRM's interpretation panels for their estuary project on the river, the Scenic Trail at George Town on the river's mouth and the new kanamaluka residential estate at Legana.

This time we are seeking to name an unnamed waterfall in Punchbowl Reserve. This will establish another authentic Aboriginal name in the Launceston area, as an important acknowledgment of prior Aboriginal ownership and occupation.

Under the Tasmanian government's Aboriginal and Dual Naming Policy for the Naming of Tasmanian Geographic Features, an Aboriginal name is given preference for any unnamed feature (Principle 2.1). The Policy requires all Aboriginal and dual names to be in the *palawa kani* alphabet, for consistency and authenticity (Principle 2.8).

At present this waterfall is known locally as Punchbowl Falls although that name has not been officially gazetted; it is not signed on any of the tracks. Signs from the main Punchbowl Reserve carpark direct walkers to a 'Natural Rock Fissure'. The waterfall is fed by water from the Kings Meadows Rivulet and only flows in wet weather through a fissure in an outcrop of rock.

In November 2015 the Nomenclature Board advised us they expected a proposal to make the Punchbowl Falls name official; we let them know we would propose an Aboriginal name. To our knowledge, the 'Punchbowl Falls' name proposal has not yet been made.

No Aboriginal name is known for this waterfall. To provide for this not uncommon situation, Principle 2.4 of the state's Aboriginal Naming Policy allows 'That where a traditional place name is not known as a

consequence of the disruption of Aboriginal occupation and language, the use of another Aboriginal name as a place name is also acceptable where the meaning of the word is appropriate for its intended use.'

Since October 2016 we have held consultations with the Aboriginal community on possible names for the waterfall. Several groups have visited the falls, especially during the big rains of last winter. Two meetings were held with the Elders Council in Launceston to endorse the names. About 120 people, including children from the TAC's Youth, Language and Dance groups, gave their preferences. We now intend to complete the consultation process by inviting feedback on the chosen name from the general public through the TAC's Face Book page and website.

Before doing so however we wish to notify Council of our intentions and request Council's support for the naming of the waterfall. We are aware that the Punchbowl Reserve in which the falls are located is a conservation area managed by the Council.

The name selected is **luyni mungalina**, said as (loy nee) (mu ngah lee nah). This translates as Raining Rock [Waterfall] referring to the fact that the falls only run after heavy rain. (It is literally - 'rock raining' - as the word order is the reverse of English.)

Only the *palawa kani* name would be used; this is not a dual name like kanamaluka/River Tamar, with the English name attached. We attach an audio file to assist with pronunciation, as some of the sounds are not in English.

We look forward to your reply.

Yours sincerely



Heather Sculthorpe
Chief Executive Officer

4.3 Local Government Amendment (Targeted Review) Bill 2017

FILE NO: SF0081

AUTHOR: John Davis (Manager Corporate Strategy)

DIRECTOR: Michael Tidey (Director Corporate Services)

DECISION STATEMENT:

To consider providing any comments regarding the proposed amendments to the *Local Government Act 1993*.

RECOMMENDATION:

That the Strategic Planning and Policy Committee discusses the proposed amendments to the *Local Government Act 1993* and provides comment, as appropriate, to be included as recommendations in a report to Council on 8 May 2017.

REPORT:

The General Manager has circulated the *Local Government Amendment (Targeted Review) Bill 2017* (the Bill) (Attachment 1) and a summary table of all the proposed amendments to the *Local Government Act 1993* (Attachment 2). These were released by the Minister for comment. Dr Katrena Stephenson, CEO of the Local Government Association of Tasmania, noted the following as the likely key areas of interest in the proposed amendments:

1. The introduction of powers to make Ministerial Orders to expand and clarify matters in relation to the function of the Mayor, functions of councillors, appointment and performance monitoring of the General Managers, functions of the General Manager, liaison between Mayors and General Managers. There are no draft orders at this stage and it should be noted that they must be developed in consultation with the sector.
 2. The role of the Mayor has been expanded.
 3. There are detailed provisions in relation to gifts and benefits. These were not part of the original consultation or the Steering Committee report but appears to align with the requirements of State Government.
 4. There is clarification that qualified advice must be provided in writing.
 5. Model Financial Statements are introduced with a transitional period.
 6. The scope of the Local Government Board review has been broadened to include matters such as governance and performance.
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4.3 Local Government Amendment (Targeted Review) Bill 2017 ...(Cont'd)

7. The Director would be provided the power to issue Performance Improvement Directions following an investigation possibly preventing the need for a Board of Inquiry or LG Board (LG Board) Review.
8. The Minister would have the power to suspend individual councillors prior to or during a Board of Inquiry (BoI) process. Individual councillors (as opposed to the whole Council only) may be dismissed following a BoI process.
9. Election timeframes have been increased to allow for longer postal delivery times.
10. Electoral advertising is to include internet based advertising.
11. Minor boundary adjustments can be made without a LG Board review process.

It is also worth noting the Additional Matters included in the summary table which was not included in the Bill.

Aldermen will have had an opportunity to examine the documents and determine whether any comment needs to be provided. Please note that although the closing date for comment is registered as 5 May 2017, an extension was approved to allow for any comments from Council to be sent after the Council Meeting on 8 May 2017.

ECONOMIC IMPACT:

Not considered relevant to this report.

ENVIRONMENTAL IMPACT:

Not considered relevant to this report.

SOCIAL IMPACT:

Not considered relevant to this report.

STRATEGIC DOCUMENT REFERENCE:

City of Launceston Strategic Plan 2014-2024
Priority Area 8 - A secure, accountable and responsive Organisation

BUDGET & FINANCIAL ASPECTS:

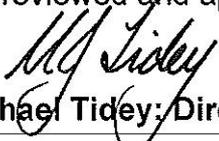
Not considered relevant to this report.

4.3 Local Government Amendment (Targeted Review) Bill 2017 ...(Cont'd)

DISCLOSURE OF INTERESTS:

The officer has no conflict of interest in this item.

I certify that I have reviewed and approved this advice and recommendation.


Michael Tidey, Director Corporate Services

ATTACHMENTS:

1. *The Local Government Amendment (Targeted Review) Bill 2017 (distributed electronically)*
 2. Summary table of all the proposed amendments to the *Local Government Act 1993*
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Attachment 2 - Summary table of all the proposed amendments to the Local Government Act 1993

Attachment 1 – Local Government Amendment (Targeted Review) Bill 2017

ACT AMENDMENTS	
The people who lead and serve our community	
Reference in Act	Details on the amendment
Interpretation	
Section 3	<p><u>Interpretation</u></p> <p>The interpretation section has had minor amendments to include new and amended definitions to give effect to other areas within the Act that have been amended:</p> <ol style="list-style-type: none"> amending the definition of 'absolute majority' so that it reflects situations where a councillor or several councillors are suspended. a new definition for 'audit panel'. This amendment will require minor consequential amendments to relevant offence sections within the Bill where audit panel members are to be included. A new definition of 'model financial statements'. This amendment is covered in more detail later in the Bill. Amending 'electoral advertising'. In particular, the definition of 'electoral advertising' has been amended to include advertising on the internet. This is to reflect that the Internet continues to play a larger role in electoral campaigns in federal, state and local government elections. This amendment aims to capture internet advertising as it is not currently captured and amending the Act will ensure the legislation reflects and accommodates what is already occurring in the sector. Increasing the timeframes for postal voting in local government elections by 1 week. Introducing a definition for "performance improvement direction". Performance improvement directions are explained in more detail later in this document.
Municipal Areas	
Section 16	<p><u>Boundary Adjustments</u></p> <p>This section has been amended such that a Local Government review is not required to approve minor boundary adjustments. This will make the process for minor boundary adjustments more efficient. The section has also been amended so that the process for boundary adjustments is clearer.</p>

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Attachment 1 – Local Government Amendment (Targeted Review) Bill 2017

ACT AMENDMENTS	
The people who lead and serve our community	
Reference in Act	Details on the amendment
Mayors and Deputy Mayors	
Section 27	<p><u>Role of the Mayor</u></p> <p>The role of the mayor has been expanded under the legislation. The amendments are to give mayors a greater leadership responsibility and further distinguish the role of mayor as distinct to the role of elected members.</p>
Subsection 27(2)(a)	<p><u>Deputy Mayors</u></p> <p>The word "absent" has been amended to better reflect the broad circumstances in which mayors sometimes need deputy mayors to act in the role of mayor.</p>
Section 27A	<p><u>Ministerial Orders - Functions of the Mayor</u></p> <p>A new provision has been inserted which provides the Minister for Planning and Local Government (the Minister) with the power to make an order to expand and clarify the role of the mayor.</p> <p>The Minister, with consultation from the sector, can implement (or amend) such an order where there may be a need to clarify these matters. A Ministerial Order would be binding without adding further detail into the legislation. Further, amending a Ministerial Order would not require any amendments to the legislation and it therefore affords both the Minister and the sector more flexibility.</p>
All Elected Members	
Section 28AA	<p><u>Ministerial Orders</u></p> <p>A new provision which provides the Minister with the power to issue a Ministerial Order to clarify functions of councillors for example, what are strategic matters that should be decided by councillors and operational matters that are the function of the general manager (council administration) to decide.</p>

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Attachment 1 – Local Government Amendment (Targeted Review) Bill 2017

ACT AMENDMENTS	
The people who lead and serve our community	
Reference in Act	Details on the amendment
Audit Panel Members	
Sections 53, 54A, 55B, 338A, 339 and 339A	These sections have been amended to ensure that the relevant offence provisions also apply to members of an audit panel. The relevant offences are: failure to declare a pecuniary interest, disclosure of information, improper use of information and misuse of office.
Gifts and Donations	
Part 5A	<u>Requirement to notify of gift/donation</u>
Section 56A	This new provision requires a councillor to notify the general manager of a council if they receive a gift or a donation as prescribed under the regulations. The <i>Local Government (General) Regulations 2015</i> will be amended to provide the details around the notification of gifts and donations.
Part 5A	<u>Gifts and Donations Register</u>
Section 57	This new provision establishes that a gift and donation register must be kept by the general manager of a council. The <i>Local Government (General) Regulations 2015</i> will be amended to prescribe the details for the register, including what items need to be disclosed, when and how, and any thresholds or limitations.
General Manager	
Section 61	<u>Appointment of a General Manager</u> This section has been amended so that councils need to take into account any relevant Ministerial Orders when they are appointing a person as general manager.

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Attachment 1 – Local Government Amendment (Targeted Review) Bill 2017

ACT AMENDMENTS	
The people who lead and serve our community	
Reference in Act	Details on the amendment
Section 61A	<u>Ministerial Orders – Appointment and Performance</u> A new provision which provides the Minister with the power to issue a Ministerial Order that details the high-level principles regarding the selection, reappointment and the monitoring of and appraisal of performance for general managers.
Section 61B	<u>Appointment of Acting General Managers</u> This section has been amended to clarify the appointment/reappointment of acting general managers. The current provisions are unclear and may create confusion around this process. This amendment will reduce ambiguity.
Section 62A	<u>Ministerial Orders - Functions</u> A new provision which provides the Minister with the power to make a Ministerial Order to clarify the functions and powers of the general manager.
Section 62B	<u>Ministerial Order – Liaison</u> A new provision which provides the Minister with the power to make a Ministerial Order that provides clarity around the requirement for general managers to "liaise" with mayors. Such a Ministerial Order would cover, more broadly, the nature of the liaison between the general manager and the mayor and better describe expectations around the nature of the liaison required between mayors and general managers.
Section 65	<u>Written advice Qualified Persons</u> This section has been amended to ensure that any qualified advice, including verbal advice, is provided to the councillors in writing. This amendment aims to ensure that such advice is adequately recorded and is accurate. Providing qualified advice in writing ensures that all elected members receive the same advice, supports effective decision making and is important for transparency and accountability.

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Attachment 1 – Local Government Amendment (Targeted Review) Bill 2017

ACT AMENDMENTS	
The people who lead and serve our community	
Reference in Act	Details on the amendment
Annual Report	
Section 72	An existing requirement under subsection 84(2)(da) has now been moved to section 72 such that this is reported under the Annual Report. This amendment ensures best practice in financial management in line with Australian Accounting Standards (AASB 124).
Model Financial Statements	
Section 83A	This is a new section that requires councils to issue their financial statements in line with model financial statements issued by the Director of Local Government for each financial year. The Tasmanian Auditor-General will be required to provide a set of model financial statements to the Director of Local Government to issue. There will be a transitional period provided to allow councils enough time to prepare for the requirement of model financial statements. Model financial statements will reduce complexity within the legislation because they will necessarily incorporate any other changes in accounting standards or other relevant legislation. They will also help make this financial information easier to compare across councils.
Subsection 84(2)(b)	Subsection 84(2)(b) has been removed because the new model financial statements will necessarily incorporate related parties disclosures under the accounting standards (AASB 124), therefore avoiding any unnecessary duplication within the legislation.
Local Government Board	
Section 214A	<u>Scope of Review</u> This section has been amended to clarify the scope of a Local Government Board review. The amendment clarifies the intention of this provision and reflects the changes that are being made to section 226 around the

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Attachment 1 – Local Government Amendment (Targeted Review) Bill 2017

ACT AMENDMENTS	
The people who lead and serve our community	
Reference in Act	Details on the amendment
	operations of the council to include matters such as governance and performance.
Performance Improvement Directions	
NEW Part 12B	<u>Performance Improvement Direction</u> A Performance Improvement Direction (PID) is a new, simple and streamlined mechanism that will be used to require a council, a councillor or some councillor(s) to do something to rapidly improve their performance. Generally, a PID will act as an (optional) intermediary step between the Director of Local Government investigating a matter and the Minister requiring a Local Government Board Review or Board of Inquiry into the council, councillor or councillor(s) in question. PIDs are intended to be an efficient and cost effective method of improving council performance in appropriate circumstances where the Minister is of the view that a Local Government Board Review or Board of Inquiry may not be necessary, or may prevent the need for a Board of Inquiry or Local Government Board review.
Board of Inquiry	
Subsection 215(5)	<u>Suspension of councillors</u> This section has been amended so that an individual councillor, or a number of councillors, or all councillors may be suspended and such a suspension can occur at any time during the Board of Inquiry process. It also clarifies that councillors remain suspended until such time as a decision is made by the Minister or the Governor following the final report of a Board of Inquiry. These amendments would give the Minister greater flexibility and allow Boards of Inquiry to be tailored to specific and sometimes changing circumstances. It may also improve efficiency and mitigate any impacts upon the community while an inquiry is ongoing.
Section 217	<u>Requests for information</u> This section provides the Board of Inquiry with the power to require a person to provide written answers to a formal request for

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Attachment 1 – Local Government Amendment (Targeted Review) Bill 2017

ACT AMENDMENTS	
The people who lead and serve our community	
Reference in Act	Details on the amendment
	information. This amendment will allow Boards of Inquiry to operate more efficiently and ensure that information is provided in a timely manner such that the process is not hindered.
Section 225	<u>Result of Inquiry</u> Several subsections of section 225 have been amended to ensure that individual councillor(s) are also captured under these provisions such that the Minister has the power to direct an individual councillor.
Section 226	<u>Dismissal of councillors - Individuals</u> This section has been amended to clarify that individual councillors can also be dismissed (rather than all councillors). This amendment will provide the Minister with the flexibility to dismiss an individual councillor, several or all councillors.
Section 226(1A)	This section has been amended to further clarify what is intended by the phrase "operation of the council". This phrase is to include one or more of the matters listed, including the administrative operation or the governance of the council. The amendment will ensure the phrase operates as intended to capture these areas of operation.
Sections 230 & 231	These two sections have been amended to clarify that the commissioner is only appointed when <u>all</u> of the councillors are either dismissed or suspended.
Election Dates	
Sections 260, 269 and 274	<u>Elections</u> All the dates under these sections have been increased by 1 week. This is to accommodate changes in Australia Post's services which have increased the time taken for mail to be delivered. This amendment will allow greater time for local government postal votes to be returned.

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Attachment 1 – Local Government Amendment (Targeted Review) Bill 2017

ACT AMENDMENTS	
The people who lead and serve our community	
Reference in Act	Details on the amendment
Electoral Advertising	
Subsection 278(3)	This subsection has been amended to delete "broadcast" as it is unnecessary duplication with an exclusion described in subsection 278(4)(b).
Performance Improvement Directions	
Section 341	<u>Immunity from Liability</u> This section has been amended to clarify and ensure it operates efficiently in light of other statutory immunities available under the <i>Statutory Authorities (Protection from Liability) Act 1993</i> .
References to Act	
Section 348A	This section clarifies references within the Act to orders and regulations and their status.
Office of Councillors	
Schedule 5, Clause 3(f)	This amendment is designed to address an unintended technical consequence that arises from the current operation of Schedule 5, Clause 3 (Vacation of Office). It impacts councillors who are moving residence from their elected municipality into another municipality but who are eligible to be enrolled on the general managers electoral roll in respect to their elected municipality and therefore remain eligible to hold office. The Act does not provide enough time for changes in their electoral details to occur and could result in a councillor becoming

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Attachment 1 – Local Government Amendment (Targeted Review) Bill 2017

ACT AMENDMENTS	
The people who lead and serve our community	
Reference in Act	Details on the amendment
	<p>automatically vacated from office due to this technicality.</p> <p>The aim of this amendment is to provide a transitional period to give councillors who are eligible to remain in office the time to ensure they can update their electoral details so that they are not automatically vacated.</p> <p>The automatic vacation provision will continue to operate if the councillor is not entitled to remain in office, due to their electoral status.</p>

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Attachment 1 – Local Government Amendment (Targeted Review) Bill 2017

ADDITIONAL MATTERS

The following have not been included in the draft amendment Bill however are being considered for inclusion. These have been identified since the conclusion of the Steering Committee's recommendations to the Minister and are generally aimed at strengthening existing provisions, rather than introducing materially new provisions. The Department of Premier and Cabinet would appreciate your feedback on these additional matters.

Reference in Act	Details on the amendment
Section 339A (Misuse of Office)	Considering clarifying this provision so that it also includes an "attempt" to procure, the doing, or not doing anything to gain an advantage or to avoid a disadvantage.
Section 339E (Complaints against non-compliance or offence)	<p>Considering clarifying this provision so that:</p> <ul style="list-style-type: none"> the Director of Local Government has the power and ability to refer such matters of non-compliance to third parties or other investigative authorities where the Director considers the matter may more appropriately be handled within their jurisdiction; the matters which the Director can investigate are clarified; and the Director, in determining the procedure for handling complaints or investigating matters, can also authorise a person to undertake an investigation. <p>These amendments could make the investigation provisions clearer.</p>
Financial Administration	<p>Considering including a similar provision to the <i>Public Account Act 1986</i> that allows general managers to continue to run the council and expend funds until the council adopts the estimates in the situation where a council does not approve its estimates prior to 1 July of any year.</p> <p>This would allow councils to continue to operate efficiently in such circumstances.</p>
Financial Administration & Section 3 (Interpretation)	<p>Considering including a definition of 'senior positions' within a council as it is currently not defined and could be further clarified to avoid confusion. This could encapsulate those senior employees who are direct reports to a general manager.</p> <p>This would assist in the efficient operation of section 72 (Annual Report) and other relevant financial administration provisions under the Act.</p>
Petitions (Part 6)	Considering including within the Act a power to prescribe for online petitions. This recommendation was made by the Steering Committee, however there are practical difficulties in implementing this recommendation, including the cost of information technology to validate the process. This amendment would require further detail and prescription under a future amendment to the regulations.

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5 GENERAL BUSINESS

6 CLOSED ITEMS

No Closed Items have been identified for this Meeting

7 CLOSE OF MEETING