GENERAL MEETING

AGENDA

To Be Held At
Wrest Point Casino
Hobart

Wednesday 12 May 2010

Commencing
Immediately following the
Conclusion of the AGM
PROCEDURAL MATTERS.
RULES REGARDING CONDUCT OF MEETINGS

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

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

15. QUORUM AT MEETINGS
At any Meeting of the Association, a majority of the Member Councils shall constitute a quorum.

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

<table>
<thead>
<tr>
<th>Population of the Council Area</th>
<th>Number of votes entitled to be exercised by the voting delegate</th>
<th>Colour placard to be raised by the voting delegate when voting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 10,000</td>
<td>1</td>
<td>Red</td>
</tr>
<tr>
<td>10,000 – 19,999</td>
<td>2</td>
<td>White</td>
</tr>
<tr>
<td>20,000 – 39,999</td>
<td>3</td>
<td>Blue</td>
</tr>
<tr>
<td>40,000 and above</td>
<td>4</td>
<td>Green</td>
</tr>
</tbody>
</table>
(b) The Chairman of the meeting shall be entitled to rely upon the raising of a coloured placard as the recording of the vote for the Member and as evidence of the number of votes being cast.
(c) Except as provided in sub-rule (d), each question, matter or resolution shall be decided by a majority of the votes capable of being cast by Members present at the Meeting. If there is an equal number of votes upon any question, it shall be declared not carried.
(d) (i) When a vote is being taken to amend a Policy of the Association, the resolution must be carried by a majority of the votes capable of being cast by Members present at the Meeting.
(ii) When a vote is being taken for the Association to sign a protocol, memorandum of understanding or partnership agreement, the resolution must be carried by a majority of votes capable of being cast by Members and by a majority of Members, whether present at the Meeting or not.
(iii) When a vote is being taken to amend the Rules of the Association, the resolution must be carried by at least two-thirds of the votes capable of being cast by Members, whether present at the Meeting or not.
Schedule

11.30 approx  Meeting commences immediately following the conclusion of the AGM

11.45 approx  Council Round Ups
  Burnie City Council & Dorset Council

12.30pm  Mark Cocker
  Director, Monetary Penalties Enforcement Service

  The Office of Director, Monetary Penalties Enforcement Service is responsible for the collection and enforcement of monetary penalties arising from infringement notices and court imposed fines.
  This presentation will provide an outline of operations and the application of the Monetary Penalties Enforcement Act 2005.

1.00pm approx  Lunch

2.15pm approx  Adrian Inch
  General Manager
  National Broadband Network

  Adrian will provide an update on the NBN rollout process.
21 FINANCE ................................................................................................................................. 32
21.1 MOTION – MINING ROYALTIES ........................................................................................... 32
21.2 MOTION – LAND TAX ......................................................................................................... 33
22 INFRASTRUCTURE AND SERVICES .................................................................................... 34
22.1 MOTION – BUS STOP SHELTERS ...................................................................................... 34
23 PLANNING AND DEVELOPMENT ....................................................................................... 36
23.1 MOTION – CANAL ESTATES .............................................................................................. 36
23.2 MOTION – PLANNING SYSTEM REGULATION ................................................................... 37
23.3 MOTION – HERITAGE LEGISLATION .................................................................................. 39
23.4 MOTION – HISTORIC HERITAGE BILL 2010 ....................................................................... 40
23.5 MOTION – BUSHFIRE PRONE AREAS ................................................................................ 41
24 ENVIRONMENT ..................................................................................................................... 43
24.1 MOTION – WEED AND FIRE MANAGEMENT PRACTICES .................................................... 43
24.2 MOTION - WEED MANAGEMENT OFFICER .................................................................. 44
24.3 MOTION - INTEGRATED APPROACH TO ENVIRONMENTAL MANAGEMENT .............. 45
25 PUBLIC HEALTH & NUISANCE .............................................................................................. 47
25.1 MOTION – SMOKING LEGISLATION AMENDMENT ............................................................ 47
26 ANIMAL CONTROL .................................................................................................................. 48

NO MOTIONS RECEIVED ........................................................................................................... 48

27 COMMUNITY & SOCIAL DEVELOPMENT ............................................................................ 48
27.1 MOTION - SKILLS SHORTAGES * ....................................................................................... 48
28 CLOSE ...................................................................................................................................... 49

* DENOTES ATTACHMENT
1 MINUTES *

Decision Sought
That the Minutes of the meeting held on the 11 March 2009, as circulated, be confirmed.

The Minutes of the General Meeting held in Launceston on 11 March 2009, as circulated, are submitted for confirmation and are at Attachment to Item 1.

2 CONFIRMATION OF AGENDA & ORDER OF BUSINESS

Decision Sought
That the agenda and order of business be confirmed.

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

3 BUSINESS ARISING *

Decision Sought
That the information be noted.

At Attachment to Item 3 is a schedule of business considered at the previous meeting and the status thereof.

4 FOLLOW UP OF MOTIONS *

Contact Officer: Katrena Stephenson

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

Follow up on outstanding motions
A matrix indicating progress to date on motions passed at General Meetings, which remained outstanding at the last General Meeting, is at Attachment to Item 4.
5 COUNCIL ROUND UPS

Decision Sought

That Members nominate the Council/s to present at the meeting scheduled for 11 August 2010.

Background comment:
Presentations at this meeting will be conducted by Burnie City and Dorset Councils.

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

6 KEY PERFORMANCE INDICATORS *
Contact Officer: Katrena Stephenson

Decision Sought

That Members note the following report.

Background comment:
At the March 2010 meeting the Association provided a report on the review of the Measuring Council Performance program (KPI Project) in light of national and state wide developments on improving Local Government performance and on the sustainability of the sector.

The Review Committee which comprises representatives of the previous KPI committee and from the Local Government Association, the Local Government Division, Local Government Managers Australia, the State Grants Commission, the Tasmanian Audit Office (observer only) and the Australia Bureau of Statistics, has continued to meet.

At Attachment to Item 6 is a report on progress to date.

Budget Impact
Does not apply.

Current Policy
Does not apply.
7 ELECTRONIC DEVELOPMENT ASSESSMENT (eDA) PROJECT

Contact Officer: Katrena Stephenson

Decision Sought

That Members note the following report.

Background comment:

By way of a brief recap:

- Tasmania secured up to $500,000 through the Commonwealth Government’s Housing Affordability Fund (HAF) to roll out eDA processes.
- Two councils in Tasmania are participating - Hobart City and Northern Midlands.
- The emphasis of the Tasmanian project is on improving efficiency through improved communication with, and guidance for applicants, using electronic tools, linked to the ability to communicate to applicants on how their application is progressing electronically (i.e. internal tracking) and improved ability to assess compliance.
- Following a tender process Infomaster were selected to provide and implement the eDA systems.
- The project is being independently evaluated, to determine the cost benefits and implications of further roll out by Stenning and Associates.

This project is due for completion at the end of this month. The results of the independent evaluation will be communicated and a presentation on project outcomes and learnings will be made at a General Meeting in the second half of 2010.

Budget Impact

This project is fully funded by the Australian Government.

Current Policy

Actions to improve housing affordability have been identified as a priority by PLGC. The eDA project is part of the COAG agenda.

8 ALGA STRATEGIC PLANNING

Contact Officer: Katrena Stephenson

Decision Sought

That Members note the following report.

Background:

The ALGA Board conducted a Strategic Planning Workshop on 17 - 18 February 2010 with all matters resulting from the workshop considered formally at the March 2010 Board meeting.

At the workshop it was agreed that a detailed 12 month action plan, which identified priority areas, was to be developed and discussed with Policy Directors from all Associations for consideration at the next Board meeting.
Work will be focused in the following areas:

- Constitutional reform and cooperative federalism – developing options, strategic advice and proposals and profile raising.
- Transport – develop positions on public transport, revised national roads and transport agenda, proposal for local roads study.
- Local Government Funding – detail a proposed Parliamentary Inquiry, prepare background paper on FAGS distribution.
- Climate Change – develop position paper, conduct experts forum.
- Planning and Urban Policy – detailed work program to be developed.
- Housing Affordability – detail the agenda and proposed Productivity Commission study into demand side issues.
- Population – develop position paper.
- Broadband – develop draft principles for roll-out, report on progress in Tasmania.
- Local Government Internal Reforms – background paper and options for progression.
- 2010 election document.

9 Historic Heritage Bill

Contact Officer: Katrena Stephenson

Decision Sought

That Members note the following report.

Background comment:
In September 2007, Heritage Tasmania released the Managing our Heritage position paper, which outlined how State Government proposed to respond to the Mackay Report in relation to reform of the Historic Cultural Heritage Act 1995. Local Government and other planning authorities participated in forums and made submissions, generally in support of the proposed approach, particularly in relation to removing overlap, inconsistency and duplication of effort. However some concerns were raised, including the need to consider the detail and resourcing implications.

Since the release of the paper in 2007, Heritage Tasmania has developed draft flow charts that outline the proposed approach, working consultatively with Justice, Workplace Standards, Resource Planning and Development Commission (RPDC) and the Environment Division. Around April 2008 they commenced theoretical testing of these proposed processes with planning authorities and the Heritage Council.

There has been general support from councils for reform of the current system, but always on the proviso that full support could not be forthcoming without assurances that a new regime will not result in a greater resourcing burden on councils.

At a workshop hosted by Heritage Tasmania in late 2005 at which the preliminary recommendations of the Godden Mackay Logan report on the Tasmanian Heritage Act Review were presented, the broad intent of the reform was supported by attending councils but there was concern that the proposed changes would result in a significant increase in resourcing requirements for local heritage management. The Secretary of the then DPTHA assured councils and the Association that any resourcing needs resulting from the reforms would be met by State Government. However, at a presentation at the November 2009 General Meeting, there was a move away from this commitment with Scott Gadd outlining instead, a voluntary approach to implementation.
The *Historic Heritage Bill 2010* was released for comment in February 2010. At time of writing this report the Association was compiling comments from councils (provided in writing and through a workshop) to provide a sectoral response to the Bill. This will be available on the LGAT website after 20 April 2010.

At a high level the following is apparent:

- Fundamentally this is a better system but there still is room for improvement. Implementation will result in significant costs and resource requirements for Planning Authorities. It requires a commitment (to Local Government) of ongoing funding and support. Councils have strong concerns about being under resourced with cost shifting from State to Local Government.

- Local Government have wanted single application, single permit. This doesn’t really happen and the proposed legislation is not sufficiently tied in with the *Land Use Planning and Approvals Act* (LUPAA). The definitions, timeframes and process are not all in accord with LUPAA and the draft legislation appears to establish multiple decision and notification processes for the one proposal. The legislation appears to duplicate process rather than rely on LUPAA process in many cases.

- Some components, particularly around works, are overly complicated and could be simpler. For example, the three different application types will require significant explanation for customer service officers and applicants.

- Local Government have felt the non legislative reform work being undertaken by Heritage Tasmania has been significant in addressing the Mackay recommendations and encouraging such work to continue.

- Councils have been clearly given the indication that they can choose whether or not to opt-in. However this is not apparent in the draft legislation. Section 48 of the Bill states that each planning authority ‘is to’ keep a heritage list. This is a directory expression as provided by the Acts Interpretation Act 1931 and clearly outlines an expectation that councils will participate.

- While councils feel very strongly that the Act will result in costs which need to be funded by Government, and hence the basis for the State Government providing for a voluntary approach, many councils also feel that the principles of the Act cannot be achieved, and that inconsistencies will arise, unless all Planning Authorities participate (ie All or None). This fundamental conflict needs resolution.

- The transitional arrangements are unclear but important. For example, when and how will the current Tasmanian Heritage Register have a state/local sifting applied and how will properties identified as being more appropriate for local listing be dealt with where a council has ‘opted out’.

- There is a risk that the legislation will fall over in the absence of tools. One critical element will be the ability to transfer currently listed items to new criteria. Software system requirements may be significant as well as detailed guides.

**Budget Implications**

LGAT’s 2009-10 and 2010-11 Budget Submissions to the State Government sought that adequate funding be provided within the budget to support the requirements of the Cultural Heritage legislation such that councils are able to achieve the desired outcomes of that reform.

**Current Policy**

As stated, LGAT has been participating in the consultative processes around reform of the *Historic Cultural Heritage Act*. 
Decision Sought

That Members note the following report.

Tasmanian Infrastructure Strategy
The Premier launched the Tasmanian Infrastructure Strategy on 10 February 2010. The Tasmanian Infrastructure Strategy aims to coordinate effort across the transport, water, energy and digital sectors, all of which significantly contribute to economic development. While the Strategy focuses on these sectors, many of the initiatives will have relevance across all infrastructure sectors. The Strategy also recognises the essential role land use planning plays in the location and provision of infrastructure.

The Tasmanian Infrastructure Strategy has also been designed to complement the Tasmanian Innovation Strategy and Tasmanian Skills Strategy to provide a foundation to support sustained economic outcomes. It has been developed as a living document which will be continually updated to reflect emerging issues and new priorities and technologies.

The Tasmanian Infrastructure Strategy links to the Regional Planning Initiatives currently underway in Tasmania's three major regions, including a focus on settlement and infrastructure investment strategies. Linking settlement and infrastructure investment strategies will allow land use to better integrate with infrastructure planning, to ensure that Tasmania’s commercial, industrial and residential areas make better use of existing infrastructure, and reduce demand for new, expanded and expensive infrastructure.

The Tasmanian Infrastructure Strategy aims to guide Tasmania to respond to issues including:

− climate change;
− demographic change including an aging workforce and population;
− an increasing freight task to meet growing export markets;
− enhancing social inclusion; and
− making the most of Tasmania’s natural advantages.

Local Government and other stakeholders were involved in the earlier stages of the Strategy’s development through a number of workshops. The State Infrastructure Strategy is available on the internet at: www.infrastructure.tas.gov.au.

At the time of writing the outcome of the State Election was unconfirmed. It is possible that a change in Government may impact the future direction of a State Infrastructure Strategy.

Brighton Transport Hub
National demand forecasting for Tasmania anticipates a doubling of growth in freight movements over the next 20 years. The Brighton Transport Hub has been designed to accommodate this growth as well as provide capacity to expand to meet longer term growth projections.
The Brighton Transport Hub Project involves the construction of a modern road-rail facility and freight distribution hub at Brighton. The Hub will function as the major southern intermodal logistics centre for Tasmania providing modern facilities for a range of transport operators. The Hub will primarily be used for the transfer of goods and materials between inter-regional road and rail freight transport and local/regional transport systems. It will incorporate rail lines and an area of hardstand that will be used for loading and unloading of trains and trucks. It will also have areas of land and buildings for storing goods and materials during the process of transportation and distribution.

The Hub will be located to the west of the existing Brighton Industrial Estate. It will have a total land area of approximately 50 hectares with provision for warehousing adjoining the rail intermodal and additional land for freight-related commercial development.

Brighton was identified as an appropriate location for the hub due to its close proximity to road and rail infrastructure. The location also boasts a well established but fast developing industrial estate with effective environmental buffering that provides long term protection from residential encroachment. This is a critical advantage for industry in that it provides long-term security for companies who make large investments in industrial infrastructure. Work on the Hub commenced on 21 April 2009, with the Hub expected to be operational by January 2012. The Hub is a $79 million State funded project.

**Brighton Bypass**

The Brighton Bypass will bypass the towns of Brighton and Pontville providing a new dual carriageway highway between the East Derwent Highway at Bridgewater and the existing Midland Highway north of Pontville. As well as significantly improved connections to the developing Brighton Industrial Estate and future Brighton Transport Hub, the Bypass will address current safety and amenity issues experienced due to the interaction of local, commuting and tourist traffic with a critical freight connection where the southern end of the Midland Highway (Granton to Dysart) passes through a number of towns, including Brighton (a regional service centre), Pontville and Bagdad.

As Tasmania’s major north-south transport corridor and a key link in Tasmania’s AusLink National Network, the Midland Highway is a significant passenger transport link and a critical freight connection supporting the region’s reliance on the northern ports for freight imports and exports.

Recent controversy has erupted over the proposed alignment of the Bypass due to the finding of significant Aboriginal artefacts at a site located near the Jordan River. As part of standard process for major infrastructure projects, the Department of Infrastructure Energy and Resources (DIER) undertook survey work in order to obtain an Aboriginal Heritage Permit to enable any construction work to commence. While the Tasmanian Aboriginal Centre initially tried to block exploratory survey work and banned further involvement of Aboriginal Heritage Officers, the artefacts uncovered through the survey process are significant, thought by archaeologists to be aged between 28,000 and 40,000 years old, and the site thought to be one of the oldest in Australia.

DIER secretary Norm McIlfatrick has advised the Government will do all it can to protect the significant site. Plans have been redrawn to include a 70-metre elevated bridge span that would rise above the significant site, costing an extra $10 million to $15 million. The Tasmanian Aboriginal Centre (TAC) has opposed the bridge, calling for a complete realignment of the Bypass. The TAC proposed area for realignment has not, however, been surveyed for Aboriginal heritage and would involve the purchase and demolition of as many as 40 properties. On 16 March, 2010 the State Government stated that the route for the project may have to be altered but the decision would rest with the new heritage minister after the election (Mercury Newspaper).

The Brighton Bypass is a $164 million Australian Government funded project and is due to be completed by June 2012. Any alteration to the alignment or construction is likely to cause delays to project timelines.
Budget Impact
Does not apply.

Current Policy
LGAT will continue to represent members’ interests and inform members on relevant issues.

11 ASSET MANAGEMENT/FINANCIAL PLANNING
Contact Officer: Katrena Stephenson

Decision Sought
That Members note the following report.

Background comment:
At the March 2010 meeting a report was provided and a copy of the application to the Local Government Reform Fund.

A number of Tasmanian submissions, including the Asset Management/Financial Planning project, were required to submit information in a revised template to the Commonwealth.

We were anticipating some form of announcement in March but the timing coincided with the State Government election and it is understood the Commonwealth are waiting for Government to be formed before proceeding further.

This will have implications for any funded projects in relation to the project timeframes outlined.

Budget Impact
Unclear - pending the Commonwealth funding decision.

Current Policy
This is a priority for the Premier’s Local Government Council as indicated in the 2010 work plan.

12 CLIMATE CHANGE
Contact Officer: Georgia Palmer

Decision Sought
That Members note the following report.

Planet Footprint
Planet Footprint has now completed the full Greenhouse Gas reports for all participating councils from 2005/6 to 2008/9. Twenty eight of the twenty nine councils are now participating and councils should receive these reports soon.

Due to the difficulty in accessing fuel data from a few councils Planet Footprint have had to estimate the probable GHG emissions from fleet based on comparable councils with a similar population and area base. Planet footprint will continue to work with these councils in an effort to source accurate fleet data.
Hobart City Council has provided comparable greenhouse gas emission data enabling LGAT to meet its commitments under the Climate Change Partnership Agreement with the State Government and report total greenhouse gas emissions for the Local Government sector.

Results show that on a whole of sector basis greenhouse gas emissions continue to rise. This trend is likely to continue into 2009/10 as the percentage of green energy declines due to an increasing proportion of imported energy and the role out of the national electricity market as well as increasing consumption of energy and fuel by councils. In addition, since 2005/6 the consumption of energy and fuel by councils has steadily increased.

In comparison to councils in other states Tasmanian councils are some of the top performers in regards to greenhouse gas emissions. This is due to Tasmania’s primary energy source being hydro. However, when comparing energy and fuel consumption Tasmanian Councils are performing below the national average.

Now that the greenhouse gas reports have been completed Planet Footprint will be working with councils in the coming months to identify opportunities to reduce greenhouse gas emissions. In particular they will:

- assist councils to build internal accountability by identifying council officers who have responsibility for assets and by providing them with anomaly reports for each asset;
- assist councils to further understand the value of the data by providing them with tools and processes to enable them to do tasks such as compare similar assets or compare the cost of different providers for contestable sites;
- manage council’s high priority accounts through Property Footprint reports which examine properties in detail and compare performance against similar properties in similar climatic regions;
- assist councils in developing strategies for setting improvement targets;
- work with councils to include greenhouse gas reporting as part of existing Corporate Management Committees/Sustainability Groups;
- assist councils with tools and templates to profile the work that the council is doing to reduce greenhouse gas emissions; and
- assist councils in developing an action plan that prioritises the issues for improvement across energy, fleet and street lighting resulting in reduced emissions and cost savings.

**Carbon Emission Reporting**
LGAT’s contract with Planet Footprint finishes at the end of June 2010. At this stage no arrangements have been put in place to require councils to report greenhouse gas emissions post 2009/10. This issue will be considered in more detail at the regional climate change adaptation workshops being held at the end of April. Should councils agree to continue to report then options that do not require external service provider support will be explored.

**Climate Change Adaptation**
LGAT is hosting regional forums at the end of April. The workshops have a focus on planning and adaptation and will include an update on State climate change adaptation tools and programs as well as explore how LGAT can assist councils in meeting their adaptation needs into the future. It is likely that any future partnership agreement with the State on climate change will have a focus on adaptation.

**Budget Impact**
Does not apply.
13 ELECTRICITY CONTESTABILITY
Contact Officer: Kate Hiscock

Decision Sought

That Members note the following report.

As electricity competition is progressively being introduced to Tasmania as part of the State’s entry in to the National Electricity Market, many councils are now in a position where they must negotiate with retailers for the purchase of their electricity. For councils that use more than 150 Mega Watt Hours (MWh) of electricity per year per site, the electricity market becomes contestable as of 30 June 2010.

As a member of the State Government’s Office of the Economic Regulator’s Customer Consultative Committee and participant on the Steering Committee for the recent Consumer Advocacy Panel (electricity and gas) convened by Goanna Energy Consulting, the Association has been keeping abreast of issues likely to face newly contestable councils in Tasmania. In particular, the Consumer Advocacy Panel Report found that many newly contestable customers “appear to lack bargaining ‘power’ in terms of their knowledge, experience and motivation, in the electricity contract negotiation process. This has combined with a very low level of retail activity and competition in the market, to heighten customer perceptions of risk in entering the new market”.

Local Government Information Session on Negotiating Electricity Supply and Contracts

Through involvement in the promotion of the state-wide workshops on negotiating an electricity contract, the Association has received feedback from Councils on two key issues of concern:

1. That a number of newly contestable councils were finding the contract negotiation process for electricity purchase challenging; and

2. That a number of councils needed legal advice on contract matters in regards to electricity purchase but were finding that quotes for the provision of such advice very expensive.

Consequently, the Association liaised with Goanna Energy Consulting and Simmons Wolfhagen Barristers and Solicitors, to deliver an information session on issues around negotiating an electricity contract including a discussion of legality issues surrounding contracts, specific to Local Government. The two hour information session, held 19 February 2010 provided opportunity for councils to receive information and ask questions of both Simmons Wolfhagen Barristers and Solicitors and Goanna Energy Consulting.

At the session, it was agreed that it would be of significant benefit to members for the Association to pursue the development of standard terms and conditions for Local Government as a sector, for the purchase of electricity. Consequently, the Association sought a proposal from Simmons Wolfhagen Barristers and Solicitors and Goanna Energy Consulting to provide this service.

Shared legal and consultant advice to achieve standard Local Government terms and conditions for the purchase of electricity.

Simmons Wolfhagen Barristers and Solicitors and Goanna Energy Consulting offered the following proposal at a total cost of $13,000:

- negotiation on the standard set of terms and conditions for electricity supply agreements including the identification of terms of negotiation, inclusion of additional clauses specific to Local Government and amendment of standard conditions;
- a standard set of terms and conditions for Local Government; and
- a follow up session with participating councils to explain the negotiated terms.
Additionally, Hobart City Council agreed to work with Simmons Wolfhagen and Goanna Energy, to share their experience in two recent contract negotiations for electricity supply and offer specific Local Government insight.

With a total of 11 councils confirming interest to participate in the shared advice to date, the Association has accepted the proposal. The number of participants has ensured that costs are minimised for participating councils. It is pleasing to note that a number of councils that have already signed contracts have agreed to participate in the shared advice, recognising the future benefits of the proposal, such as minimising the required investment future tender processes.

**Next steps – possible negotiation for electricity supply for Local Government as a sector**

At the General Managers’ Workshop of 17 - 18 March 2010, interest was expressed in the Association pursuing the purchase of electricity for Local Government as a sector, to achieve improved purchasing power. With the first step of achieving a standard contract for Local Government electricity supply underway, the Association will continue to work with members on this issue. It was agreed that a timeframe of approximately two years was reasonable, given that many councils have already signed contracts for electricity supply.

**Budget Impact**

Does not apply.

**Current Policy**

LGAT will continue to inform members with updates as relevant.

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**14 VALUATION/RATING REVIEW**

*Contact Officer: Allan Garcia*

**Decision Sought**

That Members note the update on this matter

**Background comment:**

At the time of writing, the request for quotation had been prepared together with a comprehensive background paper and situation analysis of the present valuation and rating arrangements existing in the state.

Initial consideration by the Steering Committee contemplated the project being undertaken in two distinct parts – valuation and rating – on the basis of the relatively diverse nature and skills set required to analyse and assess the two components. However, it was ultimately determined that the integral relationship between the two and the reliance of one platform on the other necessitated a single review with respondents ensuring that they either partnered with or draw upon expertise from the related disciplines.

Advice received from the Chair of the Steering Committee indicates that the policy nature of the review dictates that a new government needs to be in place before a decision could be taken to proceed to tender. While this is frustrating in the sense of delaying the project, there is not a particular timeline imperative to the task being completed. Of course there will be consequences arising from the review necessitating legislative amendment and other resourcing requirements but it is considered that there will be adequate time available to effect any implementation elements to allow transition to any new regime arising from the review.
The outcomes of the review will be recommendatory only and will be reviewed by Local and State Governments in terms of impact and implementation and will likely involve significant consultation and discussion. It is intended that once let, respondents would have approximately one month to address the tender requirements with the successful respondent then having a further two months to complete the work required.

15 HOUSEHOLD HAZARDOUS WASTE UPDATE
Contact Officer: Ben Mooney

**Decision Sought**

That Members note the following report.

**Background comment:**
The first year of the Tasmanian Household Hazardous Waste Collection Program, Chemsafe Homes Tasmania, has ended with promising responses and quantities of potentially hazardous household waste received. From the ten drop-off days conducted across the state 1092 participants utilised the service. All participants were surveyed by the program coordinator, and the data will be used to better meet the needs of the householder in planning future drop-off days.

From the first four drop-off days 14,000 kg of potentially hazardous waste was collected and categorised for suitable treatment. The complete manifest of materials for the ten drop-off days is yet to be finalised by the chemical contractor.

In tendering for the chemical contractor for Chemsafe Homes Tasmania the program coordinator gave preference to companies that look for innovative options for dealing with hazardous household waste. Up to 36 categories of waste are identified at the drop-off site, with no transfer or decanting of material allowed. These categories range from low toxicity materials such as water-based paint, automotive products and general household cleaners to extremely hazardous material such as concentrated acids and alkalis, pesticides/herbicides (some of which are now banned in Tasmania/Australia), arsenic and cyanide compounds.

Many categories collected are used for energy recovery or organic composting. For example most automotive products such as oils, lubricants, coolants, brake fluid and stale fuel are burnt as a fuel source in cement kilns. Paints and aerosol products are processed using a gas-liquid-solid separation process under vacuum that crushes the can (steel is recycled), removes the liquid paint (used for energy recovery) and any released gas is stored (used for energy recovery). Metallic mercury, gas cylinders, fluorescent tubes and batteries are all recycled. Some categories require stabilisation, fixation or processing through a trade waste treatment plant (e.g. arsenic and cyanide compounds). Some materials are so toxic destruction is the only option (PCBs, pesticides, oxidisers). There are currently no treatment options for these materials in Tasmania and they are shipped to the mainland for processing.

**Budget Impact**
Does not apply.

**Current Policy**
Where possible, the HHW collection program approach is to be aligned with Regional, State and National Controlled Waste Strategies.
**Decision Sought**

That Members note the following report.

### Background comment:
In November 2009 the Association reported on the Local Government Board’s work in developing principles for councils to contemplate/adopt if, or when they may be considering a voluntary merger with another council(s) and input by the Association.

Consultation sessions were held and a discussion paper circulated.

In March 2010, the Board released their report to the Minister and the public. The report:

- recommends that the Minister for Local Government adopt five guiding principles for voluntary mergers as set out in the report:
  1. Councils should consider all the available reform options.
  2. Voluntary merger proposals should follow the 16-step process set out in this report (see below). All parties should commit to the outcomes of this process.
  3. Participants must provide adequate resources to ensure their capacity to see the process through.
  4. Information on the process/proposals - must be communicated from the outset. Consultation with ratepayers, community and all other interested parties must occur once the council has made its initial decision to investigate options for reform.
  5. A merger should only proceed where it will lead to long-term financial sustainability, (and) benefits for the community which may include improved governance; community capacity building; improved service delivery; improved management practices...

- provides a detailed guide to a voluntary merger process consisting of 16 key procedural steps including exploration of options and consultation with other councils; development of proposals and commitment to examination including allocation of resources; strategic analysis, communication and consultation with communities all preceding initiation of a formal review by the Local Government Board and consideration by the Minister and Governor.

- assigns responsibilities to Local Government and the State Government under each of the guiding principles.

- recommends that the State Government enter into a memorandum of understanding with Local Government during 2010 on Local Government reform.

The Board noted that a full scale analysis of resource-sharing approaches has not been undertaken but that they had identified models of resource sharing that may have further applicability as reform options in Tasmania, including service provision on a commercial basis and regional resource sharing.

Any further work in this area is pending the outcome of the State Government elections and appointment of a new Minister for Local Government.

Current Policy
The development of a framework for voluntary amalgamations is not in conflict with the Association’s stated policy position of no forced amalgamations.

17 FLU CLINIC MODEL REVIEW
Contact Officer: Georgia Palmer

Decision Sought
That Members note the following report.

Background comment:
The Department of Health and Human Services’ (DHHS) is currently undertaking a review of Tasmania’s Flu Clinic Model in order to improve future DHHS operational and strategic pandemic preparedness concerning the Community Response Strategy.

The review is being undertaken in response to a number of issues that were raised following last winter’s response to the Pandemic (H1N1) 2009. The main objectives of the Review are to ensure that the Community Response Strategy is flexible, operational, readily scaleable and effective to enhance Tasmania’s response. A number of broad issues will be considered. These include -

- governance and decision making;
- triggers for escalation/de-escalation;
- alternative primary care modes that may either precede or complement Flu Clinics and the criteria for their use;
- Flu Clinic site criteria;
- equipment and supplies resourcing;
- staff resourcing, sustainability, training, remuneration, co-ordination and support for both Flu Clinics and alternative Primary Care models;
- the role of primary care providers in Flu Clinics;
- the role of Local Government in Flu Clinics;
- policy, protocol and operational support documents/tools; and
- communication and information management.

The review will also be undertaken in light of a number of other national and state developments as well as existing plans including the Municipal Flu Clinic Operations Sub Plans.

It is likely that the outcomes of the review will fall within the scope of the Public Health Emergencies Plan as part of the State Preparedness Project to develop State Special Plans under the Tasmanian Emergency Management Plan.

A Review Team is being established to provide expert advice and consensus on the process. This review team will involve the Association and up to two representatives from Local Government. Other representatives will include General Practice Tasmania, DHHS, State Emergency Services and the Department of Premier and Cabinet.
Broader consultation will occur with stakeholders during the review. DHHS will be seeking Local Government input through workshops, emails and online surveys. The review is expected to be completed by the end of June 2010.

**Budget Impact**  
Does not apply.

**Current Policy**  
As a member of the Review Team, LGAT will continue to provide members with updates.
Motions For Which Notice Has Been Received

18 GOVERNANCE

18.1 Motion – Compulsory Voting For Local Government Elections
Council - West Tamar

Decision Sought

That this Meeting support compulsory voting in Local Government elections and that LGAT request the State Government to implement the necessary legislative changes in time for compulsory voting to apply to the 2011 Local Government elections.

Background Comment
The issue of compulsory voting has been raised at previous LGAT General Meetings on several occasions without success. However at the LGAT Annual Conference in 2008 the Premier, David Bartlett MP, raised the issue of, and his intention to implement compulsory voting for Local Government. A joint working group has been set up with technical input from the Tasmanian Electoral Commission and an issues paper was distributed to all councils in December 2009.

The legitimacy and standing of Local Government will be best supported by the participation of all citizens as voters. Compulsory voting is accepted by citizens at State and Federal levels and it is appropriate for the same principle to apply at the Local Government level.

LGAT Comment
This proposal has been considered on a number of occasions, particularly during the review of the Local Government Act 1993 and was last considered as a motion (LOST) in June 2008.

The following is the position that has been previously taken –

“The introduction of compulsory voting for Local Government elections is not supported for a number of reasons:

− The introduction of postal voting resulted in a significant increase in the number of people voting in Local Government elections. This is done on a voluntary basis because people want to vote and to be involved.

− The introduction of compulsory voting might marginally increase the number of people voting but it would also bring with it the responsibility to pursue those who do not vote and the consequent enforcement costs.

− Compulsory voting has the potential for increased informal voting as people are being forced to vote rather than exercising their democratic right by choice”.

At the Annual Local Government Conference in 2008, the then Premier, David Bartlett announced that his Government would be introducing compulsory voting for Local Government. A working group was formed, with LGAT represented, and a discussion paper released to councils for comment. The next stage of work is dependent on the outcome of the State election. It is anticipated that the Working Group will reconvene once a Government is formed.
The topic was also discussed at a Mayors workshop late in 2009 with a higher degree of acceptance than had previously been experienced.

Tasmanian Government Agency Comment - Local Government Division
A joint working group was formed in 2009 to consider the issues involved in the introduction of compulsory voting in Local Government elections. This group includes LGAT and the Local Government Division, and receives technical advice from the Tasmanian Electoral Commission.

The joint working group produced an issues paper which was considered by the PLGC in December 2009 and then forwarded to all councils for their comment on implementation issues such as whether they prefer attendance or postal voting and whether associated reforms such as all-in, all-out terms are desired.

Caretaker conventions are in place at the time of writing and the determination of ongoing policy on this issue is a matter for the consideration of the incoming government.

18.2 Motion – Election Campaign Expenditure
Council - West Tamar

Decision Sought
That LGAT support the proposition that candidate spending on council election campaigns be tax deductible up to the limits of expenditure prescribed by the electoral laws and that LGAT’s support be notified to ALGA, the Federal Government as well as to the Labor, Liberal, National and Green parties.

Background Comment
The current limit, determined by the Federal Government is $1000. That amount is tax deductible for the candidate no matter what you spend in excess of that figure. It has been for the last 15 years or longer! The motion is to raise that limit to a higher figure, and the proposed higher figure could be based on the campaign spending limits that some states place on campaign spending. Alternatively a set amount could be put in place - I suggest $7000. Expenditure on State or Federal campaigns is an unlimited deduction.

LGAT Comment
Under the Electoral Act 2004, candidates for council elections have an expenditure limit of “$10,000 in the year 2005 and increas(ing) but an additional $500 each subsequent year”.

The Australian Taxation Office states “Election expenses include a candidate's costs of contesting an election at a local, territory, state or federal level of government. A deduction for local government body election expenses cannot exceed $1,000 for each election contested, even if the expenditure is incurred in more than one year of income.”
The Australian Government has undertaken a review of the entire taxation system (the Henry Review) with the report yet to be released. The Henry Review included personal taxation. The Australian Local Government Association made a submission on behalf of councils, but the focus was on broadening the review to include current revenue sharing arrangements between the three levels of government.

Tasmanian Government Agency Comment
This motion calls for action within the Australian Government’s area of responsibility.
18.3 Motion – Billboard Electoral Advertising
Council - Hobart City

<table>
<thead>
<tr>
<th>Decision Sought</th>
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<tr>
<td>That an amendment to the Electoral Act 2004 be sought with the effect of overriding Planning Schemes to bring uniformity across Tasmania in terms of the timing of permitted billboard electoral advertising by or on behalf of candidates.</td>
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<tr>
<th>Background Comment</th>
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<tr>
<td>Currently the Electoral Act 2004 provides no universal approach to electoral signage. Individual planning schemes, some minor references in other State acts, and or Council policy provide the framework for controlling electoral signage. The concern with this ad hoc approach is that it provides no statewide consistency.</td>
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The consequence of this is that while there may be scope in an ad hoc way to limit the time for most electoral sign types there is no scope to restrict such signage on existing approved billboards as by their very nature the advertising may change on billboards without reference to planning authorities. It is therefore suggested that to introduce consistency across the State the Electoral Act 2004 be amended to restrict all forms of electoral signage including advertising on billboards to the formal campaign period.

<table>
<thead>
<tr>
<th>LGAT Comment</th>
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<tr>
<td>There is certainly inconsistency in relation to restrictions on signage at the local level vs State and Federal elections.</td>
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For Tasmania, the Electoral Act 2004 is silent on the issue of electoral signage but could perhaps be covered through an amendment to Division 5 (Offences related to advertising and other campaigning) or added to the Regulations. The Commonwealth Electoral Act 1918 also makes no provisions in regard to signage.

Councils can apply restrictions through their planning schemes but as pointed out in the motion this does not necessarily lead to consistency of approach. The issue of consistency can be resolved through incorporation of provisions in the template planning scheme. The draft which is yet to be subject to formal consultation as per the State-wide Communication and Consultation protocols states:

<table>
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<th>5. Temporary Signs</th>
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<tr>
<td>(a) Real estate signs on sites for sale or lease.</td>
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<td>(b) Signs for Federal, State or Local Government elections.</td>
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<tr>
<td>(c) Signs for sporting, social and cultural events that do not occur more than once a year.</td>
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<td>(d) Construction signs on works sites.</td>
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</tbody>
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| (i) Only within 1 month before a poll and within 2 weeks before any other event; and |
| (ii) Securely fixed and without damaging vegetation; and |
| (iii) Not flashing or illuminated; and |
| (iv) Not on a road unless for a community event or open home; and |
| (v) Not obstructing other signs or sight distances to entrances or junctions; and |
| (vi) Removal within 14 days after completion of sale or leasing, polling day, the event or construction. |

*road means land over which the general public has permanent right of vehicular passage, including the whole width between abutting property boundaries, all footpaths and the like, and all bridges over which such a road passes.
A further alternative could be the development of a model by-law which councils could adopt.

**Tasmanian Government Agency Comment - Tasmanian Electoral Commission**
The Tasmanian Electoral Commission (TEC) does not have the local staffing or local knowledge to police any universal rules on signs.

The TEC is not in principle inclined to quantify limits on electoral signage as this has been, and remains, the traditional grass roots method of advertising by candidates. As far as commercial billboards are concerned this is a campaign decision by candidates on how best to spend their advertising budget.

Laws relating to signs are generally for the purpose of limiting long term visual pollution in accordance with planning laws. It would seem more appropriate for councils to set and control these laws.

It may not be appropriate to set uniform restrictions on the number of signs across divisions of vastly different size.

It may be difficult to get agreement on uniformity for federal elections across the whole of Australia.

It is within the power of councils to set uniform by-laws if this is what councils wish. These same by-laws would then apply to Federal, state and Local Government elections held in Tasmania.

### 18.4 Motion – Electoral Advertising
**Council - Kingborough**

**Decision Sought**

That the Association lobby and encourages the Federal and Tasmanian State Governments to amend their respective electoral acts in relation to:

**A:** physical electoral advertising on land and buildings to mirror, or be substantially the same as, the restrictions applying to candidates for Local Government elections, imposed by the Local Government Act 1993 and the Local Government (General) Regulations 2005 in relation to the size and quantity of temporary electoral signs within each municipal area, and

**B:** the period of time that electoral signage can be displayed in the lead up to all elections, federal, state and local.

**Background Comment**

A spate of very early advertising for the forthcoming State Government election, particularly at some prominent locations in the municipal area have highlighted the inadequacy of electoral legislation to deal with electoral advertising.

Whilst the Kingborough Planning Scheme 2000 has provisions in relation to temporary signage on properties, which also applies to electoral advertising, a more satisfactory and consistent approach to imposing reasonable control would be by amending the Electoral Acts.

At present there are regulations relating to Local Government electoral advertising whereby candidates are restricted to both the size and quantity of their signs.
In relation to the time in which electoral advertising can be displayed at present there are no restrictions apart from those imposed by individual planning schemes. To ensure consistency in the display of posters and signs this issue should also be legislated to ensure that the community is not adversely impacted by lengthy display and that Council resources are not adversely impacted by pursuing breaches under the provisions of the Land Use Planning and Approvals Act 1993.

It is suggested that LGAT lobby both the Federal and the State Governments to change their respective Electoral Acts to provide the same, or similar, restrictions in relation to those elections. As those electoral boundaries would normally encompass more than a single municipal area, it is suggested that the restriction on the number of signs should apply separately to each municipal area.

Section 21 of the Local Government (General Regulations) 2005 in relation to electoral advertising states:

21 Posters and signs

(1) A person must not publicly display a poster or sign or a group of posters or signs containing advertising relating to the election of a candidate if –

(a) the poster or sign exceeds 3 square metres; or

(b) the group of posters or signs in total exceed 3 square metres.

(2) A poster or sign forms part of a group of posters or signs if it is located within 10 metres of another poster or sign.

(3) A candidate must not display, or permit to be displayed, posters or signs containing advertising relating to the election of that candidate exceeding a total number of 50, whether or not the posters or signs contain advertising relating to the election of another candidate.

LGAT Comment
Refer to comment made at Item 18.3.

Tasmanian Government Agency Comment
Refer to response to Motion 18.3

18.5 Motion – Codes Of Conduct
Council - Break O'Day

Decision Sought

That the Local Government Association of Tasmania in conjunction with the Local Government Division be instructed to develop a common policy for “Code of Conduct’ for all Councils.

Background Comment

This motion is presented with the aim of creating a uniform Code of Conduct for all Council’s in an effort to achieve consistency across the whole sector. It is also envisaged that this will lift the professionalism of the sector and elected members. A review may well identify changes that are required to the Local Government Act and General Regulations.

It is expected that all Council’s that have had a complaint made will have experienced some issues and it would be advisable to seek submissions from Council’s and individual elected members prior to commencing the review. Because of the confidentiality of some of the complaints made it is not expected that all relevant issues may be brought forward at the meeting.
The current system lacks enforcement powers, can be costly and quite often does not provide any resolution. It is recommended any review should include consideration to -

- A penalty clause for not complying with a decision made following a complaint;
- An enforcement provision that is enforceable, eg. Suspension from Council with loss of allowance;
- The ability to proceed with a complaint outside of the present three (3) months allowed as some matters may not come to note until after that period;
- Costs associated with a hearing being the responsibility of the parties concerned. It has been the policy that the initial panel hearing has been covered by Councils. However, if either of the parties wish to take the matter to a higher jurisdiction, the costs associated should be the responsibility of the person.

**LGAT Comment**

LGAT agrees that there are a number of difficulties with the Code of Conduct provisions under the Local Government Act 1993 and the Local Government (General) Regulations 2005.

The new State Integrity Commission will be given responsibility for drafting codes of conduct to guide public officers. It is likely that the Commission will provide advice and training to councils on Codes of Conduct once the new CEO is appointed.

The Association is currently drafting a paper outlining the difficulties with the current provisions in the Act and the Regulations relating to the Code of Conduct provisions. This paper will be circulated to all councils for feedback prior to entering into discussions with the Local Government Division of the Department of Premier and Cabinet about the review of these provisions under the Act and Regulations.

**Tasmanian Government Agency Comment - Local Government Division**

Under the Local Government Act 1993 (the Act) a council must adopt a code of conduct that is consistent with the Act and addresses those matters prescribed in the Local Government (General) Regulations 2005. The code of conduct must be reviewed within 12 months after an ordinary election.

A number of issues related to the Act have arisen in recent years that may require amendment to the Act, and these amendments are likely to be made in 2010. Changes to the code of conduct requirements, in consultation with LGAT and councils, may be considered at this time.

Caretaker conventions are in place at the time of writing and the determination of ongoing policy on this issue is a matter for the consideration of the incoming government.
18.6 Motion – Submission Of Council Motions
Council - Break O'Day

**Decision Sought**

That LGAT adopt as policy the resolution of the Break O'Day Council that Councillors be limited to submitting two (2) Notices of Motion for inclusion in the agenda of any one (1) Council meeting, and move to have this policy incorporated as an amendment to the Local Government (Meeting Procedures) Regulations 2005.

**Background Comment**

Break O'Day Council was faced with a situation where one (1) or two (2) Councillors were submitting numerous motions to Council meetings on a regular basis that was seen by a majority of Councillors as unreasonable and unnecessary.

Council exercised its power under Regulation 37 of the Local Government (Meeting Procedures) Regulations 2005 to restrict motions to two (2) per Councillor per meeting. Given the success of this action Break O'Day Council is of the opinion that it should be incorporated in the regulations to ensure that the practice is maintained and other Council’s benefit from the move.

**LGAT Comment**

The Association notes only that councils may have the ability to control such matters through the establishment of a ‘Meeting Procedure’ under Section 37 of the Local Government (Meeting Procedures) Regulations 2005.

**Tasmanian Government Agency Comment - Local Government Division, Department of Premier and Cabinet**

The Local Government (Meeting Procedures) Regulations 2005 do not limit the number of motions that each councillor may submit.

Caretaker conventions are in place at the time of writing and the determination of ongoing policy on this issue is a matter for the consideration of the incoming government.

18.7 Motion – Local Government Act 1993 – Review of s55
Council - Burnie City

**Decision Sought**

That LGAT request that the Minister for Local Government review s55 of the Local Government Act 1993, with respect to exempting the register of interest for employees and the general manager from the provisions of the Freedom of Information Act 1991.

**Background Comment**

The Local Government Act 1993 includes provisions that employees are to declare any interests to the General Manager, and in the case of the General Manager the Mayor, in any matter when the employee or General Manager: provides advice to the council; or makes a decision or determination; or makes a recommendation to the council.

The Act requires that the General Manager keeps a register of any interests declared and advise the Council of the existence of any interest.

Council consider that the register of interests for employees and the General Manager should be publicly available, for openness and transparency, consistent with treatment of declarations of
interests by councillors.

**LGAT Comment**

*The Local Government Act 1993 (The Act)* defines an interest as follows:

49. **Having an interest** -

   (1) A councillor or member has an interest in a matter if the councillor or member or a close associate would, if the matter were decided in a particular manner, receive, have an expectation of receiving or be likely to receive a pecuniary benefit or pecuniary detriment.

The Act prescribes that elected members must both declare interests (and provide details in writing) and have the declared interests recorded in a Register which is available to the public (on application).

Employees of the Council must also declare any interests and put them in writing and these are also recorded in a Register but which is exempt from public scrutiny under the current Freedom of Information Act.

The *Right to Information Act 2009* will replace the *Freedom of Information Act 1991* and comes into force on 1 July 2010. Under the *Right to Information Act*, the register of employee interests does not fall into the category of “exemptions not subject to the public interest test”. Rather it would be subject to the public interest test. However, it should be noted that in this category, personal information (that is where identity is apparent) and information which would put someone at a competitive disadvantage would be exempt. Furthermore, information is exempt information if its disclosure under the *Right to Information Act* would divulge information communicated in confidence by or on behalf of a person or government to a public authority. Schedule 1 lists a number of further matters Relevant to Assessment of Public Interest. While it is untested at this stage, it would appear that an employee Register of Interests may still be exempt under the new legislation.

**Tasmanian Government Agency Comment - Local Government Division**

The *Right to Information Act 2009* is due to commence on 1 July 2010, and will replace the *Freedom of Information Act 1991*. There are a number of exemptions in the *Right to Information Act 2009* that are likely to apply to the information contained in these interest registers.

The Tasmanian Government Response to the Final Recommendations of the Joint Standing Committee on Ethical Conduct (dated November 2009) states that registers of interest for Local Government are handled in a variety of ways across Australian jurisdictions, and that further research and greater consultation with Local Government stakeholders are required before changing the current approach.

However, caretaker conventions are in place at the time of writing and the determination of ongoing policy on this issue is a matter for the consideration of the incoming government.
19 PUBLIC POLICY - GENERAL

19.1 Motion – Local Government Representation Sentencing Advisory Council *
Council - Waratah Wynyard

Decision Sought

That the Local Government Association of Tasmania request the State Government to provide a seat for a Local Government Association of Tasmania representative on the new Sentencing Advisory Council.

Background Comment
The State Government has recently announced the formation of the Sentencing Advisory Council as recommended by the Tasmanian Law Reform Institute. The Institute said “the advisory council be requested to review the introduction of guideline judgements for magistrates and judges”. This follows the perceived “soft court sentences’ well below community expectations of penalties in criminal matters. Although there are positions on the council for community representation (2) I believe there is a case for specific Local Government input especially in relation to the whole area of property crime against individuals and the community e.g. vandalism and arson.

LGAT Comment
In January this year the State Government announced that a Sentencing Advisory Council for Tasmania would be established. Functions of the Council would include research relating to sentencing, gauging public opinion on sentencing matters, and advising the Attorney General on sentencing matters. It was planned members would include two members of the community and nominees from the University of Tasmania, the legal profession, judges, magistrates, the Commissioner of Police and the Director of Public Prosecutions.

The Department of Justice has confirmed that this group has not yet been established. Due to the Government being in caretaker mode, no advice can be provided on the likely timing for the group’s establishment.

Tasmanian Government Agency Comment - Department Of Justice
Early in 2010 the Government announced the establishment of a Sentencing Advisory Council and has since invited various organisations and bodies to nominate possible members. The Government also advertised in the press for people to nominate for the position of chairperson and for two positions as community representatives.

An Information Paper outlining the proposed membership, functions and funding of a Sentencing Advisory Council (which will not have a statutory basis but will be a Ministerial Advisory Council) is at Attachment to Item 19.1.

Any changes to the composition of the Council will be a matter for the Attorney-General of the day.
20 ADMINISTRATION

20.1 Motion – General Manager Employment Contracts
Council - Burnie City

Decision Sought

That LGAT develop in consultation with LGMA a standard template for General Manager Employment Contracts for use by Councils.

Background Comment
Aldermen have recently become aware that other States have developed a standard template for General Manager Employment Contracts. The Burnie City Council considers that this approach will allow some consistency in employment contracts over time.

As Councils’ are responsible for the employment of the General Manager LGAT, as the Councils representative association, is considered to be the appropriate party to develop a standard template. It is considered that it would however be prudent to consult with LGMA during its development.

LGAT Comment
The Association would be pleased to assist councils with this task, if required. Other jurisdictions provide comprehensive industrial relations and human resource services through their Associations.

An industrial relations service was once provided by LGAT but was subsequently outsourced to the Tasmanian Chamber of Commerce and Industry (TCCI) to allow greater access to up to date and professional advice.

The area of General Manager recruitment and review is one where councils have tended to maintain their independence. LGAT is often requested to provide advice or guidance on process or the availability of appropriate consultants to assist these endeavours but is seldom involved beyond that point. LGAT intends to provide a series of courses to assist councils with the task of reviewing their General Managers. It would make sense that councils also had access to an up to date contract for General Managers. It is envisaged that this would provide guidance in terms of the generic elements of the General Manager functions and related performance, grievance and process arrangements but would also allow for councils to insert those elements relevant to the performance of the function at their particular location.

Tasmanian Government Agency Comment - Local Government Division
The development of a standard template for general manager employment contracts is an issue for the Local Government sector to consider. Councils are empowered by the Local Government Act 1993 to employ a general manager to carry out certain functions, but the conditions of that appointment remain the responsibility of individual councils.
20.2 Motion – Communication With Water Corporations

Council - Northern Midlands

Decision Sought

To bring accountability to the water authorities that Owners' Representatives and the Chief Executive Officers of each of the Regional Corporations meet monthly with councils (members of Regional Corporations).

Background Comment

An area of great concern to Northern Midlands Council is the issue of communication between the Regional Corporations, their owners being Local Councils and the Community.

Council has invited both the Chairman of Ben Lomond Water and the Owner Representatives to come and meet with Council to discuss issues of mutual concern and discuss projects and future works. As will be seen by the correspondence attached from the Owner Representatives Northern Region, this is clearly not acceptable to them.

Local Government, aside from being the owner of the corporations, would appear to have limited opportunity to discuss issues with Owner Representatives and Regional Corporations as meetings are only held quarterly and can only be attend by Councillors that register their interest with the Secretary of the Owner Representatives.

Section 19 (6) (b) of the Water and Sewerage Corporations Act 2008 states that

‘The Owners' Representatives for a Regional Corporation are to act as the official liaison between the Board of the Regional Corporation and the Councils (members of that Regional Corporations)."

At Attachment to Item 20.2 are -

- Letter to Owner Representatives Northern Region 23 July 2009
- Response from Owner Representatives Northern Region 7 August 2009
- Letter to Owner Representatives Northern Region 27 August 2009
- Extract of Section 19 from the Water and Sewerage Corporations Act 2008

LGAT Comment

Concerns have been expressed by a number of owner councils about the limited direct interaction available to them with the water corporations.

The legislation envisaged that oversight and review processes would be conducted via the owners’ representatives with feedback and communication channelled through this arrangement.

The matter has been taken up with the Chairman of the Board wherein it was indicated that consideration was to be given to the establishment of a process that, while still respectful of the legislative governance arrangements, provided the opportunity for broader consultation and discussion between owners and the corporations. Details of such arrangements and their progress were unavailable at the time of writing.
21 FINANCE

21.1 Motion – Mining Royalties
Council - Waratah Wynyard

Decision Sought

That the Local Government Association of Tasmania support the concept of 25% of mining royalties being directed to the Local Government area from which the minerals are generated.

Background Comment
For some time the West Coast Council has been suggesting this fair and reasonable distribution of the proceeds of the mineral wealth of its area to underpin infrastructure and the development of improved facilities for further industrial expansion. I believe our municipality and others would also benefit from this equitable distribution of royalty income. The generation of further properly developed industrial land is paramount in our municipality to support any downstream processing and transportation of mineral products.

LGAT Comment
The royalties for regions concept is one that has been in place in Western Australia for a few years. Initially touted by the National Party prior to the last election, the program was put into place when the Liberal Minority Government required the support of the National Party and this was the clincher.

The royalties for regions program requisitions 25% of the state’s mining royalties resulting in total funding of about $600M for 2009/10.

The Western Australian program has three component funding streams:

- **Country Local Government Fund (CLGF)** ($100M) - as of right payment to Local Government
- **Regional Community Services Fund** ($100M) – supports Patient Assisted Travel, Boarding Away from Home Allowance, Royal Flying Doctor Service and a Telecentre program
- **Regional Infrastructure and Headwork Fund** (approx. $400M) – supports initiatives such as:
  - a Regional Grants Scheme
  - the Ord-East Kimberley Expansion Project
  - the Exploration Incentive Scheme
  - Pre-Feasibility Pilbara/Gascoyne
  - Regional Workers Incentives
  - Regional Airports Development Scheme

Metropolitan councils are not eligible for funding under the above programs although it should be noted that areas outside of the mining areas are funded under the scheme.
Tasmanian Government Agency Comment
A copy of this motion was provided to Mineral Resources Tasmania within the Department of Infrastructure, Energy and Resources but no response was received by the deadline for the circulation of agenda items. Comment will be made available when received.

21.2 Motion – Land Tax
Council - Southern Midlands

Decision Sought
That the Local Government Association of Tasmania seek a guarantee from the State Government that any future review of the Land Tax system will not result in an expanded property based taxation system that would further erode Local Government’s revenue raising capacity.

Background Comment
Property is the primary taxation base for Local Government. Following considerable community and media debate about land tax, there is a real risk that any change in Government policy may further erode Local Government’s revenue raising capacity, particularly if the base upon which land tax is imposed on property owners is expanded.

At the time of writing this Motion, the Political parties have announced varying Policies in relation to Land Tax. The intent and purpose of this Motion may need to be reviewed in light of the outcome of the 2010 State Government elections.

LGAT Comment
The Association has strongly advocated against any expansion of the property base for taxation purposes. While concerted campaigns against the fire service levy have not resulted in the removal of this charge through the land based taxation franchise, success has been achieved in staving off the introduction of an ambulance levy via the council rating process and the impost of a statewide levy on waste management (albeit that the collection was proposed at the tip gate).

The Association is extremely aware of the importance of maintaining the land franchise as a taxation base and will continue to lobby for its retention by Local Government and campaign against any erosion of the revenue raising capacity of councils.

It should be noted that the major taxation review being undertaken by Ken Henry on behalf of the Australian Government is likely to make specific observations on the taxation arrangements related to land and will likely impact on future policies of State Governments.

Tasmanian Government Agency Comment - Department of Treasury and Finance
The Tasmanian Government is currently in caretaker mode and future land tax policy positions will be a matter for the incoming Government.

The Henry Tax Review is expected to be released in mid-2010 and will provide recommendations to the Commonwealth on the national taxation system. Any proposed reforms will be considered at that time.
22 INFRASTRUCTURE AND SERVICES

22.1 Motion – Bus Stop Shelters
Council - Kingborough

Decision Sought

That the Association supports the development of a protocol (plus any associated guidelines) that will provide for an improved understanding of the respective responsibilities that relate to the erection of roadside bus stop shelter facilities.

This protocol to be developed in conjunction with the Department of Infrastructure Energy and Resources and Metro Tasmania, plus any other relevant stakeholder organisations.

Background Comment

The responsibility for the construction of roadside bus stop shelters has been uncertain for many years. Most Councils struggle to understand as to who is responsible for their construction and a number of different approaches are adopted. The three main organisations are usually the local Council, the Department of Infrastructure Energy and Resources (DIER) and Metro Tasmania (plus other affected bus companies).

From a public perspective, when the need for suitable facilities is identified, each of these organisations tend to direct enquiries to the others or are not able to state who is responsible for the erection of particular bus stop shelters. It has in the past been a practice for the road owner (Council or DIER) to establish the base for the bus stop shelter and for Metro to provide for its subsequent construction. This however has not always been the case and there is no agreement as to when shelters are necessary or who is responsible for their maintenance.

Such bus stop shelters are very important assets in encouraging people to use public transport. They are therefore important components in any local strategy for sustainable transport. They need to be well designed and welcoming, with sufficient undercover space to meet the anticipated needs. Consideration should be given to other ancillary features such as the need for lighting, personal security aspects, timetable information, rubbish bin and the capacity to assist with local park-and-ride opportunities.

Some initial discussions at Kingborough have been held with senior representatives from both DIER and Metro, and the consensus was that some form of protocol or jointly adopted guidelines should be developed. Ideally, it would also be beneficial to have some guidelines in regard to sponsored structures (paid for by private business) and some criteria to gauge when built structures are actually required (eg level of use). Both Metro and DIER believe that a coordinated Local Government position is essential in order for a suitable protocol to be developed.

LGAT Comment

This issue of responsibility for bus stop infrastructure, particularly in the context of Disability Discrimination Act (DDA) compliance, has been continuing for some time. In July 2008 the Department of Infrastructure, Energy and Resources (DIER) held a meeting with Councils to discuss the issue, however no resolution was reached in regards to areas of responsibility. The Association has followed this issue up with DIER, however DIER has not committed to a position, nor has it delivered a promised issue paper in regards to identifying priority bus routes.

The establishment and maintenance of bus stop infrastructure is currently done so in an ad hoc manner by State Government, Metro and Local Government. It is noted that in January 2010 Metro received $16 million funding from the State Government. Items to be funded included newly upgraded DDA compliant bus shelters on “high frequency main roads” and relocating existing infrastructure to “other routes”. Recently, DIER released the Tasmanian Urban Passenger Transport Framework, which includes as an action area the “development of off-bus infrastructure”. 

General Meeting - 12 May 2010 - Agenda
The Association is continuing to pursue this issue. In order for guidelines to be developed, agreement needs to be reached in regards to responsibility for these activities. An agreed Local Government position on this issue would strengthen current dealings with DIER and Metro.

**Tasmanian Government Agency Comment - Passenger Transport Policy Branch, Department of Infrastructure, Energy and Resources**

DIER supports, in principle, the LGAT motion that seeks the development of a protocol (plus any associated guidelines) to provide for an improved understanding of the respective responsibilities that relate to the erection of roadside bus stop shelter facilities.

There are, in practice, a range of complex interactions that exist given that the construction of bus stops and associated facilities is a process that involves multiple parties and which tries to balance the needs of a diverse range of stakeholders. These include the owner of the land on which it is proposed to construct the stop/shelter (eg. DIER, Council), the provider of the bus service, current and potential passengers, and other affected parties (such as adjacent landowners/businesses).

The location of bus stops is also subject to a range of road safety and operational factors.

The outcome of this situation may be that a rigid protocol providing unambiguous processes for all situations may be difficult to develop. Broader guidelines, potentially building on those developed by DIER in a Draft Policy circulated to the LGAT in 2000, may be more appropriate in this instance.

Guidelines, as opposed to a formal protocol, would also permit the existing range of methods of additional infrastructure (seats and shelters) provision, such as directly by councils and service clubs/community organisations to continue.

Metro operates a network of approximately 3500 (2500 Hobart, 700 Launceston, 300 Burnie) bus stops across its three areas of operation. The majority of these are ‘pole-only’ stops. Additional features, such as seats and shelters are a feature of a small proportion of these stops.

There are also a number of bus stops, both formal and informal, located in the urban fringe and rural areas of Tasmania.

There are a number of elements that comprise a formal bus stop, namely:

- A suitable and safe stopping area. This may be a dedicated stopping area (eg. roadside lay-by) or less formalised (eg. the road verge or a traffic lane);
- A bus stop sign or signs mounted on existing infrastructure (power pole or shop awning) or on a stand-alone steel pole; and
- In certain situations additional facilities such as timetable information and seats/shelters.

DIER is of the view that the discussion on protocols and guidelines should cover all of these elements.

The Disability Discrimination Act 1992 and the associated Disability Standards for Accessible Public Transport require that a range of features to enhance accessibility be provided at bus stops. These include kerbs, manoeuvring areas and Tactile Ground Surface Indicator (TGSI) tiles at ‘basic’ stops (eg pole and sign) through to an additional range of mandatory design features relating to shelters.

In the case of the provision of urban bus services in Hobart, Launceston and Burnie Metro is required to liaise with 11 different local councils (for planning approval, endorsement of Access Committees, etc) with differing approaches to the issue of bus stop and shelter provision. This lack of consistency in the administrative approaches manifests in inconsistent outcomes which make the provision of a consistent standard of off-bus facility difficult.
DIER believes that while the development of a protocol (or guidelines) as sought by LGAT is desirable, a significant aspect should be the allocation of responsibility for ensuring that existing stops meet the minimum standards as required by the DDA legislation and associated Standards.

23  PLANNING AND DEVELOPMENT

23.1  Motion – Canal Estates  
Council - Hobart City

Decision Sought

That LGAT be requested to formulate a position on the development of canal estates.

Background Comment

The recent decision of the Resource Planning and Development Commission (now Tasmanian Planning Commission) in relation to the Lauderdale canal estate fundamentally questions the sustainability of such development type. Given this position LGAT is requested to formulate a position on the matter so that it can articulate a view should the State Government allow further canal estates to be considered.

LGAT Comment

The sensitivity of the Lauderdale canal development, the decision to make it a Project of State Significance and the position taken on the matter by the member council within whose municipality the project was proposed, fundamentally precluded the Association from taking a strong position on this matter in the past.

Clearly there are strong concerns about climate change and the potential for sea surge and inundation that would place canal developments in a difficult position regarding sustainability and general compliance with a range of environmental factors. While these types of comments were made in response to the drafting of the revised coastal policy, the fact that this document has not been released and climate change implications on land use planning remain unaddressed, it is appropriate for the Association to consider the development of a position on this and related matters.

It is known that Clarence City Council is in the process of developing an amendment to its planning scheme to address the issues raised in relation to storm surge implications for Lauderdale and surrounding areas. While not specifically aligned to canal development, it may be that the work developed to date can inform the policy development of the Association.

Tasmanian Government Agency Comment

The response of LGAT to the decision in relation to the Lauderdale canal estate and any potential implications for councils is a matter for LGAT to determine.

Caretaker conventions are in place at the time of writing and the determination of any ongoing policy on this issue is a matter for the consideration of the incoming government.
23.2 Motion – Planning System Regulation
Council - Launceston City

Decision Sought
That due to the potential and actual impacts of forestry activities in listed town water supplies and water catchment areas, on both water quantity and water quality, LGAT requests that the next State Government agrees to make such changes as are necessary to the Planning System and/or Forest Practices System, to bring forestry activities back under the umbrella of the Resource Management and Planning System and the Land Use Planning and Approvals Act, to give Local Government greater discretion in the serious planning issues that are arising.

Background Comment
Currently Launceston City Council is dealing with an issue in the Lilydale area of northern Tasmania, where a forestry operation is occurring involving the clearance of native forest in a listed town water supply area and conversion to plantation, in a Water Catchment Protection Area, a Scenic Protection Zone and an Area of regional Significance.

The operation has caused great concerns amongst the community as it is occurring adjacent to a water intake for part of the Lilydale town water supply and the proposed operations will have a material impact on downstream water quantity and quality.

There has been great community division as there is no formal tribunal or objection process by which the community's concerns can be heard, neither is there a formal setting where issues from both sides can be objectively argued and analysed.

The fact that the Forest Practices System does not allow the same third party objection rights as the Resource Management and Planning System and lacks any formal open forum for hearings and appeals, contributes to great community division and frustration and impacts directly on the health and cohesiveness of rural communities.

The Launceston City Council believes that the rights of all sides in current debates would be best served by bringing the Forest Practices System more into line with the Land Use Planning and Approvals Act and the wider Resource Management and Planning System, by providing rights of appeal for all sides and proper forums where arguments and evidence can be heard and analysed, and clear decisions arrived at using evidence based assessments.

What is clear from the current situation is that the community, and to a certain extent Local Government, are being shut out of important planning issues that involve protecting the quality and quantity of domestic drinking water and ensuring that rural communities have appropriate formal channels where complex and challenging arguments can be heard safely and objectively, and where decisions are made transparently and openly, by appropriate authorities.

LGAT Comment
The Association has made significant representations to the State Government over a number of years supporting the thrust of this motion.

Recent issues related to water quality and catchment management have again placed the spotlight on the regulatory regime to which forestry is subject. The operations under the Land Use Planning and Development Approvals Act (LUPAA) and the Resource Management and Planning System (RMPS) would provide improved community participation but careful consideration would need to be given to the resourcing implications for councils and how it would better manage this process to achieve equity and efficiency. These are important matters that need to be considered as part of the lobbying effort to Government.
General Meeting - 12 May 2010 - Agenda

Tasmanian Government Agency Comment - Forest Practices Authority

The forest practices system operates under the overarching State legislation and policy that relates to water management in Tasmania, including the State Policy on Water Quality Management. In addition, all forest practices must comply with the Forest Practices Code, which contains specific provisions to minimise the impact of forestry operations on water quantity and quality. These provisions include: mandatory streamside reserves; restrictions on the harvesting and cultivation of steep and erodible areas; and limits on the proportion of catchments that can be harvested. The Code also contains other relevant provisions, including mandatory requirements for persons planning forestry operations to consult Local Government for proposals that involve -

- operations within 2km upstream of a town water supply intake,
- operations that potentially affect water quality in a listed town water supply catchment,
- clearfelling within 50m of streams for a distance of 2 km upstream from a towns water supply catchments (such clearfelling is not allowable under the Code unless approved by local government),
- operations in areas with landscape protection provisions in planning schemes,
- construction or upgrading of roads that join Local Government roads.

The Forest Practices Act provides opportunities for Local Government and the public to make submissions on changes to the Code at any time. Local Government also receives three year plans on an annual basis and each council is invited to attend briefings that outline the proposed forestry operations for each region on a rolling three year basis. Local Government can seek changes to three year plans by making representation to the Forest Practices Authority (FPA).

Local Government is represented on the Forest Practices Advisory Council (FPAC), which is a statutory body appointed by the Minister under the Forest Practices Act. FPAC comprises representatives of key stakeholders and it provides an effective forum for reviewing the operation of the forest practices system, including providing advice to the board of the FPA on changes to the Forest Practices Code and any other improvements to the forest practices system.

The Code requires proponents of forestry operations to provide advanced notification and information on the planned forest practices to Local Government and neighbours prior to the finalisation of the forest practices plan. The major forestry organisations in Tasmania have also made commitments under the Good Neighbour Charter to consult with neighbours and address any issues that may arise during forest planning or operations.

The FPA is an independent statutory authority that is required by parliament to monitor and enforce the provisions of the Forest Practices Act and Code. The FPA seeks to do this wherever possible in a cooperative manner with the relevant parties. Any person or body who is aggrieved by an administrative decision or action taken under the forest practices system has access to the normal process of independent review by the Ombudsman and/or the judicial system under the Judicial Review Act.
23.3 Motion – Heritage Legislation
Council - Launceston City

Decision Sought

That LGAT:

1. Canvas member Councils directly on this matter so as to arrive at a whole of industry stance on the Heritage Legislation changes.

2. Lobby the three political parties to give in principle commitment to fund any new Heritage Legislation to ensure there is no cost shifting to Local Government.

Background Comment
There are changes proposed to State Heritage Legislation. These are to be in line with a COAG Agreement on the Environment signed by all levels of government in 1997. In short the process will define local and state listings for buildings and places. State matters will be handled by the State (THC) and the expectation will be that local matters will be handled by Local Government through the Planning Schemes.

When this matter was first mooted four years ago there was to be no increased burden on Local Government, councils like Launceston were held up as examples of councils who could easily take on this role.

Since then the emphasis has changed somewhat, it is now recognised that there will be a burden on councils and that the resources needed (heritage planners) are not available even if councils did want to take on this role.

In a recent presentation to Mayors and General Managers on this subject, Heritage Tasmania gave out a package of information as to how the system will work. There is clearly an understanding that planning authorities will be taking a stronger role in the listing process. To quote from a hand out from Heritage Tasmania :-

"Planning authorities can opt into the new system when they have the capacity to engage with the proposed system. Heritage Tasmania will take on a more proactive role in supporting local government by providing information, advice, educational opportunities and funding to support joint ventures."

Launceston City Council's Heritage Advisory Committee considered this matter at their December meeting and expressed grave concerns about the whole process. The question that has never been fully answered in this whole debate is - will the proposed changes be a better thing for heritage protection in this State? The clear answer is no. With maybe some councils opting in and others resisting, there is going to be total confusion as to who has responsibility for heritage listings. In the end there is a totally transparent shift of responsibility from State to Local Government in regard to this matter. That shift fails to address the chronic shortage of qualified people to make these important assessments, moves the issue to councils, and causes complete confusion over power in regard to heritage listing.

Launceston City Council's Heritage Advisory Committee is also concerned as to who will make the decision around whether a place is local or state in significance and by what criteria.

Launceston City Council at its meeting of 1 February, 2010 noted the proposed changes but resolved to not opt into the new system at this stage until it can be sure that the State Government has outlined how it proposes to properly resource the heritage controls.
LGAT Comment
The Association contacted all councils in relation to a whole of sector submission in response to the draft Heritage Bill. Additionally, councils were invited to send staff to workshop the legislation in some detail. Not all councils provided feedback.

The submission is due to be completed by 16 April and will be posted on the LGAT website at that point.

The concern in relation to the resourcing costs has resulted in divided opinions in relation to support for the legislation.

For further information refer Item 9

Tasmanian Government Agency Comment
A copy of this motion was provided to Heritage Tasmania within the Department of Primary Industries, Parks, Water and Environment but no response was received by the deadline for the circulation of agenda items. Comment will be made available when received.

23.4 Motion – Historic Heritage Bill 2010
Council - Southern Midlands

Decision Sought

That the Local Government Association of Tasmania lobby the State Government in relation to the Historic Heritage Bill 2010 to ensure that:

1. Local Councils are adequately resourced to shoulder the significant additional responsibilities in regard to cultural heritage management that the Bill will move to them from the State,

2. All places currently registered on the Tasmanian Heritage Register or on local planning scheme heritage schedules, that are of local significance, are mandatorily transferred to the new ‘local lists’, and

3. Ensure that local Council decisions pertaining to places of local significance are informed by appropriate advice and that any departure from such advice is justifiable and testable.

Background Comment
The State Government has released the Historic Heritage Bill 2010 (version 10, 13 January 2010) to Local Government for feedback.

The Bill significantly increases the potential role of Local Government in heritage management. It divides heritage-listed properties into those that are of ‘state significance’ and those that are of ‘local significance’, with the State responsible for the former – through the Tasmanian Heritage Council and Local Government responsible for the latter.

Many properties that are currently on the Tasmanian Heritage Register are likely to be only of ‘local significance’ and under the new legislation would eventually be removed from it. However, the Bill contains no requirement that such properties be transferred to a local list as this decision is entirely up to each local Council. This also applies to locally significant properties that are currently on planning scheme schedules or are yet to be identified. It is likely that some Councils will quickly move towards establishing and maintaining a full and complete local list, whilst others will partially do so and some may even shun this responsibility entirely.
Those Councils that do establish large lists will be faced with a very significant resourcing problem. The information supplied with the Bill indicates that Heritage Tasmania will endeavour to make resources available to Local Government, however there is no guarantee that this will occur.

The Bill, as drafted, allows for the possibility that those Councils who attempt to responsibly manage their local heritage will be left high and dry by some future State government.

On the other hand, the Bill provides no compulsion that Local Government must shoulder its local heritage responsibilities, either in the initial listing process or in subsequently considering the impact of proposed developments on the heritage values of a place. As a result, a significant amount of locally important cultural heritage could be lost as an outcome of this Bill.

Whist decisions pertaining to state-significance properties will continue to be made by a specialist body, the Tasmanian Heritage Council, supported by professional advice from Heritage Tasmania, the Bill mandates no such equivalent requirement within the Local Government decision making process. The Local Government Act 1993 generally requires Council General Managers to ensure elected members have access to appropriate advice, however it provides no specific direction as to what should be done with such advice. The Heritage Bill ought to provide clear direction to Local Government to ensure that all locally-significant heritage around the state is afforded appropriate protection, firstly through being listed, and secondly in consideration of development applications.

LGAT Comment
Refer LGAT Comment at Motion 23.3.

Tasmanian Government Agency Comment
A copy of this motion was provided to Heritage Tasmania within the Department of Primary Industries, Parks, Water and Environment but no response was received by the deadline for the circulation of agenda items. Comment will be made available when received.

23.5 Motion – Bushfire Prone Areas
Council - Burnie City

Decision Sought

That LGAT request that the State Government:

a. Undertakes a program to map bushfire-prone areas across Tasmania.

b. Develop guidelines to protect existing dwellings from the risk that a change of use of surrounding land subsequently creates an unacceptable fire risk.

Background Comment
The State Government through the Department of Premier and Cabinet has commenced work on developing standards and strategies in relation to construction near bush-fire prone areas.

The guidelines include a definition of bushfire-prone areas for Tasmania, and the State are requiring local government areas (LGA’s) to do their own determination and mapping of bushfire-prone areas within their own municipalities.

Individual interpretations and assessments by each LGA will lead to an inconsistent approach and application of the definition, and the resources required to undertake that work will be duplicated and onerous for each LGA, particularly smaller LGA’s with fewer resources and often larger rural and bush land areas.
Council suggests that the State Government is best equipped to undertake the mapping of bushfire-prone areas for all the municipalities to ensure a consistent application of the definition and as an extension of the project being undertaken by the Department of Premier and Cabinet.

An allocation of resources to this one-off mapping project would be a more efficient use of funds to see the work completed in a timely manner for all LGA's, and to a consistent state-wide standard.

The second part of the motion relates to circumstances, particularly in the rural area, where a dwelling has existed for many years with sufficient cleared area to minimise fire risks, however the change of use to a forestry activity has resulted in plantations creating an unaccepted fire risk to adjoining land owners.

LGAT Comment
In relation to the State Government’s Review of Construction and Development Control in Bushfire Prone Areas, the LGAT submission stated that while there was support for a standardised approach, there were a number of concerns. These included:

1) **The risk in dealing with bushfire management in isolation:**
   “Bushfire risk is one of a number of factors that must be examined when considering the suitability of land for a particular use or development, although failure to address this risk has potentially more drastic consequences.

   With major reforms of the planning system in Tasmania underway, including the development of template planning schemes, it would seem appropriate that preparation of this schedule and its alignment with other schedules such as those dealing with vegetation management forms part of this broader process”.

2) **Difficulties in relation to the definition of Bushfire Prone Area (BPA) and Mapping**
   “There appears generally to be support for a stronger emphasis on definition as opposed to a plan which may be difficult to maintain beyond the initial funding support. The use of definition would be relatively simple in association with the proposed common schedules but needs significant enhancement by way of supporting examples/illustrations.

   With the State Government moving away from a mapping approach due to time and expense, who then makes the determination of a BPA in an appropriately expert manner?”

   It should be noted that in 2003, LGAT members carried a motion in relation to seeking a review of the definitions in relation to bushfire prone areas and RPDC planning notes.

3) **Maintenance/Enforcement**
   “It is the experience of Local Government that all the efforts at the approval stage do not mean anything if the safety factors are not maintained. Enforcement of this scale, with owners of affected land responsible in perpetuity, is impossible. Councils simply do not have the resources....

   Ultimately there needs to be a commitment by State Government to resourcing maintenance and enforcement rather than simply delegating to an already stretched council if there is to be any real effect”.

The report and recommendations arising from the aforementioned consultation process will be considered by the incoming Government. However, the Association has been advised that there is some further consideration of risks associated with bushfire being progressed in parallel through the processes for developing community bushfire protection plans by the Tasmania Fire Service.
In early 2010, the Tasmanian Government announced funding of $140,000 per annum for three years for the Department of Primary Industries, Parks, Water and the Environment to:

- support the mapping of community protection plans and to produce a state-level data overlay;
- map all schools (and bushfire risk status);
- develop a map of bushfire prone areas; and
- support low capacity councils to confirm bushfire prone area maps in areas of high demand and risk.

The Department of Premier and Cabinet will be raising the recommendations of the review of controls on use and development in bushfire prone areas with the incoming government.

24 ENVIRONMENT

24.1 Motion – Weed And Fire Management Practices
Council - Waratah Wynyard

Decision Sought

That the Forestry Consultative Committee of the Local Government Association of Tasmania be reconvened to investigate and make detailed recommendations on Weed Management and Fire Management practices in relation to plantation development and being cognisant of municipal weed management strategy plans.

Background Comment

In the last 5 years in areas where plantation development is the major land use there has been an explosion of broad leaf weed infestation with a rapid spread to agricultural and horticultural properties. With the drying out in summer of this vast infestation along with thinning practices which leave prunings on the plantation floor fire management practices (lack of slashing of firebreaks and lack of consultation with local brigades) become a major issue.

LGAT Comment

The Chief Executive Officer of the Association is a member of the Forest Practices Advisory Committee (FPAC). The Committee comprises membership from the various peak bodies involved and associated with forestry activities. It would be appropriate for this matter to be raised by the CEO through that forum rather than reconvening the Forestry Consultative Committee (FCC).

A decision was taken to cease the operation of the FCC following a series of major undertakings being completed. It was considered that the inclusion of the Chief Executive Officer of LGAT onto the Forest Practices Advisory Committee enabled issues such as the one raised in this motion to be considered via the FPAC process.

The three year harvesting plan consultations with Local Government were also considered an appropriate forum to raise issues as well as councils being able to approach individual companies and the regulator, FPA, with specific concerns.

Tasmanian Government Agency Comment

The response of LGAT to issues relating to weed management is a matter for councils to determine.
Decision Sought

That a second Weed Management Officer for the region be financed by the State Government.

Background Comment
This motion refers to State funding for a regional weed management officer. Weeds, by their very nature, do not respect municipal boundaries and cannot be effectively dealt with at a purely municipal level.

Within the Northern Midlands municipal area, Council achieves a consistently high standard of management of the problem within lands and roadsides under its control. However, Council cannot control the weeds on private or Crown lands, or in adjoining municipalities or regions. Weeds are spread on the wind, by floods, by birds and foraging animals and on the shoes, clothing and vehicles of people moving from one site to another.

The State currently funds a regional weed management officer, who is, understandably, spread rather thinly. An additional, State-funded officer, with an appropriate budget, would be able to provide much greater direct assistance to the Crown, Council and other land holders and contractors. The principal area of assistance is likely to be education in areas such as weed identification and measures for eradication and reduction of spread.

Council’s NRM facilitator, Ms Case, is currently preparing a standard procedure for referring weed samples and other enquiries to the State officer and will continue to work on the other identified priority areas of Council’s Weed Management Plan.

LGAT Comment
The decision by the State Government to reduce dedicated resources for weed management was strongly lobbied against by LGAT on behalf of the councils. The State Government argued that the management of weeds was a shared responsibility and that while it would provide policy oversight and coordination, councils and landowners also have responsibility for particular activities.

It is considered that the priorities established via the regional NRM process should identify and lend weight to any argument that seeks to gain greater resourcing in this endeavour.

Tasmanian Government Comment - Resource Management and Conservation Division, Department of Primary Industries, Parks, Water and Environment
Presently the Department of Primary Industries, Parks, Water and Environment has three Regional Weed Management Officers based in Hobart, Launceston and Devonport. Additional to these officers is a Principal Weed Management Officer, who manages the team, and a Weed Management Planning and Policy Officer. These officers have responsibility for administering the Weed Management Act 1999 which includes liaison with private land owners and other land managers across a range of tenures on matters relating to the management and control of declared weeds.

The opportunity also exists for councils to be able to contribute to the overall weed management and control effort by appointing authorised weed inspectors. DPIPWE’s Weed Management Section runs two training courses annually for authorised weed inspectors, allowing those officers to enforce the provisions of the legislation within their relevant municipalities. Currently there are seven authorised weed inspectors within councils in the northern region (34 statewide), and the Department would welcome Northern Midlands involvement in the program.
The matter of increasing the size of this team is a matter for consideration of the incoming government. As caretaker conventions are in place at the time of preparation of this reply DPIPWE cannot commit to any changes in policy or staffing at this time.

24.3 Motion - Integrated Approach To Environmental Management
Council - Northern Midlands

Decision Sought

That LGAT lobby the State Government to review the current approach to environmental management and sustainable use of resources in Tasmania, with a view to developing an integrated approach with reference to overall natural systems.

That water management plans take into account other water use (such as plantations); and that there should be coordination of usage (including plantations) within a catchment.

Background Comment
These two motions, whilst discrete, are intrinsically linked and highlight a significant flaw in the Resource Management and Planning System in Tasmania (RMPS). That flaw rests in the exclusion of many forestry operations from the RMPS by section twenty of the Land Use Planning and Approvals Act 1993:

s.20 (7) Nothing in any planning scheme or special planning order affects –

(a) forestry operations conducted on land declared as a private timber reserve under the Forest Practices Act 1985; or

(b) the undertaking of mineral exploration in accordance with a mining lease, an exploration licence, or retention licence, issued under the Mineral Resources Development Act 1995, provided that any mineral exploration carried out is consistent with the standards specified in the Mineral Exploration Code of Practice; or

(c) fishing; or

(d) marine farming in State waters.

(7A) In subsection (7)(a), "forestry operations" includes the processes and works connected with –

(a) the establishment of forests; and

(b) the growing of timber; and

(c) the harvesting of timber; and

(d) land clearing, land preparation, burning off, road construction and associated quarry works conducted in relation to an activity specified in paragraph (a), (b) or (c).
This exclusion is further compounded by the State Policy for the Protection of Agricultural Land (PAL), which provides at principles ten and eleven:

10. Planning schemes must not prohibit or require a discretionary permit for an agricultural use on land zoned for rural purposes where that use depends on the soils as the growth medium, except as prescribed in Principle 11.

11. New plantation forestry must not be established on prime agricultural land unless a planning scheme reviewed in line with this Policy provides otherwise. Planning scheme provisions must take into account the operational practicalities of plantation management, the size of the areas of prime agricultural land, their location in relation to areas of non-prime agricultural land and existing plantation forestry, and the existence of property management plans for the land.

Unquestionably, it is exceedingly difficult to present an integrated approach to the use and development of natural systems with the current array of State Boards and Committees, some of which operate outside the RMPS.

For example, plantations, farm dams, irrigation, salinity and siltation of watercourses are all dealt with differently and all impact on the overall natural systems of a catchment.

The October 2004 EDO Bulletin, notes strongly that ‘protection of water quality and quantity should not be separated from decisions about land use’. It also raises the need for a consistent whole-of-government approach to resource management and a transparent allocation system that accounts for all activities affecting water quality and quantity.

In addition, the 2009 Generic Principles for Water Management Planning from the Department of Primary Industries and Water and a 2002 discussion paper from Mr Bob Graham, ‘Should forestry planning be democratic?’ refer to these issues.

References:

LGAT Comment
The identified deficiencies of the linkages between the RMPS and the forestry legislation have long presented councils with challenges in seeking to maximise environmental and catchment outcomes.

Previous lobbying to State Government in relation to improving the integration of the various planning components associated with resource management has been met with indifference.

The Association acknowledges the problems encountered by councils in seeking to achieve holistic catchment outcomes and to ensure the expectation of communities and potentially disaffected landowners are met.

Tasmanian Government Comment
A copy of this motion was provided to the Department of Primary Industries, Parks, Water and Environment but no response was received by the deadline for the circulation of agenda items. Comment will be forwarded when received.
25 PUBLIC HEALTH & NUISANCE

25.1 Motion – Smoking Legislation Amendment
Council - Hobart City

Decision Sought

That LGAT request the State Government to introduce no smoking legislation for alfresco dining areas including consideration of entire designated city streets.

Background Comment
In April 2009 the Council agreed to an independent business and community survey to be undertaken to determine the degree of public support for the introduction of smoke free areas in public places under Council’s jurisdiction. These public places included –

- Alfresco dining areas,
- Elizabeth Mall,
- Wellington Court, and
- Hobart Bus Mall.

The results of the survey indicated that the majority of businesses and members of the general public surveyed supported the introduction of smoke free public places. There were concerns raised, however, by some businesses and members of the public about the inconsistent approach by local councils generally in the consideration and introduction of smoke free public places. The concerns principally related to the ongoing viability of some businesses if customers chose to shop in other commercial areas that still permitted smoking in public places. In the health and amenity interest of all alfresco dinners a consistent State wide approach to this issue is warranted.

LGAT Comment
The negative health benefits of smoking and passive smoking are widely evidenced and acknowledged. Tasmania was the first Australian state to totally prohibit smoking in all public venues serving food and alcohol, through the Public Health Amendment (Smoke Free Areas) Act 2001.

There has been a growing community push for the State Government to take this one step further, by making all dining areas and some other public areas such as venues and shopping malls 100% smoke free.

Some councils have applied smoking bans in areas under their control. Launceston City Council has banned smoking in licensed on-street dining areas to come into effect on 1 January 2011, after consultation with the community, businesses with licensed outdoor dining areas and other stakeholders. Announced in February this year, the enforcement date of 2011 gives people time to adapt to the changes.

The Association is a member of the State Government run Inter Agency Working Group on Drugs, which addresses issues such as tobacco control and includes members such as QUIT Tasmania. The Association has the opportunity to raise Local Government concerns or suggestions through this forum.
Tasmanian Government Agency Comment - Department of Health and Human Services
The Department of Health and Human Services is prepared to investigate the feasibility of the proposed smoking legislation amendment as part of a broader review of tobacco control legislation to be conducted in mid-late 2010.

26 ANIMAL CONTROL

No Motions Received

27 COMMUNITY & SOCIAL DEVELOPMENT

27.1 Motion - Skills Shortages *
Council - Central Coast

Decision Sought

That the LGAT vigorously pursue State and Federal Governments in relation to the significant skills shortage being faced by the Local Government sector in Tasmania, with a view to securing increased funding assistance for traineeships to assist the sector; and

That the LGAT continue to actively explore ways in which councils can encourage Tasmanian students to undertake studies in the fields identified as crucial to maintaining a well resourced and sustainable sector.

Background Comment

Local Government is experiencing critical skill shortages in professions such as land use planning, environmental health, building surveying, engineering, finance and, in some council areas, there are general labour shortages across the board. Skill shortage is a major issue which is not only confronting Local Government but other industries across Australia, as the nation’s workforce is not growing sufficiently to keep pace with the labour and skills needs of a range of industries.

At Attachment to Item 27.1 is a copy of a report tabled at a meeting of the Central Coast Council held on 15 February 2010 for supporting material.

LGAT Comment

As part of the careers project, LGAT have input to training policy and make training funding submissions with State and Commonwealth agencies, and with other Local Government associations.

LGAT recently obtained $200,220 dollars from the Commonwealth to fund up to 90% of the cost for 40 certificate and diploma courses to 80 staff in 7 councils. This money will cover up to 90% of course costs, and in some cases help seed the development of new high quality content to be delivered using methods that are viable despite small numbers and remote locations.

LGAT are discussing a preliminary offer from UTAS for HECs free scholarships for a minimum of 30 staff to complete a degree, roughly valued at $900,000.
A television commercial shown from April through to May should sell the positives of council careers to the majority of Tasmanians, including 98% of our generation Y’s.

The www.thinkbigworklocal.com.au makes the link between viewer’s broad career interests, to council jobs and the training available, as well as current council vacancies. In addition to these advertising and training initiatives, actions are also being taken to gather the workforce data required to quantify our skills issues and to attack them.

The March General Meeting decision to continue to fund a careers project should enable LGAT to continue to combat the skills shortage through to 2012.

**Tasmanian Government Comment - Skills Tasmania**

The problems faced by Local Government in staffing core services are recognised, and have been the subject of considerable joint work in the past. There is little doubt that the problems have the potential to deepen as pressure builds on available skills. Factors such as the demand from resource industry growth interstate and the ageing workforce will impact.

Skills Tasmania recognises the importance of these matters and would be happy to continue working with the Local Government Association of Tasmania (LGAT) on skills matters.

It is doubtful whether the issue is Government funding and there are other possibilities that are likely to be worth pursuing, including both existing programs and workforce planning strategies across Local Government.

Given the labour force pressures and constraints, every effort should be made to get benefit from workforce planning solutions and it would be worthwhile to take advantage of the next Skills Tasmania Conference which is aimed at helping employers understand what can be done. The conference will be held at Wrest Point Conference Centre on 21 June 2010.