General Meeting

Minutes

26 September 2012

Brighton Civic Centre

Green Point Road
Bridgewater

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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>
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<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>
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<td>Under 10,000</td>
<td>1</td>
<td>Red</td>
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<tr>
<td>10,000 – 19,999</td>
<td>2</td>
<td>White</td>
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<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>
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(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 or not.
(ii) When a vote is being taken for the Association to sign a protocol, memorandum of understanding or partnership agreement, the resolution must be carried by a majority of votes capable of being cast by Members and by a majority of Members, whether present at the Meeting or not.
(iii) When a vote is being taken to amend the Rules of the Association, the resolution must be carried by at least two-thirds of the votes capable of being cast by Members, whether present at the Meeting or not.
GENERAL MEETING AGENDA

9.30 am  Coffee on arrival
10.00 am  Meeting commences
12.00 pm  Approximately, lunch will be provided
<table>
<thead>
<tr>
<th>Item</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Item: Minutes of General Meeting Held On 11 July 2012*</td>
<td>6</td>
</tr>
<tr>
<td>2 Item: Business Arising *</td>
<td>6</td>
</tr>
<tr>
<td>3 Item: Confirmation of Agenda</td>
<td>7</td>
</tr>
<tr>
<td>4 Item: Follow Up Of Motions *</td>
<td>7</td>
</tr>
<tr>
<td>5 Item: Monthly Report To Councils*</td>
<td>7</td>
</tr>
<tr>
<td>6 Item: Council Round-Ups</td>
<td>8</td>
</tr>
<tr>
<td>7 Item: Heritage Legislation *</td>
<td>8</td>
</tr>
<tr>
<td>8 Item: Planning Schemes (Including Online Planning)</td>
<td>9</td>
</tr>
<tr>
<td>9 Item: Mayors Workshop And Mayoral Handbook</td>
<td>12</td>
</tr>
<tr>
<td>10 Item: Electricity/Street Lighting</td>
<td>13</td>
</tr>
<tr>
<td>11 Item: Environmental Dispute Mediation Trial</td>
<td>14</td>
</tr>
<tr>
<td>12 Item: Residential Property Transactions Bill 2012 (Vendor Disclosure)</td>
<td>15</td>
</tr>
<tr>
<td>13 Item: Emergency Management</td>
<td>16</td>
</tr>
<tr>
<td>14 Item: 2012 Annual Conference</td>
<td>19</td>
</tr>
<tr>
<td>15 Item: Household Hazardous Waste</td>
<td>21</td>
</tr>
<tr>
<td>16 Item: Asset Management</td>
<td>22</td>
</tr>
<tr>
<td>17 Item: Model General Manager Contract</td>
<td>23</td>
</tr>
<tr>
<td>18 Motion: Review of Planning Directive 4</td>
<td>23</td>
</tr>
<tr>
<td>19 Motion: Bass Strait Freight Equalisation</td>
<td>26</td>
</tr>
<tr>
<td>20 Motion: Terms of Appointment as President of LGAT</td>
<td>28</td>
</tr>
<tr>
<td>21 Item: Local Government Reform</td>
<td>29</td>
</tr>
<tr>
<td>22 Item: Water and Sewerage</td>
<td>31</td>
</tr>
</tbody>
</table>
23  Item: Constitutional Recognition Update .......................................................... 33
24  Item: Advertising Campaign.................................................................................. 34
25  Closure .................................................................................................................. 35
The President welcomed Members and declared the meeting open at 10.00am.

Apologies were received from -

Mayor Mike Gaffney Latrobe Council
Mr Robert Dobrzynski Launceston City Council
Mayor Jan Barwick Tasman Council
Mr Robert Higgins Tasman Council
Mr Tim Kirkwood Southern Midlands Council
Mr Raoul Harper Flinders Council
Deputy Mayor Cheryl Fuller Central Coast Council
Mayor Kim Polley Northern Midlands Council
Acting Mayor Brett McDonald Sorell Council
Ms Lyn Eyles Central Highlands Council
Mr David Metcalf Glamorgan Spring Bay Council
Deputy Mayor Royce Conley King Island Council

1 ITEM: MINUTES OF GENERAL MEETING HELD ON 11 JULY 2012*

West Coast Council/Circular Head Council
That the Minutes of the meeting held on 11 July 2012, as circulated, be confirmed.

Carried

Background:
The Minutes of the General Meeting held on 11 July 2012, as circulated, are submitted for
confirmation and are at Attachment to Item 1.

2 ITEM: BUSINESS ARISING *

That Members note the information.

Noted

Background:
At Attachment to Item 2 is a schedule of business considered at the previous meeting and
its status.
3 ITEM: CONFIRMATION OF AGENDA

That consideration be given to the Agenda items and the order of business.

Noted

Background:
Delegates will be invited to confirm the agenda for the meeting and the order of business.

4 ITEM: FOLLOW UP OF MOTIONS *
Contact Officer – Katrena Stephenson

That Members note the following report.

Noted

Background:
A table detailing action taken to date in relation to motions passed at previous meetings is at Attachment to Item 4.

5 ITEM: MONTHLY REPORT TO COUNCILS*

That Members note the reports for May, June and July 2012

Noted

Background comment:
Monthly reports to Councils that briefly outline Association activities and outcomes for the previous months are at Attachment to Item 5.
ITEM: COUNCIL ROUND-UPS

That with the agreement of Circular Head Council, the Council Round was deferred to the November General Meeting.

Background comment:
Circular Head Council has offered to conduct a brief presentation on a matter that is of interest in their municipality. The session also allows time for questions and provides an opportunity to briefly share and highlight problems or opportunities facing councils.

ITEM: HERITAGE LEGISLATION *

Contact Officer – Katrena Stephenson

That members note the report. Noted

Background comment:
Further to the LGAT report at the July Meeting, proposed amendments to the Historic Cultural Heritage Act 1995 were tabled in Parliament on Tuesday, 21 August 2012. Debate in the House of Assembly is expected to commence shortly afterwards. Should the amendments pass, proclamation is expected to be 1 March 2013. This will allow sufficient time to review existing and develop new resources to support the reforms and provide training for Local Government ahead of the amended practices. Heritage Tasmania has begun work on developing a training program for Local Government. Heritage Tasmania will continue to liaise with the LGAT to ensure the training program and its delivery will provide the greatest possible opportunity for local councils to engage in the program.

Heritage Tasmania will need to carefully manage their requirements and they have committed in the first instance to the employment of a Heritage Planner who will be responsible for managing intake of works applications. They also intend to better utilise delegations. They are also prepared to consider further amendments should difficulties arise in practice.

Further discussion will take place with General Managers and planning staff in relation to managing the intended changes and Heritage Tasmania and LGAT will jointly monitor the implementation and tackle issues that arise.

A fact sheet has been prepared by Heritage Tasmania and is at Attachment to Item 7.

Budget Impact
Does not apply.

Current Policy
Does not apply.
Background Comment:
There continues to be significant activity in the planning space. This report aims to inform and update members on a range of activity and issues.

Proposed Draft Planning Directive - Single Dwellings and Multiple Dwellings (Villa Units and Townhouses) in the General Residential Zone
Councils were provided early opportunity to provide feedback on a proposed Planning Directive. LGAT made a submission on behalf of the Sector, supported by individual council submissions with more detailed technical feedback.

The Association was heartened by the early consultation, a stark contrast to consultation on the amendments to the Land Use Planning and Approvals Act. However, it was fair to say there was a mixed level of support for the Proposed Draft Directive. This largely related to the differences in impact of implementing PD4.

Regardless, councils made numerous suggestions focussed at ensuring the draft Directive is robust, has clear attainable outcomes, is equitable across dwelling development types and is supported by sound strategic planning consistent with regional land use strategies.

Councils felt there was further opportunity to explore issues that have arisen in relation to PD1 and PD4 in order to ensure there were not remaining constraints to delivering a fully considered residential code.

The LGAT submission also seeks that, upon approval, this Planning Directive should be limited to the application of new and interim schemes and not apply to existing schemes.

The submission is available on the LGAT website at www.lgat.tas.gov.au.

Planning Schemes Online Project
The objective of this Tasmanian Planning Commission (TPC) project is to improve the accessibility of Tasmanian Planning Scheme Mapping and related planning scheme requirements through delivering up to date digital planning scheme mapping datasets to users online through the Land Information System Tasmania (LIST).

The Steering Committee comprises representatives from the Regional Planning Projects, LGAT, DPIPWE (Land Information) and Economic Development as well as the Planning Commission. It is supported by a technical working group.

The Planning Schemes Online Project aims to make Tasmania’s planning schemes more accessible by providing a single access point for up to date planning scheme mapping through the LIST. The LIST is a whole of government service that delivers integrated land information online.

The project is part of the Tasmanian Planning Commission’s regional planning initiative in collaboration with Local Government. The project seeks to maximise the benefits and opportunities provided by the GIS management of new planning schemes to improve the functioning of the Tasmanian planning system.
While the scope of the project was initially about ‘maps’, there has been some discussion recently about online planning ordinances. This, combined with a need expressed by the Southern Planning Project in relation to managing content and public review during development of the regional plan and interim schemes, has led to some discussion about acquisition of a content management system with the ability to in future display online declared scheme ordinance and link ordinance to GIS mapping to enable online reporting of relevant scheme requirements for an individual property.

This expanded scope is yet to be fully canvassed with councils. In principle there is merit but at this stage, the implications for Government and councils in terms of immediate and ongoing resourcing have not been mapped. LGAT has sought the development of a business case that can be used in consultation with Member Councils. The Association has some reservations, based on the similar aspects of eDA, that without full funding by the State, there may not be sufficient benefits compared to costs for Councils.

It is intended to discuss this project at the General Managers workshop in September as part of the consultation process.

Amendments to the Land Use Planning and Approvals Act

A number of amendments were made to the Land Use Planning Approvals Act to support the regional planning initiative and in particular progression of the interim schemes. They included the ability to allow for ‘regional common provisions’ and mandatory common provisions, ensuring that state-wide codes superseded any local codes but allowing for local provisions to override common provisions (e.g. bushfire code vs PD4), and provided for interim planning schemes to be amended during the assessment phase or prior to declaration.

The Association raised concern with the Minister and the Executive Commissioner of the Tasmanian Planning Commission regarding extremely limited consultation on these amendments.

The timetable that we were asked to adopt was as follows:

- 3 working days to provide comment on a principles document
- 3.5 working days to provide comment on the Bill before it was tabled in Parliament.

This timetable firstly meant that the Bill could only be considered at an Officer level. Secondly, it left us with concern that the timeframes have not allowed for sufficient scrutiny to identify all the potential issues that may arise from the changed legislation. Councils have not been able to fully examine, for example, the bureaucratic impacts of changes (that might be counter to the goal of streamlining planning processes) and whether all the changes are indeed necessary.

While we indicated that councils were supportive of ensuring interim planning schemes can be finalised and declared, we noted that they raised concerns about the need for legislative amendments more than 6 months ago which were ignored until it was almost too late.

We made it clear that councils should not have to wear the impact of poor forward planning at the Tasmanian Planning Commission.

Regional Planning Initiative

At the Premier’s Local Government Council (PLGC) meeting in August the Executive Commissioner provided a project update.

While the three projects are well advanced with draft scheme preparation, the magnitude and complexity of work have impacted on anticipated completion dates.
A significant issue has arisen late in this process. As a consequence of advice from the Solicitor-General there are question marks around the legality of certain zoning provisions in the interim planning schemes.

The Northern Region, who have interim planning schemes under consideration, have indicated that apart from the fact the advice has come so late in the piece, the conservative approach being taken by the Planning Commission is fundamentally at odds with what is required by planning authorities because of the high level nature of the Regional Strategy and its inability to reflect local issues. Further, there has been a failure to recognise the significant community consultation that has been undertaken to date, even though not required. For example, Launceston City Council wrote to all land owners who would face a zoning change under the new scheme.

The concerns of Local Government were expressed strongly by the LGAT President at the August PLGC Meeting.

Outside of this issue the priorities for 2012-13 remains the preparation of final draft schemes for consideration by the Minister and to finalise future arrangements for review and revision of regional strategies. While Councils work diligently at the first, we are awaiting detail from the State Government on the latter.

**State-wide Planning Provisions and Codes**
The Independent Panel assessing the Draft Bushfire Code has finalised its report and recommendations for consideration by the Minister.

TPC consideration of landslide and flooding codes by has been deferred until the natural risks and hazards project is further progressed (see report on Emergency Management).

Draft contaminated land and road and railway asset codes are currently being assessed by an independent panel.

**Budget Impact**
Does not apply.

**Current Policy**
Does not apply.
9 ITEM: MAYORS WORKSHOP AND MAYORAL HANDBOOK
Contact Officer – Katrena Stephenson

That Members note the report.

Background comment:
On the 27 July the Association convened a workshop for Mayors. Primarily the workshop focussed on the Mayor’s role in relation to meeting procedures and relationships between the Mayor, the General Manager, other staff and other councillors.

The aims of the workshop were to:
- Inform participants about requirements of the Mayor as prescribed through the Local Government Act and its regulations;
- Cover relationships and liaison;
- Provide information on best practice in meeting procedures;
- Provide the opportunity for Mayors to share experiences and learn from each other; and
- Distribute a revamped Mayoral Handbook.

The Director of Local Government, Security and Emergency Management, Mat Healey, spoke on the role of Mayors and their requirements under the Act.

Former LGAT President and Flinders Island Mayor, Lynn Mason provided detailed training in relation to Meeting Procedures and the Mayor’s role in chairing meetings.

Fifteen Mayors attended the workshop and questions were wide ranging. Both presenters identified the need for clear policies to support meetings, relationships and communications across Council.

The Mayoral Handbook is available on the LGAT website (http://www.lgat.tas.gov.au/For Elected Members/Mayoral Handbook). It recognises that the role of Mayor can be very challenging. It requires strong leadership, political judgement and tact in order to achieve a suitable balance between community expectations and specific legal limitations of the role. The handbook aims to be a resource which gives Mayors clear and easily understood guidance in relation to their legal role as outlined in the Local Government Act and associated Regulations.

LGAT staff would value any feedback on the Mayoral handbook. Should you have suggestions about further information which could add value to the handbook please contact Katrena Stephenson in the first instance.

Budget Impact
The workshop was run on a cost recovery basis.

Current Policy
Does not apply.
10 ITEM: ELECTRICITY/STREET LIGHTING  
Contact Officer – Kate Hiscock

That Members note the report.  
Noted

Background comment:
The Association has been working with members on the issue of moving towards more sustainable street lighting. It has been identified that council knowledge of sustainable lighting options, pricing and an understanding of public lighting assets is required to enable councils to develop a business case and options. Once a business case has been completed, it may also be possible for councils to attract funding towards conversion to sustainable public lighting such as the Community Energy Efficiency Program likely to announce another funding round towards the end of 2012.

The Association has been building its relationship with Aurora Energy, recently formalising an agreed working relationship on sustainable street lighting. Recently LGAT coordinated two forums on sustainable street lighting with Aurora Energy with representatives of the retail, energy and distribution businesses attending.

The forum agenda included:

- Overview of Aurora’s public lighting strategy;
- Broad overview of the regulatory framework, including pricing;
- Aurora’s approach to asset management and energy efficiency, including risks, issues; options and myths;
- Understanding your street lighting bill;
- Discussion of various lighting technologies; and
- Future directions for Aurora and Local Government regarding street lighting.

The Association has provided Aurora Energy a list of questions that arose though the forums and Aurora are currently providing responses. Once received, the questions and answers will be distributed to councils along with a copy of Aurora Energy’s presentation and some additional information. The Association is aware that Hobart City Council and Glenorchy City Council are working on an accelerated conversion project for sustainable public lighting and looks forward to sharing knowledge on this issue.

Another issue that arose though the forum is that Aurora Energy is likely to cease undertaking structural integrity assessment of private electricity and lighting poles. This service is currently undertaken free of charge by Aurora. As there is no formal standard for pole assessment and consequently no certified assessors, it is unknown what the consequences of this will be in terms of liability and service provision in the future. Aurora uses its own standard and assessors but will likely no longer extend this to privately owned poles.

The Association is also following up Aurora’s current requirements around replacement of private poles and the inability for owners of private poles to remediate poles by ‘staking’, or replace wooden poles with metal poles. The Association has commenced enquires through Work Place Standards Tasmania on both these issues.

The Association continues to keep a watching brief on the State Government’s Energy reforms, with particular regard to retail contestability and what this means for street lighting services.
11 ITEM: ENVIRONMENTAL DISPUTE MEDIATION TRIAL
Contact Officer – Kate Hiscock

That Members note the report.

Noted

Background comment:
As a result of a partnership between the Local Government Association of Tasmania and the State Government, a twelve month environmental dispute mediation trial commenced on 1 February 2012. Council Environmental Health Officers (EHOs) are now able to refer appropriate environmental nuisance cases to GetYes Solutions for mediation.

The trial is jointly funded (50/50) by the Environment Protection Authority (EPA) Board and LGAT members. It targets those environmental nuisance complaints that are difficult for EHOs to manage as they do not have an obvious regulatory or planning solution, and may have arisen from, or been exacerbated by, a breakdown in communication between the disputing parties. If the relevant parties agree, such disputes may be resolved by mediation.

The contracted mediators GetYes Solutions are based in Hobart but will travel around the State as required to deliver mediation services. Each mediation case will be capped at $2,000 and uptake will be monitored throughout the trial to ensure equitable access to the service. GetYes Solutions will work with Council EHOs at the point of referral to determine the suitability of cases for mediation.

Following a slow take up, LGAT recently facilitated a workshop for EHOs to examine potential barriers to mediation and any other barriers to the use of the trial. An outcome of this workshop was a revision of the criteria for case referral, expanding the criteria to allow the inclusion of disputes involving small businesses or industrial parties, as long as one party is residential. Since the workshop there have been a number of new case referrals.

LGAT is currently discussing possible continuation of the trial beyond the initial twelve months with the EPA, due to the initial slow take up of the trial service. Updates will be provided on this once a decision is made.

Information on the trial including the revised criteria is available on GetYes Solutions’ website: www.getyes.com.au

If you have any queries about the trial please contact Kate Hiscock in the first instance.
Budget Impact
Once off trial funding:
Local Government $50,000 for the 2011/2012 financial year
EPA Board $50,000 for the 2011/2012 financial year

Current Policy
Does not apply.

12 ITEM: RESIDENTIAL PROPERTY TRANSACTIONS BILL 2012 (VENDOR DISCLOSURE)
Contact Officer – Kate Hiscock

That Members note the report.

Background comment:
Earlier this year, the Minister for Consumer Protection, Nick McKim, sought comment on the draft Residential Property Transactions Bill 2012, which establishes requirements for vendor disclosure in relation to residential property sales. The proposed draft Bill has a number of impacts for Local Government.

Despite the Second State-wide Partnership Agreement on Communication and Consultation between the State Government and the Local Government Association of Tasmania, 2008, neither the Association nor individual councils were formally advised of the draft legislation. The Association expressed concern directly with the Director of Consumer Affairs (responsible for the draft Bill) that this failure was in breach of the communications and consultation protocol and was able to negotiate more time for the Association to develop a submission in consultation with members.

In general, members were not opposed to the policy reasons for requiring better vendor disclosure in residential conveyancing transactions, however, there was a common view that certain parts of the draft Bill were unlikely to deliver full protection for potential purchasers of residential properties. Further, the draft Bill did not take into account the extra impact that some of its provisions would have on Local Government operations or the fact that the proposed legislation would bring the council very much into the conveyancing process and contractual relations between a vendor and purchaser.

There were also a number of specific issues relating to the upfront issuing of 337 certificates and in the case of auctioned properties a requirement for the upfront provision of a Building Certificate. It was felt the draft Bill would be likely to create a heightened awareness of risk involved in residential conveyancing transactions and, as a result, many solicitors and conveyancers may recommend to ordinary conveyancing contract clients to obtain a building certificate as part of their own due diligence enquiries for acting on behalf of a purchaser. This would consequently increase the number of requests to councils increasing the workload of councils in an area which is not currently resourced for that level of activity.

In developing its submission, the Association received the assistance of legal advice from the Municipal Association of Victoria as the provider of Liability Mutual Insurance for Local Government in Tasmania. The Association would also like to thank Huon Valley Council and Clarence City Council for their assistance on this issue.
The full submission was emailed to all General Managers and is available on the Association's Website at www.lgat.tas.gov.au.

**Budget Impact**
Does not apply.

**Current Policy**
Does not apply.

13 ITEM: **EMERGENCY MANAGEMENT**  
Contact Officer – Georgia Palmer

That Members note the report.  

Noted

**Background comment:**
Significant activity is occurring at the state level in relation to Emergency Management. This report aims to inform and update members on the status of these policies and reviews and to update members on LGAT specific projects.

**State Bushfire Policy**
The Tasmania Fire Service (TFS) released a draft Bushfire Policy in October 2010. The draft policy was circulated to councils and other stakeholders for comment and LGAT provided feedback to the TFS. Key points which were raised in the LGAT response included issues relating to vulnerable people, ‘nearby safer places’, implementation of the policy and land use planning. In addition to providing a written submission to the TFS, LGAT has met with the TFS to further discuss the submission and policy. The policy will be redrafted and circulated to councils before it is resubmitted to the State Emergency Management Committee at its October 2012 meeting.

**State Community Recovery Plan**
DPAC has recently finalised the draft State Special Emergency Management Plan relating to Recovery (Recovery Plan).

The purpose of the Recovery Plan is to provide a broad framework for Tasmania’s recovery arrangements, which can be tailored to the requirements of each emergency, and support the affected community to manage its own recovery. It is recognised that recovery activities will often begin spontaneously within a community and it is the role of formal recovery arrangements to provide structure and resources, to support these spontaneous efforts.

The Recovery Plan relates primarily to the roles of State Government agencies and Regional Committees. While it outlines Local Government responsibilities in accordance with the *Emergency Management Act 2006*, the Plan clearly delineates between Local Government responsibilities and the responsibilities of the State Government.

The draft Recovery Plan was circulated to councils in May for comment. Considerable feedback was received from councils and a submission drafted. The majority of feedback provided in the submission has been accepted by DPAC and the changes have been incorporated.
One of the key issues raised in the LGAT submission was that the plan focused on social recovery and did not adequately cover economic, environmental and infrastructure recovery. Feedback from DPAC on this issue is that they agree that the plan does not adequately cover these aspects of recovery but are hopeful, as State arrangements mature, that future versions of the plan will cover all aspects of recovery.

It is intended that the plan will be a living document so that as other issues arise they can be addressed.

**Local Government Relief Policy Review**

The State Government, led by the Department of Premier and Cabinet, is currently undertaking a review of the Local Government Relief Policy under the Tasmanian Relief and Recovery Arrangements. LGAT, along with Treasury, DIER and SES are represented on the steering committee overseeing the review.

The aim of the review is to address a number of issues which were identified following the flooding events that occurred in Tasmania during the first half of 2011. In particular:

- the difficulty in determining the scale and magnitude of events resulting in activation issues that potentially delays the provision of required assistance to Local Government;
- The accurate and timely collection of damage information. This has resulted in costs which may have been reimbursable from the Commonwealth not being recovered;
- The consistency of the activation of assistance and the fact that the current policy is not able to retrospectively provide assistance to councils for the compounding of events over the course of the financial year; and
- The lack of a policy position on infrastructure betterment that can be routinely applied to council assets pre and post a flooding event.

An initial meeting has been held to discuss the review. More detailed information on the scope of the review and opportunities for formal input into the review will be forwarded to councils in the near future.

**Tasmanian Emergency Management Plan Review**

The Tasmanian Emergency Management Plan has recently been reviewed. Changes made to the plan include amendments regarding land use planning, spontaneous volunteer management, vulnerable people and Rapid Impact and Damage Assessment as well as reflecting structural and protocol changes. Through Regional Emergency Management Committees, councils were provided with an opportunity to comment on the review. Once the plan has been approved by the Minister for Police and Emergency Management it will be distributed to all emergency management stakeholders including councils.

**Tasmanian State Natural Disaster Risk Assessment**

The State Government is currently undertaking a Tasmanian State Natural Disaster Risk Assessment. The Assessment is focused on natural hazards and is limited to significant state level disasters. Priority Hazards include bushfire, flooding, storms/severe weather, landslide and Earthquake and storm surge/coastal inundation (including Tsunami threat).

The Assessment is intended to inform the decision making by the State Emergency Management Committee (SEMC) and to inform risk mitigation priorities at the state level. The state hazard management authorities were involved in workshops to inform the assessment.

The methodology used to undertake the risk assessment has been based on the National Emergency Risk Assessment Guidelines (NERAG).
It is intended that the methodology used to undertake the State Assessment will be trialled at the regional level in the North of the state. Based on the outcome of this regional assessment, further assessments may be done using the NERAG guidelines for the other regions.

A NERAG type assessment has been trialled at the municipal level by Circular Head Council. Circular Head Council was able to access grant funding through the National Disaster Resilience Program to contract a consultant to undertake the work. The council has been very happy with the work. Other councils are now showing interest in undertaking similar assessments; however, the complexity of the NERAG necessitates engagement of risk consultants to undertake the work.

Following the completion of the State Assessment recommendations are likely to be made regarding the current risk assessment processes at the regional and municipal level. LGAT will continue to liaise with the State Emergency Services in relation to the recommendations.

At recent Municipal Emergency Management Forums, the Project Manager for the State Risk Assessment demonstrated a Victorian Government tool developed specifically for Local Government to undertake risk assessments using the NERAG. The CERA (Community Emergency Risk Assessment) tool has been tested by Kingborough Council on two of its risks - bush fire and climate change. Initial feedback is that the tool is worthy of pursuing and the SES is currently trying to access an unlocked copy of the program so further testing can be performed.

The state risk assessment will inform the development of a State Hazard Mitigation Strategy.

### All Hazards Approach to Land Use Planning

The Department of Premier and Cabinet’s, Division of Local Government, Security and Emergency Management (DLGSEM) is currently developing a hazard based method to treat natural hazards consistently throughout the State. LGAT has been represented on the steering committee overseeing the project.

The project aims to develop:

- Clear guidance on why governments intervene in the use of land when mitigating the potential impacts of natural hazards; and
- A transparent framework for translating policies on natural hazards into strategic land use decisions and planning controls.

The draft _Overarching Principles for the Consideration of Natural Hazards in the Planning System (Principles)_ and the draft _Guide for the Consideration of Natural Hazards in the Planning System (Guide)_ have been developed to support the delivery of these aims.

Workshops have been held to review the draft principles and guidelines and to test them on the treatment of landslide. Local Government staff, industry representatives and State Government officers participated in these workshops. Feedback from the workshops has included strong support for the development of the guide, however a number of issues have been raised that need further consideration. These include understanding the implication of risk zones on planning schemes, particularly in relation to revised maps over time; increased developer costs; and whether the requirements will be applicable to all developments in all circumstances. Follow up workshops on landslides were held with regional planners in June 2012.

Broader consultation on the application of the Principles and Guide to the other priority hazards of flood and coastal inundation will be held in the coming months.

### Emergency Management Act 2006 Review
The State Emergency Management Committee (SEMC) has recently set the review of the *Emergency Management Act 2006* as an emergency management priority to consider amendments resulting from its first six years of operation. SES will be leading the review project.

LGAT will be represented on the Steering Committee overseeing the review. The first meeting of the Steering Committee occurred in July 2012 at which the Terms of Reference were agreed. The next step is for an issues paper to be developed which will be circulated for broad consultation with councils and other stakeholders.

**Tasmanian Protocol for Resource Sharing.**

At the July General Meeting, members endorsed the development of a Resources Sharing Protocol for Emergency Management. LGAT has begun to draft the Protocol and is about to begin consultation with:

- Department of Premier and Cabinet- Office of Local Government, Security and Emergency Management and Security;
- State Emergency Services- who are currently working on a State Government inter-agency resource sharing project;
- Department of Health and Human Services;
- Civic Mutual Plus regarding insurance issues; and
- Work Cover Tasmania regarding OH&S issues.

Once consultation is complete the draft protocol will be circulated to councils for comment.

**Budget Impact**

Does not apply.

**Current Policy**

LGAT will continue to provide members with updates of these policies and reviews and will coordinate Local Government input into these reviews and policies.

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**14 ITEM: 2012 ANNUAL CONFERENCE**

Contact Officer – Stephanie Watson

That Members note the report.

Noted

**Background comment:**

This year a record number of delegates (over 200) attended the 100th Local Government Conference, held at Wrest Point from 11-13 July. Half of the survey respondents rated the conference as ‘excellent’, and 50% rated it as ‘good’.

The dinner, extensive trade exhibition and the quality conference speakers were highlights for many, in particular, keynote speakers - Professor Brian Dollery and Michael McQueen. Sponsors and trade exhibitors also reported that a high level of enjoyment and value was derived from their involvement with the conference.

This year, the dinner was held for the first time onsite in the Boardwalk Gallery with 68% of respondents rating the venue as ‘excellent’ and 32% rating it as ‘good’. Despite having to
limit the number of dinner guests due to the size of the room, delegates commented that this arrangement was preferable to being transported offsite.

The 2012 Local Government Awards for Excellence, incorporating the inaugural Achieving Excellence through Innovation Award, were presented during the Conference by the Hon Bryan Green MP.

This year, 21 nominations were received from 15 councils throughout the State. The winners were:

**Delivering Excellence for our Communities Award**  
Meander Valley Council – *STUDIO BE*

**Delivering Excellence in Natural and Built Environments Award**  
Burnie City Council – *Burnie Waterfront Rejuvenation*

**Achieving Excellence through Innovation Award**  
Central Highlands Council – *Economic Development Action Plan*

At the conference dinner, the following awards were presented:

**Life Members Award for Meritorious Service**  
Mayor Tony Foster, Brighton Council

**Life Membership Long Service Award**  
Mr John Stretton, Waratah-Wynyard Council  
Mr Wayne Chellis, Northern Midlands Council

**Outstanding Commitment and Service to Local Government**  
Mr Paul Arnold, Burnie City Council

A moderate level of radio, TV and press coverage was gained for the conference and the awards (particularly in the North), with the support of Corporate Communications.

Funds were raised this year for Diabetes Tasmania. Delegate contributions were topped up with a donation from LGAT in lieu of purchasing speaker gifts. A total of $1,700 was raised and the cheque will be presented to Diabetes Tasmania at the Sponsor and Local Government appreciation event.

The dates for the 101st Local Government Conference are to be advised.

**Budget Impact**  
With a healthy level of sponsorship and an increase in delegate numbers, it is anticipated that the conference will deliver a reasonable return to LGAT to cover event administration.
Background comment:
The Tasmanian Household Hazardous Waste Pilot Collection Program is a joint project between the Tasmanian Department of Environment, Parks, Heritage and the Arts (DEPHA), the Local Government Association of Tasmania (LGAT), and the three regional bodies (Southern Waste Strategy Authority, Cradle Coast Authority and the Northern General Managers’ Group), and is jointly funded by a DEPHA Living Environment Program (LEP) and the 29 councils in Tasmania.

The project involves protecting the environment through the efficient and effective operation of waste management strategies with particular regard to household hazardous waste (HHW) that may otherwise enter the waterways or cause other environmental harm.

The program saw a significant increase in participation and volumes surrendered during the 4 drop-off days, Clarence, Hobart, Launceston and Burnie in November 2011 (In the case of Clarence, more than twice the expected volume). Over these four days the program collected 26,000 kg of HHW, compared to 53,000 kg collected over 30 collection days previously.

This unexpected success indicates the program is still gathering momentum, however on the down-side, left a significant dent in the budget requiring consultation with stakeholders on the best way to proceed.

After receiving feedback from Southern Waste Strategy Authority, Cradle Coast Authority, Northern Tasmanian Waste Management Group and DPIPWE a position to increase Local Government funding was not unanimous, and the only option was to cancel the remaining 4 drop-off days scheduled for Spring 2012.

3 year Summary
- Provided 34 drop-off days across 24 council jurisdictions.
- Used by 2,688 people.
- Collected over 78,000 kg of household hazardous waste.

The HHW program is approaching the end of its agreed term, with the coordinators contract ceasing on 21 December 2012. The HHW Steering Committee has consulted further with stakeholders to agree on the scope of the coordinators work for the remainder on this year. As such the coordinator will provide a full three year assessment report, consult closely with each region, and then provide recommendations for future state and/or regional HHW activities.

Budget Impact
Does not apply.

Current Policy
Does not apply.
ITEM: ASSET MANAGEMENT
Contact Officer – Sue Grau

That Members note the report and the need to continue momentum in strategic asset and financial planning, especially given the State Government’s commitment to legislation mandating minimum requirements.

Noted

Background comment:
The rigorous schedule of training, workshops and assessments conducted by the Institute of Public Works Engineering Australia (IPWEA) was completed in late July 2012. The Regional Coordinators have been actively offering their assistance to councils, participating in asset management workshops; attending regional groups and contacting councils directly. With the completion of this training and the work of the Regional Coordinators, it’s accurate to say that all councils and elected members have had opportunities to either build capacity or improve processes for strategic asset management and long-term financial planning.

The outstanding Commonwealth milestones for the project, to be completed by the end of September 2012, are that each council in Tasmania has a ten year long term financial plan and an asset management plan for major assets (ie roads for most councils). At the time of writing this report, it is anticipated that with some intense one-on-one assistance for some councils this can be achieved.

At its August meeting, the Steering Committee for the project noted the commencement of a process by the PLGC to develop legislation mandating long-term asset management and long-term financial plans, with links to sustainability indicators and within an auditing and compliance framework. The Steering Committee recognises the importance of continuing momentum in terms of this strategic planning whilst legislation is developed and that producing strategic plans needs to be treated as an on-going process.

Although the project should achieve the “products” required by the Commonwealth - a long term financial and asset management plan in place in all Tasmanian councils, the development of these plans should represent an ongoing process of continual review and improvement. Many of the plans for example, represent a first cut plan and some councils in a recent survey indicate they would appreciate review and one-on-assistance to improve these plans, especially in regard to how well they integrate with each other.

These needs will be incorporated in a forward plan for the project, developed by the project’s Steering Committee and funded by surplus budget. The first part of this plan is to fully fund two council asset management or finance staff from all councils to attend a two day Long Term Financial Planning workshop presented by John Comrie (IPWEA). The second day of this workshop will work directly with a template so participants can produce a long-term financial plan.

Budget Impact
Due to effective negotiation; timetable of overlapping training and workshops; and councils offering free venues, there were savings on the original contract price with the Institute of Public Works and Engineering Australia to provide the workshops, training and assessments for the second stage of the project.

The Steering Committee for the Financial and Asset Reform Project has emphasised the importance of adequately supporting councils to prepare for the introduction of legislation mandating long-term financial and asset management plans, and has developed a forward plan for the project post September 2012 using surplus funds.

Current Policy
This is a priority project for the Association.

17 ITEM: MODEL GENERAL MANAGER CONTRACT
Contact Officer – Katrena Stephenson

Circular Head Council/Northern Midlands Council

That Members agree to a joint project between LGAT and LGMA to develop a model General Manager’s contract.

Carried

Background comment:
At various times elected members or general managers have sought assistance from the LGAT in relation to General Manager contracts – development and oversight. Similar requests have also been raised by members of the Local Government Manager’s Association (LGMA).

The LGAT developed a proposal, which the LGMA Board has considered and supported (at their 24 August meeting) which we now bring to the General Meeting for consideration.

The key points related to the proposal are as follows:

- We believe something can be produced for around $5000.
- Costs would be equally split across both organisations.
- The intent is to provide a basis for contract negotiations which reflects key considerations for both Council and the General Manager.
- By partnering, LGMA and LGAT would offer discrete paths for consultation for elected members and employees so that views could be freely provided and advocated for in developing a product which suits all parties.
- The end product would be made available to members of both organisations.
- This would be tool available for councils, it is not intended that all councils be required to use it.

If successful, LGAT anticipates that a secondary project, providing information and training for elected members with regard to contract negotiations and performance management would be scoped.

Budget Impact
It is anticipated that such a project would cost LGAT around $2,500.

Current Policy
Does not apply.

18 MOTION: REVIEW OF PLANNING DIRECTIVE 4

Northern Midlands Council/Launceston City Council

General Meeting Minutes – 26 September 2012
That the LGAT lobby the State Government to review Planning Directive 4 to remove inconsistencies with the objectives of the Resource Management and Planning System of Tasmania.

Carried

Background comment:
This motion refers to the 2011 introduction, into every planning scheme State-wide, of a single set of standards for single dwellings. The preparation and introduction of these standards was in response to claims, largely unsubstantiated, by some developers and peak bodies of the development industry that the differences in development standards from one planning scheme to another made the process of gaining planning approval too onerous for developers and was discouraging interstate investment.

It was argued that developers needed a simplified process that provided them with certainty. Consequently, PD4 has set out to remove the need for planning approval provided a minimum number of elementary standards are met. Discretionary planning approval may be required where one or more of those standards are not met – however, such discretion is limited to those standards. Other matters are considered dispensable.

When the current Resource Management and Planning System was introduced into Tasmania in 1994, it had a central set of common objectives. All planning schemes are still required to further those objectives.

PART 1 - Objectives of the Resource Management and Planning System of Tasmania

1. The objectives of the resource management and planning system of Tasmania are –
   (a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity;
   (b) to provide for the fair, orderly and sustainable use and development of air, land and water;
   (c) to encourage public involvement in resource management and planning;
   (d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and
   (e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.

2. In clause 1(a), sustainable development means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while –
   (a) sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations;
   (b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and
   (c) avoiding, remediying or mitigating any adverse effects of activities on the environment.

It is definitely fair, orderly and sustainable for the developers if they are able to avoid planning approval and the need to demonstrate that a development does not adversely impact upon the neighbours.
However, it is not so fair, orderly and sustainable for the neighbours. Consider, for example, Mrs A who had decided to promote sustainable use of land, air and water and planted a vegetable garden on the northern side of the house and installed solar panels on the roof. Is it fair, orderly and sustainable, for her, when the northern adjoining property owner erects a six metre high outbuilding only three metres from their common boundary? The outbuilding is incidental to the dwelling and meets the PD4 standards. Even though the vegetable garden and solar panels will now be in shadow for most of the day and Mrs A’s cost of living will rise significantly and she may never reach break-even with the solar panels, she has no right of objection or appeal.

The Northern Midlands Council believes that it is inappropriate for the State to declare that matters such as those dealing with solar access, visual privacy, noise, security of public spaces, building materials, colour, relocated buildings and minimum size of a dwelling are all dispensable and cannot be taken into account unless a special area has been created in the scheme. It would be nonsense to create a special area for every township – even if such a proposal could pass through the Tasmanian Planning Commission.

It is the Council that represents the people of its municipal area and it is the Council, as the planning authority, that is – or should be – responsible for the regulation of development within its area. The people expect this. When something like the example above happens, the people look to the Council and say “How could you do this? Don’t you care?” It is little comfort to say that the State is only interested in the big picture and that Mrs A is just a detail that no longer matters.

Without question, the Northern Midlands Council supports a simplified process that gives some certainty to developers. However, the Northern Midlands Council also strongly believes that existing residents should be entitled to some certainty that what is built next door will not have a significant adverse impact upon their quality of life.

The Northern Midlands Council does not believe that PD4 achieves this in its current format and calls for its review.

**LGAT Comment:**
There may be opportunity to seek further review of PD4 as the *Proposed Draft Planning Directive - Single Dwellings and Multiple Dwellings (Villa Units and Townhouses) in the General Residential Zone* is progressed (as reported in Agenda Item 8).
19  MOTION:  BASS STRAIT FREIGHT EQUALISATION

Waratah Wynyard Council/George Town Council

1. That LGAT, as a matter of urgency lobby the Federal Government to re-establish the freight equalisation scheme for all freight transported to and from Tasmania; and


Amendment Motion

Northern Midlands Council/Launceston Council

That an additional point be included -

1. That Local Government support the continuation of the freight equalisation scheme as it is important to Tasmania, with evidence based information and with the support from the freight and logistics sector.

2. That LGAT, as a matter of urgency lobby the Federal Government to re-establish the freight equalisation scheme for all freight transported to and from Tasmania; and


Kingborough Council/Flinders Council

That the matter be deferred pending further detailed information being brought to the next General Meeting.

Carried

The Meeting, having reached this point, resolved to have the matter brought back to a later General Meeting with more detail around the definition, implications and coverage of the Tasmanian Freight Equalisation Scheme, and the appropriate strategy for taking the matter forward.

Background comment:
The cost of freighting produce and manufactured products to the mainland has marginalised Tasmania to the point where industries, including agricultural, can no longer compete with mainland counterparts. Successive Federal governments have not considered the serious impact of this situation where industries close creating higher unemployment, increased welfare dependency and depopulation where communities contract, economic growth diminishes, and eventually social capital is similarly eroded.

The Australian National Highway (Highway 1) is approximately 14,500 km in length and Bass Strait is approximately 429 kms between Tasmania and the mainland. This is a relatively short distance which does not require upgrade, maintenance or highway patrols, and it would be of considerable interest to all of us to know what is the exact cost to Australian taxpayers to maintain a comparative length of Highway 1. Why is it then, that our Government cannot subsidise this stretch of water to the tune of an equal amount required to maintain an equal distance of this Highway?

This is a stark and dire situation of inequity which requires holistic understanding and strong action by LGAT and the Federal Government of Australia.

**LGAT Comment:**
The key objective of the Tasmanian Freight Equalisation Scheme (TFES) is to provide Tasmanian industries with equal opportunities to compete in mainland markets, recognising that, unlike their mainland counterparts, Tasmanian shippers do not have the option of transporting goods interstate by road or rail. The Scheme assists in alleviating the sea freight cost disadvantage incurred by shippers of eligible non-bulk goods moved by sea i.e. not shipped loose in the hold of a ship. Under the rules of the TFES, exports to international destinations are ineligible for TFES assistance, either as direct exports or through transhipment.

The TFES has been in place since 1978, and operates under a set of Directions approved by the Federal Minister for Infrastructure, Transport, Regional Development and Local Government. The Scheme has been reviewed several times. In 2008 it was extended to cover eligible shipments moved between the main island of Tasmania and either King Island or the Furneaux Islands.

The Scheme is uncapped and has been providing assistance of approximately $100 million per year for the past three years. The maximum amount of TFES assistance payable per TEU (twenty foot equivalent container) is $855. The Department of Infrastructure, Energy and Resources (DIER) estimates that the average payment is approximately $550.

In determining how to most appropriately progress the motion put forward by Waratah-Wynyard Council, LGAT recently took up the issue of the TFES with the State Government in order to gauge present attitudes within the Federal Government to the Scheme.

LGAT has been advised by DIER that, in response to the loss of direct international shipping services to Tasmania in early 2011, the Tasmanian Government made strong representations to the Australian Government requesting that consideration be given to extending the TFES to cover containerised international exports.

In responding to the State Government’s request, the Australian Government has made it clear that it does not intend to change the rules of the TFES to include exports; however, it has provided a one-off $20 million grant to assist Tasmanian exporters while other, longer term solutions are explored.

This funding package, announced in March 2012, includes $14.5 million in direct shipping transition assistance for Tasmanian businesses that were affected by the cessation of direct
international shipping services from Tasmania. To benefit from this funding, eligible Tasmanian exporters were invited to apply for a single one-off grant. Applications have now closed and DIER is currently evaluating submissions.

The assistance package also includes $4 million funding for Stage 1 of the planned redevelopment of Burnie Port, and $1.5 million to establish an “industry-led freight logistics coordination team” to consider issues associated with the development of Tasmania’s freight and logistics sector.

A clear indication from State Government sources is that this assistance, previously announced and provided, was a final offer from the Federal Government. There was some consternation emanating from DIER that seeking a broader investigation into the fundamentals of the scheme may have the impact of a decision being made by the Australian Government to discontinue the funding permanently.

The State Government remains nervous about this prospect while continuing to carefully lobby for improvements to existing arrangements.

On this basis it was considered prudent to heed the advice of the State Government at this time, particularly in light of the additional funding support provided by the Federal Government to assist Tasmanian exporters while longer term measures are explored.

20 MOTION: TERMS OF APPOINTMENT AS PRESIDENT OF LGAT

Launceston City Council/Break O’Day Council

That the following criteria be adopted as part of the terms of appointment as President of LGAT:

(1) The maximum term of LGAT President be 2 consecutive terms of 2 years.
(2) After that period the incumbent is not eligible to seek an extension and is to stand aside for a period of 4 years.
(3) That Clause 27(c) of the LGAT rules be deleted.

Lost

Background comment:
At the recent Council meeting Aldermen discussed a Notice of Motion regarding the terms of appointment to the position of President of the Local Government Association of Tasmania (LGAT), as currently provided for in the LGAT rules.

The reasons for (2) is to encourage other councils to put forward their candidates for President, extensions disallow the opportunity for this to happen.

We must ensure that there is always the opportunity for councils in the region to have a different representative. Too often the status quo is followed, this motion is to encourage elected officials to apply and have the opportunity of having direct involvement.

Long term, and multiple appointments in Local Government are not healthy for the organisation, there needs to be a turnover on a regular basis to have fresh blood and ideas to progress the association.
LGAT Comment
The adoption of the motion would require an amendment to the LGAT Rules, which would have to be considered and passed at the next AGM. At this stage, the motion would need to be carried In Principle.

Currently the President is elected through the voting of all member councils (one vote per member) with election managed by the Electoral Commission. Comparatively, other GMC members are elected on a basis of one vote for both population categories within the electoral district from each member council. (The electoral districts are North West and West Coast, Northern and Southern and the population categories are population of 20,000 or more and population of less than 20,000).

The Vice President is elected by members of the GMC.

Terms are two years for the President and GMC members however the rules allow for extension of the terms by any Meeting of the Association for such periods as it determines (27c). There are no maximum terms for Mayors or Councillors under the Local Government Act.

Clause 27c has been used only once in the last decade and related to the departure of one President prior to his end of term, shortly before Local Government/GMC elections. Through the General Meeting, it was agreed in November 2009 that because of the short period of time the President had been in place and the proximity of Presidential elections that there would unlikely be a change in President and so the term was extended.

Sections which would potentially need revision include:

21 Term of Office
26 Election of President
27 Term of Office of President

The Meeting would also need to consider whether the maximum term would be applied to other GMC Members (with the exception of the Lord Mayor which is an as of right position on GMC).

21 ITEM: LOCAL GOVERNMENT REFORM
Contact Officer – Allan Garcia
Background comment:
At the recent Local Government Conference the Minister for Local Government, the Hon Bryan Green MP, advised that it was his intention to progress a number of matters under the broad heading of Local Government reform. He emphasised that amalgamation did not represent any component of this agenda.

The initiatives announced included:

- A review of the role of Local Government to be progressed jointly by the State Government and LGAT;
- Requiring all councils to undertake long-term financial and asset management planning;
- Improving the consistency and transparency of asset depreciation and revaluation practices of councils;
- Ensuring there is an appropriate review/audit process to promote compliance and quality of long term financial and asset management plans;
- Requiring all councils to report the sustainability indicators in their financial statements;
- Linking council strategic plans to election cycles;
- Introducing all-in/all-out elections every four years;
- Moving to four year terms for Mayors and Deputy Mayors with election of Deputy Mayors "around the table": rather than by popular vote;
- Banning dual representation so that a person cannot hold a seat on council and in State Parliament at the same time; and
- Introducing opt-in compulsory voting, whereby a council may choose to make voting in Local Government elections compulsory within its municipal area.

A series of working groups are to be established to take these matters forward with significant Local Government representation.

Perhaps the most broad ranging of these proposals relates to the role of Local Government. It is intended to develop a series of principles to guide detailed consideration of the future role of Local Government. The principles will broadly articulate the role of Local Government in Tasmania and provide the foundation for a more detailed review of common functions, services and capabilities to be developed and maintained by the sector.

The review would identify the common existing roles of councils, including non-statutory functions, the opportunities for promoting greater clarity regarding the role of Local Government in selected areas and any structural or non-structural barriers to efficient service delivery by Local Government.

The review arises as a result of the increased focus on Local Government reform arising from work being progressed in the sector (including the Southern Tasmanian Council Authority’s service delivery and governance review) and from campaigning by lobby groups such as Tasmanians for Reform.

A key barrier to any form of structural reform is considered to be the lack of clarity regarding the expected roles and functions of Local Government. The review will be informed by the
development of principles and through the seeking of consensus on the role of Local Government to identify and underpin any future reform initiatives.

These matters were discussed in detail at the recent PLGC Meeting where the processes to further these matters was endorsed. Councils will be kept appraised of developments on these issues as they are progressed and will have ample opportunity for input through the consultation processes.

**22 ITEM: WATER AND SEWERAGE**

Contact Officer – Allan Garcia

That Members note progress and the processes associated with implementing this reform.

Noted

At the June 2012 Special Meeting of the Association the following motion was carried-

*That councils continue to support in principle a move to a single corporation subject to legislative protection against the privatization of the single entity being obtained through the requirement for a referendum involving a 75% affirmative vote.*

The CEO advised the Meeting that from subsequent conversations and correspondence with the Premier, it appeared unlikely that this requirement would be met and he asked the Meeting for an indication of their response if this request was not to be granted.

He further indicated that while a number of additions to the Special Meeting motion around stamp duty and unanticipated costs associated with transition to the new corporation had received positive support from the State Government, the "in principle" wording of the original motion suggested that all components should be met.

The question asked of the meeting was whether in the event that support for the referendum issue was not forthcoming from the State Government should the process proceed?

Lord Mayor Damon Thomas stated that the case should be argued strenuously but at the end of the day, if the desired outcome in relation to the referendum was not achieved, so be it.

There was a general consensus from all those in attendance that this would be an acceptable approach.

**Background comment:**

At the time of writing the exposure draft of the legislation seeking to consolidate the three current regional water and sewerage corporations, along with Onstream, had been circulated to councils and the corporations for consideration and comment with consultations closing on 18 September 2012.
The exposure draft effectively makes provision for the establishment of the new corporation and the transfer provisions to move staff and assets from existing to the new operations. It stipulates the need for a Constitution and a Shareholders' Letter of Expectation (SLE) but is largely enabling with prescribing content.

Both documents fall within the domain of Local Government to prepare and approve without reference to the Treasurer, State Government or the Parliament. The Exposure draft highlights the requirement for a Board but leaves the detail and processes for appointment and composition to the Constitution of the new organisation.

It was acknowledged by the Implementation Steering Committee (ISC) that there was significant merit in having available to councils as much information as possible at the time of reviewing the exposure draft. On this basis, the working group developed a “stripped down” version of the SLE and commissioned the preparation of a first draft of the Constitution for the new corporation. At the time of writing this was being prepared by Page Seager, the solicitors appointed to assist the ISC and councils in preparing, reviewing and consolidating the respective governance instruments associated with the new corporation.

A series of regional workshops was scheduled for the week commencing 27 August 2012 to present the issues associated with the legislation, how the various governance requirements were to be addressed in other instruments and the timing and processes associated with the development of those instruments.

By virtue of the time necessary to develop a draft of the constitution, it was not possible to present this at the initial workshops, however, a draft outline of the contents was provided with the intention of promoting discussion about how the document would tie in with the legislation.

It is expected to be able to make available a draft of the Constitution in the week commencing 3 September 2012 with a follow up series of workshops proposed the following week. While there was merit in having a single set of workshops, it was felt necessary to speak with councils early in the legislation consultation process to ensure that there was a sound understanding of the legislation and what obligations would be imposed on councils via the Constitution.

By making available that document and having follow up briefings councils would be in a position of having a more detailed knowledge of the whole “package”, prior to committing to the legislation.

A separate piece of work has been commissioned on the voting arrangements to assess those types of issues that could/should be dealt with via a “notional equity” process. It is hoped that this work can be completed and circulated at about the time the initial draft of the constitution is available.

A meeting of the Owners’ Representatives Group will be conducted on the same day as the General Meeting. It was considered appropriate that these meetings be conducted on the same day given the high level of mutual representation. It is expected that the Role Statement can be finalised at this meeting, that the Selection Committee can be appointed and that broad discussions occur in relation to Board member skill sets, selection criteria and remuneration frameworks.

While no doubt there will be concerns expressed about the speed of these processes and arrangements, the intention to commence operations of the new entity on 1 July 2013 required a sequential approach to getting these instruments and other arrangements in place. The ISC is confident that the program and timetable will allow councils ample opportunity to have input to all processes and will continue to monitor events to ensure that deadlines are met and councils are fully informed.
23 ITEM: CONSTITUTIONAL RECOGNITION UPDATE
Contact Officer – Allan Garcia

That Members note the current status of Constitutional Recognition.

Noted

Background comment:
The ALGA Board met on 26 July 2012 and considered the next steps in the campaign for constitutional recognition. The Board also held a facilitated discussion with its Strategic Advisor. Out of that process the Board passed a resolution setting out its current position on constitutional recognition.

The key elements of the ALGA’s Board position are
- Restatement of commitment to Financial Recognition
- A call for the Government to formally respond to the Expert Panel report
- A call on the Parliament to commit to financial recognition and immediately establish a parliamentary committee to take the issue forward and to look at specific matters including wording of a change and timing for the referendum
- A call on the Government to commit to a publicly funded campaign to educate the public about the constitution, the mechanisms for constitutional change and the Local Government question.

The ALGA President met with Minister Crean and communicated these messages to the Minister on 23 August. In response the Minister agreed to consider the establishment of the Parliamentary Committee but reiterated the challenge of getting broad community support and State Government support.
ITEM: ADVERTISING CAMPAIGN
Contact Officer – Allan Garcia

That Members note the launch of the campaign against the calls for broad amalgamation and support the provision of materials and data to progress this campaign.

Background comment:
At the last meeting of the General Management Committee it was agreed that the Association would engage professional input to run a campaign in response to the claims and assertions being put forward by the Tasmanians for Reform group.

It was proposed to engage Tony Harrison of Corporate Communications to assist the Association with this task. The campaign was formally launched at the inaugural Water and Sewerage Implementation Steering Committee meeting with a media “event” aimed at combating the accusations of the TFR group.

A letter from the President of the Association was also forwarded to the Premier and all members of the Upper and Lower Houses of Parliament highlighting Local Government’s opposition to the claims of the TFR and the fact that councils do not support forced amalgamations and will campaign strongly against any party or group seeking to force such a circumstance on Local Government.

The focus of the campaign against TFR is the position being taken by “the big end of town” to the detriment of the average ratepayer and the fact that an unelected body is seeking to overthrow a democratic system that has been elected by the community to represent ALL of their interests.

The next phase of the campaign will focus on good news stories and the work being done by councils in their communities using the recent awards for excellence entries as a catalyst for some of this messaging. It is expected that the campaign will run for approximately three months with a review of outcomes at the expiration of that time.

A number of councils have invited TFR to address council meetings. While this has been in the interests of understanding the message and intent of the TFR campaign, councils should be aware that such entree to councils is now being used by TFR to provide its campaign with greater credibility on the basis of the fact that councils are interested in the message.

These decisions are the absolute and sole domain of individual councils, however, it is considered appropriate to draw councils’ attention to this issue in light of the broader campaign.

A number of councils have expressed interest in a television campaign promoted by WIN Television. This is being progressed at the time of writing with a further update possible at the General Meeting, if required.
25 CLOSURE

There being no further business, the Meeting was declared closed at 12.00pm.
### Business Arising

**General Meeting - 26 September 2012**

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<tr>
<th>Item No</th>
<th>Description</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>Heritage Legislation</td>
<td>Refer to Item 9</td>
</tr>
<tr>
<td>8</td>
<td>Planning Schemes (including online planning)</td>
<td>No further action</td>
</tr>
<tr>
<td>9</td>
<td>Mayors Workshop &amp; Mayoral Handbook</td>
<td>No further action</td>
</tr>
<tr>
<td>10</td>
<td>Electricity/Street Lighting</td>
<td>No further action</td>
</tr>
<tr>
<td>11</td>
<td>Environmental Dispute Mediation Trial</td>
<td>No further action</td>
</tr>
<tr>
<td>12</td>
<td>Residential Property Transactions Bill 2012 (Vendor Disclosure)</td>
<td>No further action</td>
</tr>
<tr>
<td>13</td>
<td>Emergency Management</td>
<td>Refer to Item 16</td>
</tr>
<tr>
<td>14</td>
<td>2012 Annual Conference</td>
<td>No further action</td>
</tr>
<tr>
<td>15</td>
<td>Household Hazardous Waste</td>
<td>Refer to Item 12</td>
</tr>
<tr>
<td>16</td>
<td>Asset Management</td>
<td>Refer to Item 17</td>
</tr>
<tr>
<td>17</td>
<td>Model General Manager Contract</td>
<td>No further action</td>
</tr>
<tr>
<td>18</td>
<td>That the LGAT lobby the State Government to review Planning Directive 4 to remove inconsistencies with the objectives of the Resource Management and Planning System of Tasmania.</td>
<td>Refer to Follow Up of Motions report.</td>
</tr>
<tr>
<td>19</td>
<td>That Local Government support the continuation of the freight equalisation scheme as it is important to Tasmania, with evidence based information and with the support from the freight and logistics sector. That LGAT, as a matter of urgency lobby the Federal Government to re-establish the freight equalisation scheme for all freight transported to and from Tasmania; and That LGAT lobby the Federal Government to incorporate Bass Strait in the Australian National Highway network, Highway 1.</td>
<td>Refer to Item 15</td>
</tr>
<tr>
<td><strong>NOTE</strong> - This matter to be brought back to a later General Meeting with more detail around the definition, implications and coverage of the Tasmanian Freight Equalisation Scheme, and the appropriate strategy for taking the matter forward.</td>
<td></td>
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<tr>
<td>20</td>
<td>That the following criteria be adopted as part of the terms of appointment as President of LGAT: The maximum term of LGAT President be 2 consecutive terms of 2 years. (2) After that period the incumbent is not eligible to seek an extension and is to stand aside for a period of 4 years. (3) That Clause 27(c) of the LGAT rules be deleted.</td>
<td>Motion Lost No Further Action</td>
</tr>
<tr>
<td>21</td>
<td>Local Government Reform</td>
<td>Refer to Item 8</td>
</tr>
<tr>
<td>22</td>
<td>Water and Sewerage</td>
<td>Refer to Item 14</td>
</tr>
<tr>
<td>23</td>
<td>Constitutional Recognition</td>
<td>Refer to Item 7</td>
</tr>
<tr>
<td>24</td>
<td>Advertising Campaign</td>
<td>No further action</td>
</tr>
</tbody>
</table>
**Follow up of Outstanding General Meeting Motions Report**

Motions which had been completed by the last meeting or which have been replicated in later meetings have been deleted in order to more efficiently monitor outstanding activity.

**REPORT A:**

This report details motions which are still being pursued by LGAT. Where an end point has been reached there will be a final update and indication that this item will be removed from future reports.

<table>
<thead>
<tr>
<th>2006 Motions</th>
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<tbody>
<tr>
<td>June Conference</td>
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<tr>
<td>4.2</td>
<td>Review of Sewers and Drains and Waterworks Clauses Acts: That the LGAT request the State Government to review both the Sewers and Drains Act 1954 and the Waterworks Clauses Act 1952 to improve resource management and governance of these essential services within the state</td>
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<tr>
<td></td>
<td>DPIPWE is currently preparing drafting instructions for the Office of Parliamentary Counsel for the new Act to replace the Drains Act 195 and expect to consult on the draft legislation in around October 2012. DPIPWE will be writing to all councils to advise:</td>
</tr>
<tr>
<td></td>
<td>• the current legislative roles and responsibilities for the provision of stormwater services; and</td>
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<td></td>
<td>• proposed amendments to the Drains Act in order to clarify these roles and responsibilities</td>
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<tr>
<td></td>
<td>(As at 3/10/2010 Still awaiting written advice as above from DPIPWE)</td>
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<table>
<thead>
<tr>
<th>August 2006 General Meeting</th>
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<tbody>
<tr>
<td>13</td>
<td>Constitutional Recognition:</td>
</tr>
<tr>
<td></td>
<td>1. Continue to lobby for the inclusion of appropriate recognition of Local Government in the Commonwealth Constitution.</td>
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<td></td>
<td>2. Urges the Local Government Association of Tasmania to renew its efforts to gain appropriate recognition of Local Government in the Commonwealth Constitution, including the formal of a special committee to work with other states to finalise the wording of proposals, and undertake appropriate lobbying activities to achieve Constitutional recognition.</td>
</tr>
<tr>
<td></td>
<td>3. Urges the Local Government Association of Tasmania to use all efforts to press the Australian Local Government Association to be more active in pursuing the Australian Parliament to undertake measures to have Local Government recognised in the Commonwealth Constitution.</td>
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<tr>
<td></td>
<td>Agenda Item this meeting.</td>
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<table>
<thead>
<tr>
<th>August 2008</th>
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<tr>
<td>That the LGAT requests the State Government to review those provisions in the Act relating to</td>
<td></td>
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<tr>
<td>This will not be picked up in the Miscellaneous</td>
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</table>
public meetings by petition with a view to:
1. Limiting the compulsion to hold a meeting to matters of relevance only to the municipal area over which the Council has control;
2. Balancing the rights of ratepayers and residents of the municipal area against those of others attending a public meeting; and
3. Addressing some of the practical issues that have arisen in recent times.

Amendments Bill 2012 but will remain on the register of issues with the Local Government Division. (correspondence from LGD 4/6/12).

June 2009

<table>
<thead>
<tr>
<th>1.4</th>
<th>That a review of the following sections of the Local Government Act be undertaken: 28E – Code of Conduct 28G – Establishment of Code of Conduct Panel That a review of Section 199 – Interpretation of Division 6 – Definition of nuisance, of the Local Government Act be undertaken. The review is to include strengthening provisions under Section 199</th>
</tr>
</thead>
</table>

Significant difficulties have occurred in relation to the progressing the amendments LGAT would like, having undertaken extensive consultation with members. Consequently, the Association has written to the Minister to seek to form a working group to look at Code of Conduct from a first principles basis. Improvements remain a priority focus for the Association. The Association is preparing a paper for the working group.

Nuisance provisions are being considered in relation to this year’s Miscellaneous Amendments Bill being progressed by State Government.

November 2010

<table>
<thead>
<tr>
<th>6.1 and 6.2</th>
<th>“That the Local Government Association of Tasmania request the State Government to legislate, so that Local Government is empowered to ensure that the planting of trees within town boundaries are species that are appropriate in relation to both fire and general safety That LGAT lobby State Government i) to reassess the state planning template; and ii) to manage road verges, rail corridors and or cycle ways in regard to fire management</th>
</tr>
</thead>
</table>

LGAT met with Tas Fire service in February 2012 and October 2012 to discuss Bushfire policy including responsibility for managing road verges, rail corridors and or cycle ways in regard to fire management. The Bushfire policy is currently being redrafted and will incorporate a policy statement about TFS working with land managers in identifying priority areas for bushfire mitigation work (including working with DIER to advise about managing road verges, rail corridors and cycle ways in regard to fire management). DIER have also asked TFS to assist them in prioritising mitigation work around these areas. TFS have provided advice to DIER on priority works. The redrafted Bushfire Policy will be circulated to councils in the coming months for review prior to sign off.
<table>
<thead>
<tr>
<th>20</th>
<th>That the Local Government Association of Tasmania requests the State Government to amend the provisions of the Liquor Licensing Act, 1990 to require:</th>
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<tr>
<td></td>
<td>• That a liquor license cannot be granted until appropriate Planning or Development approval has been granted by the relevant Council; and further</td>
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<td>• That appropriate Planning or Development approval from the relevant Council or evidence that approval is not required must accompany a liquor license application or application to vary a liquor license.</td>
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<td></td>
<td>• That should planning or development approval not be required then the liquor licensing board be required to formally consult with the relevant council as part of its assessment process.</td>
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<td></td>
<td>• That we request that the State Government broaden the liquor licensing Act to take into account outlet densities and health and well being of the communities.</td>
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<td></td>
<td>LGAT has followed up letters to Dept. Treasury and Finance (Liquor &amp; Gaming) and the licensing commission and met with the (then) acting Director.</td>
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<td></td>
<td>At the same time LGAT has provided formal comment to the State Government Legislative Scoping Study on the issue. LGAT convened a meeting prior to inform the LGAT response in addition to a meeting with the consultant undertaking the study.</td>
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<td></td>
<td>LGAT agreed to delay further discussion with Liquor and Gaming until the Scoping Study report is finalised and recommendations made. The draft Scoping Study report was approved by the Inter Agency Working Group on Drugs on 20/9/2012. The next Stage is for the State Government to develop a response and following this the finalised report will be released to stakeholders; date yet to be advised.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>21</th>
<th>That the meeting give in-principle’ financial and planning support for a proposed ‘Environmental Dispute Mediation Service’, to foster the resolution of disputes in the community about environmental management issues.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The trial Environmental Dispute Mediation Service has been in operation since February 2012. While take up has been slow, with only 4 cases formally referred, there have been a number of enquiries to the service and following canvassing of council’s views, availability the service remains desirable. LGAT has made a submission to the Environmental Protection Agency (EPA) Board to request the trial be extended beyond the original 12 months as the majority of funds have not been expended. The EPA Board is due to meet in late October 2012.</td>
</tr>
</tbody>
</table>

April 2011

<table>
<thead>
<tr>
<th>12</th>
<th>That Councils contribute $75,000 annually, through subscriptions, into a Constitutional Recognition ‘fighting fund’, with such a fund to be quarantined for a campaign, or refunded if a referendum does not eventuate, to be topped up with LGAT reserves.</th>
</tr>
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<tr>
<td></td>
<td>See Agenda Item this Meeting.</td>
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</table>

July 2011

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<tr>
<th>12.3</th>
<th>That the Local Government Association of Tasmania lobby the State Government to ensure</th>
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<tbody>
<tr>
<td></td>
<td>Matter under consideration pending further</td>
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</tbody>
</table>
| 15.1 | That the Local Government Association of Tasmania lobby the Federal Government for a National rolling emergency fund. | Will be raised at the next ALGA Emergency Management Group meeting. There has been no meeting since last report.

The State Government is currently reviewing the Local Government Relief policy under the Tasmanian Relief and Recovery Arrangements (TRRA). One of the objectives of the review is to ensure that there is consistency around the activation of assistance and to provide retrospectively assistance to councils for the compounding of events over the course of the financial year. Councils have recently provided comments in relation to a discussion paper on the TRRA and LGAT is in the process of finalizing a submission. |

| 16.2 | That the Local Government Association of Tasmania lobby the State Government to continue to fund the roll out of Natural Gas to Tasmanian residents. | Letter prepared and sent to State Government. Issue being progressed through the MCG. Acknowledged by MCG that they should keep a watching brief. A group of Northern Councils are presently progressing a funding application for extended rollout. Review on outcome. |

| 18.1 | That LGAT call upon the State Government to review the Weed Management Act to enable a Weed Officer to take immediate abatement action when a land owner fails to take action to remove weeds which are in seed. | LGAT has been liaising with the Manager of the Invasive Species Unit regarding motions on weeds. The manager has offered to meet with individual councils to discuss concerns. LGAT is working with individual councils to discuss individual cases and the desirability of meetings with the Manager of the invasive species unit. |

**March 2012**

<p>| 24 | That LGAT request the State Government to amend the respective legislation (the Local Government Act 1993 and the Resource Management and Planning Appeal Tribunal Act 1993) to confer jurisdiction for the nuisance provisions (Sections 199 -204 of the LGA 1993) to RMPAT rather than the Magistrates Court. | The LGD considered this motion in relation to proposed amendments to nuisance provisions but have decided to hold over to consider in more detail at a later date in conjunction with consideration of other review processes which culminate in the Magistrates Court. They felt that there was potential to significantly slow the other changes in considering this issue at this time. This will also allow time for RMPAT to reflect |</p>
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<tr>
<td>25</td>
<td>That the Association undertakes strong advocacy to the Federal Minister for Broadband Communications and the Digital Economy and Federal Members of Parliament expressing the following concerns of Local Government:</td>
<td>The Association will continue to work with and through ALGA in relation to this motion.</td>
</tr>
<tr>
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<tr>
<td></td>
<td>a) The current provisions of the Telecommunications Act 1997 exclude the community from objecting to the proposed development of telecommunications towers.</td>
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<td></td>
<td>b) That whilst Local Government is the responsible legislative body to administer planning regulation, the Council has no authority to regulate the siting of telecommunications towers, even when the proposed site may have a detrimental impact on sensitive land uses.</td>
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<tr>
<td>June 2012</td>
<td>A That councils continue to support in principle a move to a single corporation subject to changes to legislation, regulations and the constitution of the single entity reflecting the governance arrangements proposed by the LGAT Working Group noting that each recommendation numbered 1 to 10, will be addressed as separate items under this motion.</td>
<td>Note that as the working group recommendations which were considered as motions are now all being progressed through the Steering Committee, they won’t be detailed in this report. Item to be removed next report.</td>
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<tr>
<td>July 2012</td>
<td>8 That members endorse the development of a protocol for inter-council Emergency Management Resource Sharing.</td>
<td>Agenda Item this meeting</td>
</tr>
<tr>
<td></td>
<td>17 That the General Meeting agree that LGAT support all councils to move to the Modern National Award (Local Government Industry Award).</td>
<td>Work is progressing.</td>
</tr>
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<td></td>
<td>That the meeting agree that costs related to this activity would be added to next year’s subscriptions as a separate project.</td>
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<td></td>
<td>19.1 That councils endorse the proposal to introduce a statutory waste levy of $10 per tonne to be collected via public and private landfill; 2. That the funding be allocated on the basis of 20% to regional waste bodies; 10% to the Environment Protection Authority (EPA) and 70% to the Waste to Resources Funding Pool; 3. That these arrangements be on the basis that the funding is directly hypothecated to waste activities and is not consumed into the State Government Consolidated Fund; 4. That the Waste Advisory Committee be formally acknowledged within the legislation as having an integral role in the disbursement of funds from the Waste to Resources Funding Pool, providing recommendations to the EPA Board in accordance with relative priorities in the Waste to Resources Strategy.</td>
<td>The CEO has written to the Minister to provide advice on the position of LGAT Members.</td>
</tr>
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<td></td>
<td>24.1 That the Local Government Association of Tasmania request that the Federal Government: Review the current maximum thresholds set for Local Government candidate election expenses which it recognises as a legitimate deduction for income taxation purposes; and further, Consider the introduction of a suitable indexation mechanism to enable currency of the</td>
<td>Following receipt of advice from the ATO that it was a legislative issue LGAT has written to Wayne Swan on the matter.</td>
</tr>
<tr>
<td>24.2</td>
<td>That the Local Government Association of Tasmania urge the Australian Local Government Association (ALGA) to lobby the Australian Taxation Office to consider greater taxation relief for candidates who stand at Local Government elections.</td>
<td>The issue has been raised with ALGA.</td>
</tr>
<tr>
<td>28.1</td>
<td>That the Local Government Association of Tasmania urge the Australian Local Government Association (ALGA) to lobby the Australian Taxation Office to consider greater taxation relief for candidates who stand at Local Government elections.</td>
<td>The Association will continue to work with and through the ALGA in addressing this issue.</td>
</tr>
<tr>
<td>28.2</td>
<td>That LGAT discuss with the State Government that in the event of a fire/flood the proposition of taking immediate action on temporary minor repairs to state roads and/or other infrastructure on the basis that funds are reimbursed within a reasonable time frame.</td>
<td>LGAT to meet with DPAC to discuss mechanisms to allow for immediate action on temporary minor repairs to state roads and other infrastructure. This will also be raised as an issue with the review of the Local Government Relief Policy.</td>
</tr>
<tr>
<td>29.1</td>
<td>That the Local Government Association of Tasmania, request the State and Federal Governments review the AMCORD and Tascord Guidelines as they have not been revisited for many years, to take into account more effective passive energy design outcomes.</td>
<td>Addressed in 18.1.</td>
</tr>
<tr>
<td>29.2</td>
<td>That the Local Government Association of Tasmania urge the State Government to retain the Office of the State Architect and provide adequate funding for its operation.</td>
<td>The Association will capture this in the next budget submission to State Government.</td>
</tr>
<tr>
<td>30.1</td>
<td>That the Local Government Association of Tasmania requests the State Government to develop policy guidelines, educational information and advice to address the issues of: Transport and appropriate disposal of declared weeds; and, Contamination of green waste with declared weeds; and, Treatment of green waste to minimise the presence of weed seeds in composted green waste that is to be sold to the public and/or used in public open space.</td>
<td>Addressed in 18.1.</td>
</tr>
<tr>
<td>30.2</td>
<td>That the State Government fund an additional Weed Officer for each of the three regions to facilitate the reduction of listed weed species in order to maximise the long term sustainable agricultural use of Tasmania’s resources, in particular with regard to the new and proposed irrigation infrastructure which in turn will support the furtherance of the State Government’s ‘food bowl’ initiative.</td>
<td>Addressed in 18.1.</td>
</tr>
<tr>
<td>32.1</td>
<td>That the Local Government Association of Tasmania urge the State Government to continue to fund the Cat Management Act 2009.</td>
<td>A small amount of money will be available for grants in the near future. Councils will be eligible for these grants individually or collectively or in partnership with other organisations (eg RSPCA). It is likely that areas that can be funded will include infrastructure expansion, operational (eg veterinary) support, subsidised microchipping and/or desexing programs, public awareness and education. LGAT continues to work with DPIPWE and the RSPCA on implementation issues and continues to advocate for</td>
</tr>
<tr>
<td>Date</td>
<td>Item Number</td>
<td>Description</td>
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<tr>
<td>September 2012</td>
<td>17</td>
<td>That Members agree to a joint project between LGAT and LGMA to develop a model General Manager’s contract.</td>
</tr>
<tr>
<td></td>
<td>18</td>
<td>That the LGAT lobby the State Government to review Planning Directive 4 to remove inconsistencies with the objectives of the Resource Management and Planning System of Tasmania.</td>
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REPORT B:

This report details motions which are unresolved but which are dependent on new State Government Action. LGAT proposes to hold this as a record but not to further report on these items.

<table>
<thead>
<tr>
<th>Motion No.</th>
<th>Decision</th>
<th>Status (at Last Report)</th>
<th>Date of Last Report</th>
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<tbody>
<tr>
<td>2006 Motions</td>
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<tr>
<td>June</td>
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<tr>
<td>3.4</td>
<td><strong>Heavy Vehicle Funding:</strong> That LGAT lobby the State Government to provide a greater share to Local Government in Tasmania of the heavy vehicle registration fees to enable Councils to develop a sustainable model for more adequate maintenance to their roads.</td>
<td>The Association included this issue in its 2010-11 Budget Submission but received no traction on the issue with State Government.</td>
<td>March 2010</td>
</tr>
<tr>
<td>4.1</td>
<td><strong>Highway Signage:</strong> That the Association request the State Government to review its existing policy relating to the Tasmanian Visitor Information System (TVIS) throughout the State and provide an opportunity for specific improvements in signage particularly for businesses that do not have frontage to major Highways</td>
<td>The matter was considered at the May General Managers’ Workshop. This forum determined that the most critical issue related to illegal signage on highways and roads. LGAT has written to DIER advising this and suggesting a complementary State and Local Government response to the problem. A departmental response is yet to be received despite follow up.</td>
<td>November 2008</td>
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<td>May 2007</td>
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<tr>
<td>10.2</td>
<td><strong>Pension Rate Rebate:</strong> That LGAT be requested to continue to lobby the State Government for an increase in the Pension Rate Rebate under the Local Government (Rates and Charges Remissions) Act 1991.</td>
<td>LGAT has lobbied the State Government on this matter. It also sought an indication from councils of levels of rebate support, other than through the State Scheme, that they provide to pensioners. 6 councils provide additional rebate support.</td>
<td>November 2008</td>
</tr>
<tr>
<td>10.4</td>
<td><strong>Fire Service Levy:</strong> That Local Government advise the State Government that as of 2008/9 that we require them to amend the legislation so that Local Government is not responsible for the collection of the fire service levy. That a strong message be also given to the State government that the 2006/7 increase is unacceptable and that additional funding should be found from the consolidated fund to meet the increasing costs of this service.</td>
<td>LGAT wrote to the new Minister on the issue in August 2010 and had a meeting with staff from the Tasmanian Fire Service and the Minister’s office in October 2010. The Government's position remains unchanged.</td>
<td>November 2010</td>
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<td>August</td>
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### 2007

| 7 | **Road Closure Appeal Process:** That the Local Government Association of Tasmania request the State Government to amend Section 14 of the *Local Government (Highways) Act 1982* to provide for the Resource Management and Planning Appeal Tribunal to receive and determine appeals against the proposed closure or diversion of local highways in lieu of the Magistrates Court (Administrative Appeals Division). | The Association has written to the Local Government Office on this matter. The LGO responded with advice that the Department of Infrastructure, Energy and Resources (DIER) is undertaking a Road Legislation Review with the aim of consolidating road legislation. The Local Government (Highways) Act 1982 is one of the Acts being reviewed. The review project is in start up mode with amending legislation proposed to be introduced into Parliament by the Spring 2009 session. LGAT's letter has been passed on to the project team so the request for amendment can be considered in the process. | November 2008 |

| 12 | **Review of Part 5 of the Local Government Act:** That the Local Government Association of Tasmania request a review of Part 5 (Interest) of the Local Government Act. | The Local Government Division have committed to a Miscellaneous Amendments Bill this year. This issue has been raised again in relation to that however the complexity is such that it is unlikely to feature in this year’s Amendment Bill. To be moved to Report B. | July 2012 |

### June 2008

| 6.1 | That the State Government be called upon to create the necessary legislative mechanisms to enable planning authorities to issue planning infringements for non compliance with planning schemes and planning permit conditions including a scale of penalties which are commensurate with the seriousness of a breach. | Matter raised with Land Use Planning at meeting held 14 August. Position as outlined by State Government in response to motion remains. | November 2008 |

| 6.2 | That the Local Government Association of Tasmania investigate and obtain advice in seeking to review and amend the provisions of the *Land Use Planning and Approvals Act 1993* to prevent multi planning applications being made on the same parcel of land for the same or similar use and development until the first application has been determined by the planning authority. | Matter raised with Land Use Planning at meeting held 14 August. Position as outlined by State Government in response to motion remains. | November 2008 |

| 6.3 | That LGAT request the State Government to review the delegation powers in s6 of the *Land Use Planning and Approvals Act 1993*, with the aim of the powers, provided to the planning authority, to be consistent with the delegation powers in the | Matter raised with Land Use Planning at meeting held 14 August. Position as outlined by State Government in response to motion remains. | November 2008 |
| 6.4 | That the Local Government Association of Tasmania request the State Government to amend the *Land Use Planning and Approvals Act 1993* and the *Historic Cultural Heritage Act 1995* to prohibit public notification of planning and works applications during the Easter period, between the Thursday prior and the Tuesday after, and over the Christmas/New Year period commencing that last working day prior to Christmas, or a sufficient time to allow for a weekend notification date, until January 15, and that the consideration period for both the planning authorities and the Tasmanian Heritage Council be extended to account for this prohibition, with a commensurate extension of the maximum 42 day period. | Matter raised with Land Use Planning at meeting held 14 August. Position as outlined by State Government in response to motion remains. | November 2008 |
| 4.1 | That Councils support the motion for the Local Government Association to lobby the State Government to review the application of taxes and stamp duty associated with business transactions, e.g. payroll tax, insurance premium renewals and mortgage dealings | Initial communication with the Department of Treasury and Finance undertaken. Treasurer has advised that he doesn’t support a review of taxation outside the normal review process. | March 2009 |
| 5.1 | That LGAT lobby the State Government through the DPIW Water Division to make uniform water licenses for both summer and winter conditions | Letter sent to Minister. No response was received. A follow up letter was been sent May 2009. | July 2009 |
| 8.1 | That LGAT request the State Government, as a matter of urgency, to amend legislation to allow controlled use of grey water especially in regard to the domestic situation and to consider the latest research in the reuse of grey water and provide proposals and discussion papers in relation to the establishment of uniform state wide controls for grey water reuse in Tasmania for the consideration of Local Government | Matter raised with the Department of Primary Industries and Water. | July 2009 |
| 10.2 | That LGAT lobbies the State Government to make changes to the eligibility criteria for pensioners under the *Local Government (Rates & Charges Remissions) Act 1991* so that pensioner residents of retirement villages can still receive a State Government remission from their rates. | Preliminary discussions with Local Government Division undertaken. May be picked up in rating and valuation review. | |
| August 2008 | That LGAT initiate discussion with the State government as to the effect Land Tax is having on Councils and communities. | Letter sent to Treasurer Oct 08 with reference to ALGA submission to Taxation Review. Treasurer has advised that he doesn’t support a review of Land Tax outside the normal review process and has written to LCC. LGAT has been advised of same and has subsequently informed LCC as initiator of motion. | |
| June 2009 | 1,1 | "That the Local Government Association of Tasmania seek amendment to the Local Government (General) Regulations 2005 section 43, Expenses for councillors, which reads: "A councillor is entitled to be reimbursed for reasonable expenses in accordance with the policy adopted under Schedule 5 to the Act in relation to - …" Sub-clause (c) to be altered from: "(c) Care of any child of the councillor" to: "(c) Care of any person for whom the councillor is responsible."" | While there is a Miscellaneous Amendments Bill to occur this year, that deals with the Act. The Local Government Division have no estimated time frame at this stage on when the Local Government (General) Regulations will be updated. The Child care expenses issue is on the register to be looked at as part of the regulation review. | September 2012 |
| August 2009 | 16 | That Members agree that LGAT should continue to explore opportunities that might arise through joint State/Local Government approaches to roads maintenance or pooling of funds and other objectives and priorities that were identified at the roads forum. | The Association is continuing to discuss this issue with the Department of Infrastructure, Energy and Resources (DIER). | March 2012 |
| 11 | That LGAT investigate the formulation of a state-wide policy and legislation that may enable councils to legitimately charge developer contributions for both hard and soft infrastructure in the future. | The Association has commenced research on this area and obtained reports from South Australia on a study into Developer Responsibilities/Contributions. The SA study concluded that that some level of Development contributions could be applied by Councils in SA. The Association is following up with SALGA to determine what progress has been made there. | Sept 2012 |
| October 2010 | | That the LGAT writes and makes representation to the Minister of Infrastructure, Energy and Resources seeking that speed limits around all Tasmanian child care facilities are lowered to mirror the same speed limits around schools (that being 40km). This would apply to child care facilities such as registered child care centres and not family day care placements in private houses. | A working group consisting of representative from DIER and Local Government was convened in 2011 to consider the safety of children on roads outside child care centres. The group looked at crash history data over the last five years, the legislative and regulatory measures already in place in relation to the management and placement of licensed centres, and other relevant | July 2012 |
considerations. In early 2012 a report was prepared by LGAT and DIER and contains recommendations for the Minister's Consideration, including the following:

- That available road safety funding relating to child pedestrian safety be directed to areas where statistically higher rates of casualty accidents exist;
- That State and Local Governments should continue to work together to encourage safer driver and pedestrian behaviour in shared urban spaces through an education and awareness campaign;
- That speed zones outside child care centres be considered on a case-by-case basis where appropriate to ensure the ongoing safety of children in what are potentially ‘prone’ areas.

Subsequent to the development of the report, LGAT has been informally advised by DIER that in light of the findings in relation to crash history data this specific issue is not currently a high priority area for the Department.

<table>
<thead>
<tr>
<th>Date</th>
<th>Resolution</th>
<th>Comments</th>
<th>Timeframe</th>
</tr>
</thead>
<tbody>
<tr>
<td>March 2012</td>
<td>That LGAT seek, from the State Government, a review of the Local Government (Rates and Charges) Act 1991 with a view to amending the legislation to enable persons eligible for remission after July 1, in a year of the municipal rating period, to qualify for a pro rata portion of rates remission.</td>
<td>The Association has not been able to garner State Government Support for this now or in the past.</td>
<td></td>
</tr>
<tr>
<td>July 2011</td>
<td>That LGAT requests the State Government to review and amend section 87(1)(d) of the Local Government Act 1993 to:</td>
<td>The Local Government Division has advised they will not be addressing the issue of charitable exemptions in relation to educational facilities until the current court actions are</td>
<td>September 2012</td>
</tr>
<tr>
<td></td>
<td>- Provide clarity in relation to application of the section of land owned or occupied exclusively</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Resolution</td>
<td>Description</td>
<td>Status</td>
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<tr>
<td></td>
<td>for charitable purposes; and specifically exclude schools from the exemption under that section to bring the payment of general and separate rates for non-Government Schools in line with payment of general and separate rates by State Government Schools.</td>
<td>resolved.</td>
<td></td>
</tr>
<tr>
<td>17.3</td>
<td>That the LGAT work with the State Government to amend Principle nine of the State Policy for the Protection of Agricultural Land 2009 to enable Council planning schemes to prohibit or require discretionary permit for an agricultural use on land zoned for agricultural purposes where such land is also determined to be within a special area or overlay to address issues including, but not limited to, scenic protection, landslip, water catchment, heritage protection and flood or bushfire hazard.</td>
<td>Report made last meeting. This is not supported by the Tasmanian Planning Commission. March 2012</td>
<td></td>
</tr>
<tr>
<td>21.1</td>
<td>That LGAT requests the State Government to change laws to specifically prosecute those persons who commit crimes against our senior citizens so as to reduce the incidents of elder abuse in our community</td>
<td>A letter has been sent to the Attorney General. Has been referred to Minister for Police in relation to review of the Police Offences Act. Understands concerns but notes Courts do take into account vulnerability, age etc of victim when sentencing. Also notes the launch of the Protecting Older Tasmanians from Abuse Project in 2010 which includes education, prevention and support initiatives. March 2012</td>
<td></td>
</tr>
<tr>
<td>15.3</td>
<td>That the financial reform process adopted between the State Government and councils ten years ago be reviewed.</td>
<td>Letter prepared and forwarded to State Government. September 2012</td>
<td></td>
</tr>
<tr>
<td></td>
<td>State Government has responded indicating that it does not believe such a review is warranted or necessary.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>July 2012</td>
<td>That LGAT make representations to the State Government condemning the actions, or inactions, of individuals and groups that continue to jeopardise a continuation of lawful forestry related activities in the state of Tasmania.</td>
<td>This matter was raised with the Premier at PLCG meeting. Acknowledged that Councils and discrete communities were still hurting but IGA remains only plausible way to move this matter forward July 2012</td>
<td></td>
</tr>
</tbody>
</table>
Key LGAT Activity– August 2012

Policy/Project Activity

- Advice to ALGA regarding the national settlement framework for migrants.
- Advice to LGA SA regarding Tasmanian Local Government Relief Arrangements.
- Assistance to local Code of Conduct Panel.
- Commenced Annual Report.
- Commenced drafting the protocol for inter-council resource sharing in emergencies.
- Contributed to Melbourne University study on social procurement.
- Discussion with DPIPWE re coastal oil spill training for councils.
- Discussion with State Government Invasive Species Unit Manager regarding weeds.
- Feedback on the Review of Councillor Inclusive Numbers report by the Local Government Board.
- Household Hazardous Waste (HHW) Steering Committee wrote to Regional Waste Management Groups seeking feedback on HHW activities for the remaining 6 months, agreed to develop a Working Group and terms of reference for program coordinator to conduct a review, and future directions report on HHW Program in Tasmania.
- Information to the Parliamentary Inquiry into Local Government Elections following request.
- Institute for Public Administration Australia (IPAA) Tasmania, Public Sector Excellence Awards Judging.
- Research on a model social media policy for councils.
- Standards Panel - two new complaints received.
- Section51 engaged to conduct Independent Evaluation of Local Government Financial and Asset Management Project
- Water and Sewerage activity included:
  - Engagement of Page Seager to assist with legal work
  - Meeting of Working Group and Steering Committee
  - Regional forums on Water and Sewerage Corporation legislation

Training and Workforce Development

- Completion of four videos promoting council job roles.
- Presentation to Australian Independent Schools teachers and careers advisors, on Think Big Work Local and local government careers.
- Commenced analysis of LGAT 2012 Workforce Survey.

Meetings and Communication

- Anne Hardy (UTAS) re RV Camping & Market Classification Study
- Alcohol Advisory Group Meeting regarding Legislative Scoping Study
- Asbestos Management Strategy preliminary consultation
- Australian Centre of Excellence for Local Government regarding the utility of their Minimum Dataset
- CEO meeting with Graeme Lemmer regarding Jardine Lloyd Thompson decision to enter Local Government insurance market in Tasmania.
- Chemsal regarding Household Hazardous Waste Program
- Council of the Aging Tasmania Policy Committee meeting
- Crane Industry Reference Group Meeting
- DEDTA steering committee meeting Retirement Living
- DIER regarding Safer Non Urban Roads
- Donovan Burton (Climate Planning) re TCAP Project Evaluation Report
- DPIPWE re Aboriginal Heritage
- EPA regarding Environmental Dispute Mediation service trial
- IPWEA Technical Forum AGM regarding Crane Access on Local Roads
- Launch of the Inclusive Ageing Strategy (LGAT participated on working group)
- LGMA regarding crossover projects
- Local Government Division Monthly meeting
- Local Government HR Forum
- Local Government Financial and Asset Reform Project Steering Committee
- Meeting regarding Cultural and Historic Heritage legislation with Heritage Tasmanian and the Tasmanian Planning Commission
- Metropolitan Councils Meeting
- Nomenclature Board Meeting
- Planning Schemes Online Project
- Polytechnic regarding restructure of VET in Tasmania.
- Premier’s Local Government Council
- President and CEO meeting with Minister for Local Government, Bryan Green
- Professor Jan MacDonald (UTAS) re supporting evidence based adaptation
- Road Safety Advisory Council
- SES meeting regarding new planning officer
- Social Media Webinar
- Street lighting forum with Aurora Energy and follow up meeting
- Teleconference with Local Government Associations on ACELG Minimum Dataset
- Tasmanian Coastal Adaptation Decision Pathways Project Partners Forum – Campbell Town
- Tasmanian Infrastructure Advisory Council Meeting
- Water and Sewerage Working Group meetings
- Water and Sewerage Implementation Steering Committee
Media and Marketing

- Container Deposit Levy (corrections to mainland reporting)
- Developing the September LGAT News magazine
- Fortnightly Newsletter
- Launch of Local Government media campaign - included media launch and letters to all Parliamentarians outlining Local Government's position on amalgamations.
- Preparation of a survey for feedback on LGAT News

Key Outputs and Outcomes

- Issues Paper provided to councils – re Crane Access on Local Government Roads
- Launch of Local Government media campaign
- Organised Page Seager to present at HR Forum on Award Modernisation and developed action plan going forward.
- Response to final draft of State Special Plan - State Recovery Plan.
- Submission on proposed draft Standards for Single Dwellings and Multiple Dwellings (Villa Units and Townhouses) in the General Residential Zone
- Submission on Residential Property Transactions Bill 2012.
- Submission to the Local Government Board on the Review of Councillor Numbers.
- Water and Sewerage Road Shows
Key LGAT Activity– September 2012

Policy/Project Activity

- Assisted Department of Primary Industries, Water and Environment in organising a workshop for planning and heritage officers to discuss principles and processes proposed for new Aboriginal Heritage legislation.
- Commenced drafting a model Social Media Policy for Councils.
- Completed analysis of 2012 council workforce data for a major workforce planning report to councils in November.
- Engaged consultant Section51 to conduct an independent evaluation of the Local Government Financial and Asset Reform Project.
- Judging Community of the Year Awards.
- Managed complex Standards Panel activity.
- Engaged consultant Section51 to conduct an independent evaluation of the Local Government Financial and Asset Reform Project.
- Process and terms of reference agreed in relation to evaluating and winding up the Household Hazardous Waste Project. Funds for the pilot are exhausted.
- Progressing work related to Award Modernisation.
- Response to draft Water and Sewerage legislation completed.
- Version 1 of the Water and Sewerage legislation developed and circulated.
- Supporting paper for Water and Sewerage Constitution provided to councils for comment.
- Prepared and circulated relevant background papers for Owner’s Representatives Meeting.

Training and Workforce Development

- Arranged for Polytechnic to take over from The Skills Institute to fulfil some of the Enterprise Based Productivity Places Program grant funded training for councils.
- Attended a meeting of government agency heads and UTAS on strategy to boost the number of foreign students studying in Tasmania, in response to a recent report's findings that on the economic significance of this to Tasmania's economy.
- Banner advert for TV commercial was completed, designed to advertise competition and prizes for job seekers visiting www.thinkbigworklocal.com.au.
- Distributed advertising button adverts, linking three more council websites to www.thinkbigworklocal.com.au.
- Met with Civil Contractors Association developed an action plan to try and preserve the pathway from VET to UTAS Engineering studies to prevent a reduction in the number of engineers available, and an increase in the cost of training.
- Monitoring council jobs advertisements reveals that vacancies are rising again in September to 22 per week, up from 12 per week in July 2012.
- Recent changes to the LGAT website required work to maintain the ability of www.thinkbigworklocal.com.au to list council jobs advertisements in one location for job seekers. A quote has been requested.
Meetings and Communication

- (LGAT) Local Government Financial and Asset Reform Project Steering Committee meeting
- Alcohol Advisory Group - Legislative Scoping Study Project Meeting
- Business Tasmania Online Working Group
- Household Hazardous Waste: Presentation to the Board of the Southern Waste Strategy Authority, Cradle Coast Waste Management Group teleconference, Southern Waste Strategy Authority Management Meeting
- Climate Change Adaptation Project Meeting
- Consumer Affairs re Vendor Disclosure
- Department of Economic Development, Tourism and the Arts meeting to discuss retirement living workshop for Local Government
- Department of Infrastructure, Energy and Resources regarding cranes.
- General Meeting
- Interagency Working Group on Drugs
- Launch of Safer Rural Roads
- Local Government Associations’ Workforce Development Group
- Local Government Division – Financial and Asset Management Reform Steering Committee
- Monthly meeting with the Local Government Division
- National, Local Government Workforce Development Group met to discuss ACELG Minimum Dataset.
- OTTER (Office of the Tasmanian Economic Regulator) Customer Consultative Committee Meeting.
- Public Health Emergency Sub Committee Meeting
- Roads Australia Function
- Role of Local Government Working Group
- RSPCA re Cat Management Act
- Tasmanian Fire Service re community protection planning and bushfire planning in high risk communities
- Tasmanian Climate Change Office – Adaptation Issues
- Tasmanian Regional Arts Council – teleconference re Arts and Cultural Policy Protocol
- Tasmanian Training Consortium, Executive.
- Threatened Species Week event- launch of threatened species LINK database
- Through Skills Tasmania and Department of Economic Development provided detailed assistance on workforce development to the Alcohol, Tobacco and Drugs Council.
- Tobacco Coalition Meeting
- Teleconference with other Local Government Associations on the Australian Centre for Excellence Local Government’s handling of the National Minimum Dataset.
- Water and Sewerage Implementation Steering Committee
- Water and Sewerage Owners’ Representatives Meeting
Media and Marketing

- Presidents release addressing ridiculous Tasmanians for Reform claims.
- Household Hazardous Waste Program (ABC)
- Publication of quarterly LGAT News Magazine including web based reader survey

Key Outputs and Outcomes

- The General Managers Workshop on 12 and 13 September included presentations from Colin Petit, Secretary of Department of Education, Bob Graham re electronic lodgement of building applications, Jardine Lloyd Thomas Pty Ltd re insurance offering in Tasmania. Discussion on a range of current Local Government issues.
- Long Term Financial Planning Workshops conducted in Hobart and Launceston which were both well attended and well received.
Local Government prepares for potential Parliamentary Committee process

18 October, 2012

President of the Australian Local Government Association (ALGA), Felicity-ann Lewis has welcomed Local Government Minister Simon Crean's intention to move a motion in Parliament later this month to establish a Joint Select Committee on constitutional recognition of local government and is urging councils across the country to be prepared to engage in any Parliamentary Committee process.

"Several months ago, ALGA called on the Australian Government to establish a Parliamentary Committee as the next step towards a referendum on the constitutional recognition of local government, so we are extremely pleased that Minister Crean has provided a notice to Parliament of his intention to move a motion to establish the Committee," Mayor Lewis said.

"If the motion to create a Parliamentary Committee is carried in Parliament later this month, ALGA intends to make a submission to the Committee highlighting the importance of having local government recognised in the Constitution and we will be encouraging all councils to do the same."

"Prime Minister Julia Gillard gave an undertaking when coming to office in 2010 to hold referendums by the end of 2013 on both constitutional recognition of indigenous Australians and constitutional recognition of local government. Despite the Government’s decision last month to defer a referendum on indigenous recognition, ALGA will continue to work with the Commonwealth on putting in place the conditions for a successful local government referendum, which will ensure that important federal funding for local communities can continue," Mayor Lewis said.

ALGA has long maintained that the only way to protect direct federal funding for community services and infrastructure is to have local government recognised in the Australian Constitution and earlier this year, local government called on the Australian Government to establish a Parliamentary Committee to bolster bi-partisan support and consider the timing of a referendum and the wording of the constitutional amendment.

"ALGA is seeking an amendment of Section 96 of the Constitution so that it would read: 'Parliament may grant financial assistance to any state or local government body formed by or under a law of a state or territory on such terms and conditions as the Parliament sees fit,'" Mayor Lewis said.

"The report of an expert panel, established by the Government to explore the need for acknowledging local government in the Constitution, recommended last December that our case for financial recognition was a viable option."

Media enquiries:
Megan Magill, Director Public Affairs, Australian Local Government Association (ALGA) 0418 415 649

SUBSCRIBE TO ALGA’S ELECTRONIC MEDIA RELEASE SERVICE AND ALGA NEWS AT www.alga.asn.au/subscribe
## Contents

Acknowledgements ................................................................. 3  
Scope ....................................................................................... 4  
What is social media and why do we use it? ........................ 4  
Key principles .......................................................................... 5  
Links to other Council policies ............................................... 5  
Corporate use of social media ................................................... 6  
  Authorised Officers .......................................................... 6  
  Content ............................................................................... 8  
  Access ............................................................................... 8  
  Branding/Reputation Management ..................................... 9  
  Copyright .......................................................................... 9  
  Recruitment ................................................................. 9  
  Risks ............................................................................... 9  
  Record Management ...................................................... 10  
  Monitoring ....................................................................... 10  
  Resourcing/Training ....................................................... 10  
  Evaluation ........................................................................ 10  
Misuse of corporate social media .............................................. 10  
  Prohibited or offensive activities ....................................... 11  
Personal use of social media .................................................... 11  
  In work time ............................................................... 11  
  Making comments about Council ..................................... 11  
Breach of policy penalties ....................................................... 12  
Legal issues/liabilities .............................................................. 12  
  Defamation/Offensive/Obscene ........................................ 12  
  Privacy/confidentiality .................................................... 13  
  Security risks ............................................................... 13  
  Intellectual Property ....................................................... 13  
Dispute resolution .................................................................. 13  
Adoption of the Social Media Policy ...................................... 14  
Appendices ........................................................................... 15  
  Social Media Platforms ................................................ 15
Acknowledgements

This Policy is based on the Model Social Media Policy produced by the Local Government of Association (LGAT).

The LGAT extends their thanks to the following organisations who shared their policies in order to the model document:

- Clarence City Council;
- Department of Infrastructure, Energy and Resources (DIER);
- Dorset Council;
- Hobart City Council;
- Kingborough Council;
- Local Government Association of South Australia;
- Municipal Association of Victoria;
- Sorrell Council; and
- Tasmanian Integrity Commission.
Scope

This policy outlines what is expected of elected members and staff in relation to using social media in order to protect the reputation and legitimate interests of Council.

The aim of the policy is to build an understanding of what is appropriate and productive use of social media, to minimise miscommunication and prevent misuse of social media tools that will undermine Council’s brand.

In describing appropriate activity the Policy recognises that elected members and staff may use social media in a private capacity or a work capacity, either during work time or personal time, using Council property or personal property.

What is social media and why do we use it?

Simply put, social media is a collection of internet based tools which facilitate conversations.

Social media is now strongly embedded in Australian culture as a personal tool for networking and communication and is increasingly being used as core component of marketing and communications strategies by governments and businesses.

There is increasing use of social networking by Australians. Over 11 million Australians use Facebook – this is more than half the population. It is estimated that Australians spend 20 hours a month online and a 2011 Sensis survey found that Tasmanians have the highest social media usage and are most likely to follow a social networking group associated with a brand or business despite only 12% of businesses using social media – the second lowest rate of all the jurisdictions.

The desire to connect with governments using social media is increasing along with an expectation that this form of communication will be available. The digital age is well and truly here.

Social media can support organisations in the following:

- providing information and getting feedback;
- demonstrating the business personality/brand;
- ensuring organisational transparency;
- improving internal communications; and
- market research which is low cost.

Among the advantages of social media are that it:

- is fast/can be immediate;
- allows for easy content creation/development/dissemination;
- can establish large, powerful networks;
- is always on;
potentially can reach a large audience; and
• can build reputation through attracting attention.

Around the world, councils are using social media in a myriad of ways including event promotion, communication including local laws, getting community feedback including from hard to reach groups, establishing ongoing networks, emergency management, recruitment, branding and consulting in strategic and specific issues.

Use of social media needs to be embedded within broader governance, communications and marketing strategies, an understanding that there is a need to choose the right tool for the task and awareness of what is appropriate or inappropriate use of social media.

Even if councils choose not to actively engage in social media there is a need to take into account – it is being used to comment on council activities.

Key principles

1. Social media will be used as a communication tool and to facilitate professional development and online collaboration. Social media will not be the driver for building a communications strategy, but rather, a tactic applied.

2. Information disseminated through social media will be accurate, authorised and aligned with council strategies, policies and decisions.

3. Use of social media will always follow clear identification of objectives and the right tools to meet those objectives.

4. Private information will be protected and copyright, privacy and other applicable laws will be taken into account when interacting with social media.

5. There will continue to be appropriate record keeping of information disseminated or collected via social media.

6. The use of social media is a personal responsibility regardless of whether it is authorised or individual, in or out of work.

7. All elected members and employees are responsible for being familiar with this policy.

Links to other Council policies

Using social media is not without risks and challenges and this policy aims to address some areas of concern such as inappropriate use, record keeping and resourcing. Some other issues are best covered in other policies and those related policies are outlined here:

{For example}
• Responsible Use of ICT
Communications/Marketing
Code of Conduct
Privacy
Customer Service Charter
Records Management /Archiving
Emergency Management Plan

These policies have been reviewed to ensure alignment with this Social Media Policy.

Corporate use of social media

Authorised Officers

Elected members and staff intending to use social media to communicate about Council activity or policy should ensure appropriate authorisation as per the Responsibilities/Delegations table below. (Should the table be in the body of the policy or as an appendix?)

All elected members and staff should register their social media account/tools/site being used for corporate activity with the (General Manager or Communications Manager or IT Manager?).

Responsibilities/Delegations

The Roles and Responsibilities Table should be used to establish who will write and post content, who will approve/moderate incoming content, and who will respond to negative and positive posts (and how). It should also detail the type of content which must be approved – eg commitment to events, activities, actions, information on Contentious issues, Announcements of new services, events etc.

<table>
<thead>
<tr>
<th>Role</th>
<th>Responsibilities</th>
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<tbody>
<tr>
<td>Mayor</td>
<td>Should seek advice from the General Manager and/or Media/Communications Manager regarding tools available and should be communicating in their role as outlined in 27(1)(b) of the Local Government Act 1993 (ie act as spokesperson of the council).</td>
</tr>
<tr>
<td>General Manager</td>
<td>Should ensure responsibilities/delegations in relation to Social Media are clearly defined and act as a source of advice to the Mayor. Should approve use of council branding. <strong>Should ensure compliance with social media provider conditions.</strong> Should act as the spokesperson on operational issues or issues of fact.</td>
</tr>
<tr>
<td>Elected Members</td>
<td>Should seek advice from the Mayor or General Manager and be sure not to speak on behalf of the Council as this is the Mayor’s role (see above).</td>
</tr>
</tbody>
</table>
A person authorised to comment on behalf of Council may be limited to particular topic or specific types of social media or both. Comment only on topics within your area of expertise and authority. Comply with terms of use.

### All Staff and Contractors

Should have approval for use from relevant manager. Must maintain records as per the Archives Act etc. Must comply with conditions of use.

A person authorised to comment on behalf of Council may be limited to particular topic or specific types of social media or both.

- Comment only on topics within your area of expertise and authority.
- Unless otherwise authorised comment only on matters which are operational or routine in their own area of responsibility.

Comply with terms of use.

### Managers

**Communications Manager/Department**

- Training
- Strategy/Action Plan/Register
- Disclaimers
- Develop record keeping procedures
- Monitoring
- Legal advice?

### ICT/IT Managers/Department

- Secure access/backup.

### Moderator (identify position)

Appendix 2 provides a Councillor Self Assessment designed by the Tasmanian Integrity Commission which may assist Councillors in their social media related decision-making.
Content

Council has a clearly established and disseminated plan as to who will write and post content, who will approve/moderate incoming content, and who will respond to negative and positive posts (and how). Corporate content will only be posted by authorised officers (who can be staff or elected members) as outlined earlier.

When communicating on behalf of Council, elected members and staff must identify their relationship with Council by their stating name and position. Generally, no-one should provide email or phone number contacts.

Uploaded content will only disclose on information which is classified as suitable for the public domain.

Content Managers will ensure the information posted is accurate and not misleading in any way.

In developing, posting and responding to content, authorised officers WILL:
- uphold the values of the Council by acting with honesty, integrity, courtesy and professionalism;
- ensure that all relevant legislation has been complied with and that there is adherence to Council codes, policies and procedures;
- avoid political bias; and
- take steps to avoid real or potential conflicts of interest.

When developing or posting content, authorised officers must NOT:
- use abusive, profane or sexual language;
- undertake commercial solicitations or transactions;
- use copyright or ownership protected materials without appropriate approvals;
- be discriminatory, defamatory, or encourage law breaking;
- compromise council, employee or system safety;
- spam; or
- air personal campaigns.

Content Removal

Council reserves the right to remove certain content such as illegal or offensive material. Material that is reasonably critical of Council will not be deleted.

Council will always state why a post or content was removed regardless of who posted.

Access

1) Staff members who are authorised to post comments on behalf of Council must do so from the administrative profiles set up for {council name} Council.
2) Those accounts are:
   a. Eg Council Facebook
   b. Council Twitter
Branding/Reputation Management

The brand is the corporate identity of Council and can take many forms (name, sign, symbol, colour combination, slogan). A clear brand is an essential tool in online communications.

The Council logo should always be attached to corporate content.

Authorised officers will adhere to council corporate style guide when developing and uploading content.

Copyright

Material which is copyrighted (applications, audio, video, graphics, images, photographs, publications) will not be used unless prior written consent is obtained from the creator or copyright owner and the original author or source of the material is acknowledged.

Authorised officers will be diligent in their consideration of brand, copyright, fair use and trademarks.

Recruitment

?? What should we put here. Social media is being used increasingly in this regard? Suggestions?

Positions advertised through social media must also be on the Council’s website.

Risks

A risk analysis with related mitigation strategies will be undertaken for each new planned aspect of social media use. Such analysis will consider things like lack of followers, blurring of professional and personal communications, online activism and negative comments, expectation of instant responses, breaches of law or codes of conduct, unauthorised posts.

The liabilities section of this policy covers off on some specific risks but legal advice should be sought where appropriate.

In considering how to proceed, Council will give detailed consideration as to:

- The protection of privacy and the confidentiality of Council and ratepayer information.
- Preventing disclosure of corporate information outside that which is authorised or publically available.
- How Council’s intellectual property and copyright will be protected.
- The terms of service for nominated social media sites.
- How Council will respond to orchestrated campaigns by skilled social media users.
- The level of response for issues raised by people outside the municipality.
- What constitutes a representation as defined under the Local Government Act (for example a tweet is not a representation).
Record Management

In using social media, Council will comply with the requirements of the Archives Act 1983 and with reference to the State Archivists Guidelines on digital record management.

Consideration of recording keeping requirements will be made before each new planned use of social media.

The five key questions to help identify whether a record is a state record are:

1. Was it made, sent or received in the course of business?
2. Does it document a decision taken?
3. Does it document advice given?
4. Does it document the process of arriving at a decision?
5. Is it required to be kept by legislation?

Monitoring

As a minimum requirement, council will monitor social media content and exchanges at least twice daily and establish whether:

- comments need replies or removal.
- current content is factual, accurate and up-to-date.
- posts are relevant.
- new information needs uploading.

Council will make use of digital monitoring tools whenever available as part of their evaluation of social media activities.

Are there staff members to monitor after hours and weekend – if not need a public disclaimer and consider potential brand damage.

Resourcing/Training

Council will ensure that social media activities are adequately resourced to allow for content development, monitoring, interpreting the volume and content of messages and responding as required.

Evaluation

Council’s social media activity will be evaluated through simple metrics which are sustainable and related to the desired outcomes.

The mechanisms for evaluation will be determined in relation to each new planned use of social media.

Misuse of corporate social media
**Prohibited or offensive activities**

Staff and elected members must not post or respond to material that is offensive, obscene, defamatory, threatening, harassing, bullying, discriminatory, hateful, racist, sexist or infringes copyright.

Staff and elected members must not establish fictitious names or identities deliberately intended to deceive, mislead or lie.

Staff and elected members must not bring Council’s integrity into disrepute, or harm the operations or reputation of Council.

Staff and elected members must separate personal opinions from professional ones.

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**Personal use of social media**

Council will not require staff or elected members to hand over credentials to a personal social media account. However, personal use must comply with this policy.

**In work time**

Council supports the use of social media for professional purposes such as communicating with fellow employees or professional colleagues, acquiring or sharing information, and use for educational or professional development activities.

Incidental use of social media during work time is permissible provided use of equipment and consumption of space on network is kept to a minimum and does not compromise, pre-empt or impact adversely upon council business. Such use should not interfere with productivity, effectiveness and legitimate work activities and the time spent on personal use must be kept to minimum. Excessive use will not be tolerated.

Council will provide notice if monitoring of social media usage is to be introduced.

*(An alternate approach is to confine use to lunch time or before or after work. It is not considered practical to ban work time use, particularly with the significant use of smart phones. Some organizations also bar all or some staff from using social media through using firewalls but this is not an effective substitute for sound policy and effective and realistic management. I would recommend the broader use outlined above)*.

**Making comments about Council**

In using social media for personal communication, staff and elected members must not purport to represent the Council. It is permissible to mention where you work provided the website is appropriate for people of all ages – e.g. not a gambling or adult website, but you must make it clear you don’t speak on behalf of council.

Staff and elected members can post public information about Council – that is information which can be found on Council’s website. They may also join and participate in official Council social media sites.

In using social media for personal communications, staff must not:

- damage the reputation of Council,
• use Council’s intellectual property or copyrighted materials,
• disclose sensitive or confidential information, or
• post offensive of defamatory comments – particularly about the Council, council staff or elected members.

Consideration should be given to the following:
1. Could what you are doing harm the reputation of your Council?
2. Are you disclosing Council material that you are not authorised to disclose?
3. Have you made it clear to others when your contribution is as a private individual, not an employee of council?
4. Are you willing to defend your post to your Manager?
5. Would you be comfortable saying it to a stranger at a bus stop or posting in on a public shop window?
6. Are you behaving with integrity, respect and accountability?

Breach of policy penalties.
Staff and elected members must comply fully with the policy at all times.

If you are not sure if an activity complies, speak to your Manager, General Manager or Mayor.

Non compliance is serious matter and appropriate action will be taken.

Nothing in this policy should be interpreted as diminishing or attempting an employee’s right to engage in lawful industrial activities.

An Elected Member breaching this policy may be subject to a Code of Conduct complaint (as per the Local Government Act 1993 and the Local Government (General) Regulations 2005. Staff breaching this policy may be subject to disciplinary action as per the ?? Policy.

Legal issues/liabilities

Defamation/Offensive/Obscene

Social media can appear to blur private and public spheres but activities on social media websites should be considered public activities. Despite the availability of privacy functions on social media websites, the possibility exists for content to be shared beyond intended recipients. Additionally it should be noted that the terms and conditions of use for most social media sites state that all content becomes the property of the site on which it is posted.

Online content is essentially permanent and should NEVER be considered private.
Use of offensive, obscene or defamatory content may breach a number of Federal and State Laws.

Staff and elected members will not post offensive, obscene or defamatory content.

For example:

- *Defamation Act 2005* (Tasmania)
- *Commonwealth Criminal Code Act 1995* – offences related to telecommunications for example Section 474.17 deals with using a carriage service to menace, harass or cause offence.
- *Tasmanian Criminal Code 1924* - it is illegal to intentionally provide someone with offensive material (such as emails, photos or messages) or act in any other way for the purpose of causing them physical or mental harm, apprehension or fear.

**Privacy/confidentiality**

In using social media, staff and elected members will be cognisant of requirements under the *Personal Information Protection Act 2004* and the *Local Government Act 1993*.

Personal and sensitive information cannot be published without permission of the person to which that information belongs.

Staff and elected members will not disclose confidential council information, including but not limited to matters relating to closed meetings of Council.

**Security risks**

Staff and elected members will be cognisant of security risks to Council through the use of social media and will comply with the *ICT Policy* in relation to use of equipment.

Staff and elected members will also give consideration to security risks in relation to content development and uploading, recognising that while one small fact alone might not form a security risk collectively all posted information can form part of a jigsaw puzzle that can be used against the interests of Council.

**Intellectual Property**

This is about Council’s IP – have I covered it enough elsewhere? Could be simply – as stated throughout this document, IP must be acknowledged etc

**Dispute resolution**

Disputes will be managed in accordance with *Council’s dispute resolution policy*. 

(X Council) Social Media Policy
Adoption of the Social Media Policy

This policy was adopted by the Council on (insert date) and is due for review by Council by (insert date).

<table>
<thead>
<tr>
<th>Date of Approval</th>
<th>Source of Approval</th>
</tr>
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<tbody>
<tr>
<td>Source of Approval</td>
<td>Council Resolution No.:</td>
</tr>
<tr>
<td>Date of Commencement</td>
<td></td>
</tr>
<tr>
<td>Source of Authority</td>
<td>S28E Local Government Act 1993</td>
</tr>
<tr>
<td>Strategic Plan Reference</td>
<td></td>
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<tr>
<td>Date of Review</td>
<td></td>
</tr>
<tr>
<td>Previous Policies Withdrawn or Amended</td>
<td>This policy supersedes all other social media policies and Council resolutions in relation to social media.</td>
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<tr>
<td>Department Responsible for Implementation</td>
<td></td>
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<tr>
<td>Department Responsible for Policy</td>
<td></td>
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<tr>
<td>Publication of Policy</td>
<td>Members of the public may inspect this policy at the (insert location). Copies can be obtained free of charge. Alternatively, it can be accessed on Council’s website (insert website address)</td>
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</table>
## Appendices

### 1. Social Media Platforms

Social media platforms vary in their level of engagement from 1:1 (eg Email, Personal Messages, Chat) to 1:Many (Blogs, photo sharing), Many:Many (Forums) and Few:Few (gated – follow me services).

<table>
<thead>
<tr>
<th>Wiki</th>
<th>Collaborative websites where users can create web pages and have others add, remove and maintain information on a topic or thread.</th>
</tr>
</thead>
</table>
| Social Networking | Facebook  
Users can upload content that is used to connect, communicate and share with others, building online communities with shared interests.  
Twitter  
Social networking and micro blogging site enabling users to send and read short messages called Tweets.  |
| Linked In | This site is geared towards companies and industry professionals looking to make new business contacts or keep in touch with previous co-workers, affiliates and clients.  
Yammer is an enterprise social networking and collaboration service for employees within a business organisation. Only users with a specific email address connect to each other.  |
| Internet Forums | A forum or message board is an online discussion site.  |
| Blogs | Online journals of opinion captured in brief paragraphs that a constantly updated.  |
| Photo sharing sites | Allows users to upload images and is useful for categorising and organising pictures. Allows other users to comment on them or re-use with permission.  
Pinterest  
A virtual pinboard which allows organisation and sharing of internet based information and photos.  |
| Flickr | Online photo management and sharing application.  |
| Instagram | A photo sharing and social network program  |

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1. [http://whatis.techtarget.com/definition/Facebook](http://whatis.techtarget.com/definition/Facebook)
2. [http://www.hudsonhorizons.com/Our-Company/Internet-Glossary/LinkedIn.htm](http://www.hudsonhorizons.com/Our-Company/Internet-Glossary/LinkedIn.htm)
3. [http://searchcio-midmarket.techtarget.com/definition/Yammer](http://searchcio-midmarket.techtarget.com/definition/Yammer)
<table>
<thead>
<tr>
<th>Video sharing Sites</th>
<th>YouTube</th>
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<tbody>
<tr>
<td></td>
<td>A video sharing website which allows users to upload, share and view videos.</td>
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</tbody>
</table>

| Podcasting | Sites supporting the posting of audio files that can be downloaded and used by others. |
2. Questions for consideration by elected members.

- Is the information sensitive? (Private, commercial in confidence, planning applications/proposals, council policy). Are there resulting limitations on publication?
- Do I have a formal delegation to publish? Do I need advice from the General Manager or legal advice? If not, why not?
- If the information relates to a planning application, can I stay impartial and appear so? If unsure, who can advise me?
- Would publication of this information damage the reputation of Council? Will it lessen public confidence in Council?
- Will I or Council be making important decisions about the subject of the publication in the near future? Will publication result in actual or perceived bias?
- What would be the effect if the publication of the information by me was front page news? What will the outcome be for me, Council, fellow councillors or constituents?
- Is this the right thing to do? Should I discuss with someone else first?

Howard A.E (2012), *Connecting with Communities: How Local Government is Using Social Media to Engage with Citizens*, ANZOG Institute for Governance at the University of Canberra and Australian Centre for Excellence in Local Government,


Purpose
The purpose of the steering committee is to:

1. Develop a draft State framework for promoting financial and asset sustainability at the Local Government level for consideration by the Premier’s Local Government Council (PLGC);

2. Report to the PLGC with recommendations:
   a) on the requirement for all councils to undertake long-term financial and asset management planning;
   b) to improve the consistency and transparency of asset depreciation and revaluation practices of councils;
   c) on the requirement for all councils to report the sustainability indicators in their financial statements; and
   d) on an appropriate review/audit process to promote compliance and quality of long-term financial and asset management plans and other arrangements.

3. Establish a working group or groups to deliberate and provide a draft report and recommendations on the above.

Membership
Membership of the steering committee will comprise:

- Mathew Healey (DLGSEM)
- Katrena Stephenson (LGAT)
- Greg Brown (DLGSEM)
- Peter Brooks (Local Government)
- Ron Sanderson (Local Government)

Chairperson
The steering committee will be chaired by Mathew Healey, Director, DLGSEM
Meeting schedule

It is anticipated that the steering committee will meet two times:

1. 27 September 2012 - the first meeting will be a discussion of the project and to agree on membership for the working group/s.

2. end November 2012 - update on progress.

3. February 2013 - the final meeting will seek agreement on a final report to the PLGC.

Outputs

1. Draft State framework for promoting financial and asset sustainability including advice regarding ongoing maintenance and evaluation of the plans at the Local Government level.

2. Project report detailing recommendations:
   a) on the requirement for all councils to undertake long-term financial and asset management planning;
   b) to improve the consistency and transparency of asset depreciation and revaluation practices of councils;
   c) on an appropriate review/audit process to promote compliance and quality of long-term financial and asset management plans; and
   d) on the requirement for all councils to report the sustainability indicators in their financial statements.

Timeframes

The outputs will be provided to the Premier’s Local Government Council for consideration at its first meeting in 2013.

Governance

The project will be overseen by the PLGC.

The above-described steering committee will guide the project.

Resources

DLGSEM will provide executive and policy support for the project.

Steering committee members will be responsible for meeting their own costs for attending steering committee meetings.
Two Sides of the Coin: Local Government and Volunteers.

Dr Katrena Stephenson and Kate Hiscock – Local Government Association of Tasmania.

Councils and councillors are a vital part of Tasmania’s volunteering fabric. This paper explores two aspects of the interplay between Local Government and volunteering: 1) councillors as volunteers in their communities and 2) councils as facilitators and supporters of local volunteering activity.

Councillors as volunteers: future challenges and opportunities

Are Councillors Volunteers?: the case in Tasmania

Sometime in 2008 Volunteering Tasmania published a piece “Did you know that your local government Councillor is a volunteer?”. At the time, the Local Government Association of Tasmania (LGAT) was analysing the results of our biennial elected member census and looking at the hours given by respondents to both council and other voluntary roles and this article resonated strongly.

Councillors in Tasmania, as in most jurisdictions, are not paid salaries but receive an allowance to cover some of the costs involved in having to phone, write and visit constituents, participate in community events and attend council meetings.

Allowances are relatively small compared to the significant number of hours committed. In smaller Tasmanian councils the allowance is currently $7,800 ranging through to $30,500 for the major metropolitan councils. The average allowance across Tasmania (excluding Mayors and Deputy Mayors) is around $14,000 per annum.

In 2008 there was an inquiry into elected member allowances which noted the following:

1 In Queensland, a new remuneration model was introduced following amalgamations with Mayor, Deputy Mayor and Councillor remuneration calculated as a percentage of a reference rate based on the annual base salary payable to a Member of the Queensland Legislative Assembly.
“Historically council representation has been driven by the notion of community service...individuals served in a voluntary capacity with any allowances payable designed to reimburse expenses reasonably incurred”.

Ratepayer groups view the role of councillor as a service to the community.

A typical workload for councillors is 10-25 hours per week, with likely a higher workload for larger councils.

“It is universally accepted that Mayors and to a lesser extent Deputy Mayors carry a heavier workload and level of responsibility than councillors”

The allowance is not akin to a salary and bears no relationship to hourly rates of pay.

Lack of remuneration should not be a barrier to serving on council.

The Board of Inquiry felt that being a councillor was distinguishable from volunteerism generally because of the complexity of issues and the workload expected and because of the level of public scrutiny councillors are subject to. It could be argued that this sort of scenario applies in the cases of not for profit boards where there is a relatively high profile of the organisation. Like councils, such boards are facing increasing levels of regulation in relation to conducting their business and increasing public scrutiny.

**Councillors as crucial bridges between communities and councils: who will step up into the future?**

In many ways, the profile of councillors in Tasmania mirrors that of the general volunteer pool – with one key exception. Generally women volunteer more than men\(^4\), but councils have significantly more men serving. This is likely a consequence of the significant time investment required of councillors which does not lend itself to those in caring roles.

Earlier in this piece we referred to the biennial elected member census undertaken LGAT. The census provides broad demographic information as well as detail about the work of councillors. Outlined below are some key findings from the 2011 census however, these findings have remained relatively consistent over the last 3 surveys.

- Councillors are predominantly older and male.
- 36 per cent of respondents have no qualifications beyond school.
- Just over a quarter are retired but 64% are in some form of employment (around ⅔ of those are self employed).
- Over 90 per cent are members of another organisation outside council, with 67 per cent being members of more than one other organisation. Most commonly these are service, sporting and professional organisations (respectively) but this also includes welfare and special interest organisations.
- Once on council, members tend to dedicate many years of service with 60 per cent of respondents indicating they had served more than 4 years and 15 per cent of respondents having served more than 16 years on council.
- Councillors work hard with most (57 per cent) making contact with the public for 11 to 40 hours each month and dedicating at least 11 hours a week to Council business (64%).

\(^4\) Centre for Volunteering (Volunteering Statistics)
• Councillors were most likely to have run for council because of a desire to give something back to the community.

These key findings highlight a number of issues for Local Government in Tasmania into the future:

• Continued difficulty in attracting younger workers to Council because of the hours required.
• A significant loss of corporate knowledge as the older cohort of long-term councillors retire from council life.
• In turn, this may mean reduced connections between council and other community organisations given the degree of joint membership.
• A continued requirement to build capacity and skills particularly in the face of an increasingly professionalised role.
• Competition for the same community minded people across councils and other volunteer supported organisations.

Some of these issues are being faced by other organisations that rely on volunteers.

It is well known that volunteering can enhance self esteem, promote learning and facilitate social interaction and that people value volunteering as a means of promoting and demonstrating personal values. Serving on council likely offers those same key opportunities and is an important mechanism for promoting and supporting volunteering in the community more broadly.

Which leads us to our second aspect of Local Government and volunteering.

Councillors as facilitators and supporters of local volunteering activity

Local Councils: facilitating social inclusion within our local communities

As the level of Government closest to communities, Local Government is a key supporter and facilitator of social inclusion. Social inclusion broadly describes the position that all people are able to participate as part of a community. For example, the Australian Government’s vision for social inclusion is a society where all people will have the resources, opportunities and capability to:

• learn by participating in education and training;
• work by participating in employment, in voluntary work and in family and caring;
• engage by connecting with people and using their local community’s resources; and
• have a voice so that they can influence decisions that affect them5.

Local government’s long history in the provision of community services and the understanding of the needs of varied groups is vital for delivery of the national Social Inclusion Agenda6.

Volunteering: a key tool for facilitating social inclusion

It is widely acknowledged that community health and well being is enhanced by increased community participation; something that councils are widely involved in on a daily basis. Community

6 Australian Council of Local Government  www.aclg.gov.au
participation on a voluntary basis is gaining recognition as a significant contributor to building social inclusion. Voluntary activity can provide pathways to achieve both personal and community goals, build community networks and strengthen communities. Local Government is able to approach and contribute to voluntary activities “in the context of a wider and strategic focus upon building strong and sustainable communities”7, as it interacts with a wide range of associations, community groups, business, industry and State and Federal Governments.

**Local Government’s roles in facilitating volunteering: challenges and opportunities**

**Opportunities: recognition, resources and infrastructure, funding and services**

Many councils have formalised supporting roles for voluntary activities such as local environment or bush care groups, walking groups or Men’s sheds. Councils may also support voluntary groups through providing facilities at little or no cost or providing public liability insurance and sponsoring community events. Councils also play an important role in celebrating and encouraging volunteering. For example, each year Hobart City Council hosts the *Volunteer Recognition Awards* where Council invites all community organisations that operate in the Hobart municipal area to nominate for an award. Another key aspect of support is the over $1 million in funding assistance provided by Tasmanian councils each year to community groups through community grants programs.

A Western Australian survey undertaken in 2011 found that nearly three quarters of Western Australian councils supported between 1 and 25 local organisations during the year preceding the survey8. Examples of the type of support included providing access to local government equipment and/or facilities at no cost, grants to assist with local volunteering operations, opportunities for local groups to self promote at council events, access to local government provided training for volunteers and volunteer managers, and assistance with recruiting volunteers.

**Opportunities: consultation, inclusion and community development**

Additionally, councils involve community members in a range of voluntary capacities for community development purposes9. For example, community engagement processes for developments and planning approvals, development of community precincts and council’s own strategic and community plans. These processes are considered a democratic way of harnessing knowledge and skills within the community towards collective community goals, through community participation in a voluntary capacity10.

**Challenges: balancing increased community engagement with realistic capacity and service delivery**

While Local Government values and supports fostering community participation and trying to harness community interests and passions, this also brings with it increased community expectations about services, facilities and what Local Government can reasonably deliver. It also costs councils in

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8 Painted Dog Research (2011) *Volunteering and Local Governments in Western Australia*, Government of Western Australia, Department for Communities.


time and resources to manage community engagement and other participatory processes. Further challenges are introduced where Local Government must abide by Federal or State Government timelines for funding processes, additionally contributing to the resource demands on Local Government for a project.

**Challenges: supporting the local volunteering sector to resource its workforce and deliver services**

With Federal and State Government funding sources becoming increasingly challenging to attract and maintain, as well as supporting the volunteering sector, many councils are also increasingly becoming reliant on volunteer activities to support the work of councils in local communities. This is particularly evident for smaller and rural councils which see great reliance on volunteers for areas such as emergency services. In those councils, in general, it is young people and the elderly who benefit most from volunteering services, where State and Federal Government services may not be delivered locally.

In 2011, it is estimated that volunteering contributed $63.3 million to Local Government in Western Australia with nearly five times greater hours volunteered than worked by paid staff. Increased support and reliance on volunteer work in the Local Government sector brings with it, however, increased responsibility for councils to manage volunteer activities within their communities. Additionally, increasing insurance premiums and demands in health and safety regulations means councils must adopt a risk management approach to managing volunteers and the specific roles they undertake.

**Challenges: meeting new expectations of volunteering and volunteer management**

The effects of an ageing population and its impacts on volunteering patterns (among other issues) is something already being experienced by Tasmanian councils. For example, demographic changes, particularly in coastal communities where influxes of retirees or “sea changers” are being experienced, brings with it new expectations and a change in the nature of the volunteer work required and those available or willing to volunteer. Generally, an aging population of volunteers in more traditional areas such as Meals on Wheels is not being replaced by new and younger recruits. The literature suggests that people are becoming more selective in choosing the type of work they are prepared to undertake as volunteers and how they would like to be involved. For example, younger people are willing to volunteer but tend to be issues and outcomes focussed in their voluntary activity and often focus on a specific area such as environmental issues. Another noted trend is that people are often interested in volunteering for decision making rather than participating in active helping roles.

**Ways forward: facilitating positive relationships between councils, volunteers and volunteer-involving organisations**

It is clear that Local Government and volunteering fit well together. There are mutual dependencies and benefits. Volunteers benefit through the support of their councils as well as access to networks. Councils benefit through increased resources to assist in the delivery of the diverse range of services

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11 Painted Dog Research (2011) *Volunteering and Local Governments in Western Australia*, Government of Western Australia, Department for Communities.

expected of them by other Governments and their community. The role of councillor provides a formalised volunteer like path and certainly seems to attract people with a similar passion to ‘give something back’. Challenges exist for both facets of community service, some unique but many in common. Continuing to ensure positive relationships between councils, volunteers and volunteering organisations will best allow these challenges to be successfully addressed.
17th October 2012

Ms Georgia Palmer  
Senior Policy Officer  
Local Government Association of Tasmania  
326 Macquarie Street,  
HOBART,   TAS

Dear Georgia,

RE: LGAT Protocol for Inter-Council Emergency Management Resource Sharing:

We refer to the LGAT Protocol for Inter-Council Emergency Management Resource Sharing. MAV Insurance, Liability Mutual Insurance (LMI)’s role in this matter, was to have some input in the section titled: “Liability for Loss or Injury”. Please refer to the appropriate page in your document.

For those Councils who wish to enter into an agreement, this section provides an understanding of what each Council can offer in the way of an indemnity. Basically, LMI will agree to provide a “Principal’s Indemnity” extension to the Principal/Assisting Council.

What this means, is that LMI will extend the policy of the “Receiving Council”, to cover the “Assisting Council” as “Principal” in respect to claims for personal injury or property damage arising out of the negligence of the “Receiving Council”. Put simply, the “Receiving Council’s” policy (the Council receiving the equipment/service) is extended to cover the “Assisting Council” (the Council providing the equipment/service - the Principal), should they become embroiled in litigation where the “Receiving Council” has been negligent. The Principal’s Indemnity extension does not offer cover to the “Assisting Council” if they themselves contribute towards the negligent acts etc. Their own LMI Policy will respond to their own acts of negligence.

As outlined in the Protocol, each Council will be responsible for its own potential liabilities in respect to any losses arising out of activities associated with the “Resource Sharing” under this protocol, on the assumption that common law will prevail.

Upon request, LMI will provide the appropriate Certificate to Council, if required. Any questions etc., please contact the writer.

Yours sincerely,

Frank Loschiavo  
Account Executive  
Jardine Lloyd Thompson  
Service Provider to MAV Insurance Liability Mutual Insurance