General Management Committee

Minutes

Wednesday 11 March 2009
1. NOTICE OF MEETING

A meeting of the General Management Committee was held at the Launceston Country Club Casino, commencing immediately following the conclusion of the General Meeting.

IN ATTENDANCE:

Mayor Mike Gaffney President
Lord Mayor Rob Valentine Hobart City Council
Mayor Kevin Hyland West - North West Region
Mayor Lynn Laycock West - North West Region
Mayor Barry Easther Northern Region
Mayor Robert Legge Northern Region
Mayor Deirdre Flint Southern Region
Mayor Graham Bury Southern Region

Mr Allan Garcia LGAT
Dr Katrena Stephenson LGAT
Ms Christine Agostinelli LGAT
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* Denotes Attachment
The President welcomed Members and declared the meeting open at 3.10pm.

### 1.1 SUBJECT: CONFIRMATION OF MINUTES *

**Lord Mayor Rob Valentine/Mayor Graham Bury**

That the Minutes of the meeting held on 16 December 2008, as circulated, be confirmed.

Carried

Minutes of the meeting held 16 December 2008 are at **Attachment to Item 1.1**.

### 1.2 SUBJECT: BUSINESS ARISING *

**Lord Mayor Rob Valentine/Mayor Lynn Laycock**

That the Committee receive the report on business arising from the previous meeting.

Carried

Update of Policy items from the last meeting - not covered in this Agenda are at **Attachment to Item 1.2**.

### 1.3 SUBJECT: PRESIDENT’S REPORT

**Mayor Deirdre Flint/Mayor Graham Bury**

That the President’s report be received.

Carried

Since the 16 December meeting the President has attended, organised, represented or been involved with the following:

**Media**

- Infrastructure Building Program
- Victorian Bushfires
- LGAT Overview (2008)
- Global Financial Crisis
- Elected Members Census

**Print**

- Infrastructure Building Program

**Radio/TV**

- Infrastructure Building Program

**Correspondence:**

- Mayors Workshop (Dec & Feb)
- Elected Members Census
Meetings

- ALGA, Hobart 18 & 19 Feb
- Implementation Joint Steering Committee (IJSC), 29 January
- Australian Council of Local Government (ACLG) – Canberra Feb 5
- General Meeting - March 11

Writings

- LGAT Newsletter – Feb 6, 20 March 6
- Local Government Focus
- LGAT News
- Councillor
- Annual Report (2008/09)

Forums

- 2009 Economic and Political Overview

Events

- Australia Day Awards Launch (Australia Post)
- Ten Days on the Island Launch
- Woodbridge on Derwent Launch

1.4 SUBJECT: CHIEF EXECUTIVE OFFICER’S REPORT

Mayor Barry Easther/Lord Mayor Rob Valentine

- That the Committee noted the verbal report provided on the day.

Carried
2. POLICY

Policy Items for Discussion & Decision.

2.1 SUBJECT: CONSTITUTIONAL RECOGNITION

Lord Mayor Rob Valentine/Mayor Robert Legge

That the Meeting note the following report.

Carried

Background
The Local Government Constitutional Summit - A Special National General Assembly was held from 8 - 11 December 2008 in Melbourne. The purpose of the Summit was to discuss and reach a Local Government position on the constitutional recognition of Local Government. A declaration was unanimously agreed and can be found at http://www.alga.asn.au/constitutionalrecognition/ along with summit papers.

The declaration focuses on the need to ensure the quality of provision and ongoing sustainability of Local Government and that constitutional amendment should reflect the underlying principles of direct provision of funding from the Commonwealth to Local Government and recognition of Local Government as a key component in the modern Australian Federation.

At the inaugural Australian Council of Local Governments (ACLG) meeting last year the Rudd Labor Government stated “The Australian Government is committed to listening to Local Government about the benefits and process for recognising Local Government in Australia’s Constitution”.

ALGA have outlined the following next steps in the process:

January 2009
ALGA to present the outcomes from the Local Government Constitutional Summit to the Federal Government.

Throughout 2009
Work with Federal Government to draft legislation as well as to design and develop a comprehensive community engagement strategy.

2010
Possible time for referendum.

Budget Implications
Does not apply.

Current Policy
This is one of the three pillars of ALGA’s strategic ‘3Fs’ agenda and consequently will be a key issue for LGAT in 2008/09.
2.2 SUBJECT: CULTURAL HERITAGE ACT

Mayor Deirdre Flint/Mayor Lynn Laycock

That the Meeting note the following report.

Carried

Background
In September 2007, Heritage Tasmania released the Managing our Heritage position paper, which outlined how State Government proposed to respond to the Mackay Report in relation to reform of the Historic Cultural Heritage Act 1995. Local Government and other planning authorities participated in forums and made submissions, generally in support of the proposed approach, particularly in relation to removing overlap, inconsistency and duplication of effort. However some concerns were raised, including the need to consider the detail and resourcing implications. It should be noted that an increased number of development appraisals required as a result of the increased number of local listings likely, not only increased the workload of heritage personnel but also planners, administrative staff, development engineers etc.

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

It is proposed to create a new Heritage Act, drawing on the existing Act and proposed amendments, to ensure it is logical in its layout and uses plain English. Furthermore, there will be wherever possible, alignment with LUPPA and EMPCA.

Embedded within the new legislation will be criteria for both State and local listings and a defined process for local listing which removes the need for planning scheme amendments.

While there is general support from councils for reform of the current system, full support will not be forthcoming without assurances that a new regime will not result in a greater resourcing burden on councils.

At a workshop hosted by Heritage Tasmania in late 2005 at which the preliminary recommendations of the Godden Mackay Logan report on the Tasmanian Heritage Act Review were presented, the broad intent of the reform was supported by attending councils but there was concern that the proposed changes would result in a significant increase in resourcing requirements for local heritage management. The Secretary of the then DPTH assured councils and the Association that any resourcing needs resulting from the reforms would be met by State Government.

Heritage Tasmania is presently progressing some of the recommendations of the above report and consultation sessions have been held to explain the proposed processes. It has become quite clear through this process that there will be significant resourcing issues for councils for matters such as:

- cost of heritage surveys;
- staffing to implement heritage surveys (and update heritage schedules); and
- ongoing management costs resulting from more extensive heritage lists (heritage, planning and administration staff)

Although a much improved and effective system of heritage management is likely to result from these proposed arrangements, no firm assurance on the level of State assistance that will be provided for resourcing has been forthcoming. The prospect of a new system with onerous resourcing implications on councils without assurances of assistance from the State Government is likely to result in highly diminished support for the reform.
The State Government have provided the following report on progress:

- The State Government is continuing to work through the detail of legislative reform proposed for the more integrated management of the historic environment in Tasmania, in conjunction with key sector stakeholders, including Government branches. As part of this process in November 2008 a landmark symposium ‘Tasmania: An Historic Environment’ was held in Launceston to mark recent sector achievements, present the State Government’s plans for historic heritage reform and seek participant’s feedback on the reform process’ future directions. Speeches made by Minister Michelle O’Byrne and Scott Gadd, Secretary DEPHA at the Symposium are now available on Heritage Tasmania’s website at www.heritage.tas.gov.au.

- Following the Symposium, in late 2008 State Cabinet approved drafting instructions for the proposed new legislation and Heritage Tasmania has commenced the process of preparing a draft Bill to replace the current Act. Once a draft Bill has been prepared and is ready to be released a restricted consultation process with Local Government, LGAT and the Tasmanian Heritage Council will commence seeking feedback on the detail it contains, in line with the requests of Local Government in earlier consultation phases. Consideration is currently being given to the timeframe and outcomes that are able to be achieved as part of this reform process.

- This reform process is already generating greater clarity, consistency, certainty and predictability to the management of the historic environment in Tasmania. The benefits of associated reforms are starting to be seen through the introduction of pre-statutory consultation with heritage owners ahead of the formal listing process, which is gaining support for heritage listing and also helping to reduce conflict; development of a standardised heritage schedule template as part of regional land use planning efforts, which will introduce a more consistent approach to local heritage listing; creation of an on-line ‘Heritage Services Directory’ that lists a wide range of builders, tradespeople and professionals who work in the heritage sector, to support owners, operators and businesses to better access these services; and the proposed introduction of classes of works for places on the Tasmanian Heritage Register during 2009, which will generate greater predictability in the system for owners, developers and Local Government.

- There has already been considerable consultation with LGAT and some planning authorities through a series of ‘Testing the Water’ forums.

**Current Policy**

As stated, LGAT has been participating in the consultative processes around reform of the *Historic Cultural Heritage Act* and has also reminded Heritage Tasmania of consultation timeframes under the Partnership Agreement on Consultation and Communication.

LGAT’s 2009-10 Budget Submission to the State Government sought that adequate funding be provided within the budget to support the requirements of the Cultural Heritage legislation such that councils are able to achieve the desired outcomes of that reform.
2.3 SUBJECT: CAT LEGISLATION

Mayor Kevin Hyland/Mayor Robert Legge

That the Meeting note the following report.  

Carried

Background
The State Government have provided the following report:

The Tasmanian Government has committed to developing a State-wide approach to the management of cats in Tasmania, including a regime to manage domestic cats and to allow for the humane removal of stray and feral cats.

A comprehensive public consultation on the Position Paper, Cat Management in Tasmania - Taking the Initiative, was undertaken during August and September 2008 to seek input on the Government’s preferred approach to cat management.

A total of 171 submissions were received, including from key stakeholders such as the Local Government Association of Tasmania; the Tasmanian Farmers and Graziers Association; the Australian Veterinary Association; the Tasmanian Conservation Trust, the Hobart Cat Centre; and the RSPCA.

In general, there was strong support for the main strategies in the Tasmanian Government’s preferred approach to cat management. The consultation found that compulsory microchipping as the method of identification for cats was supported by 85% of responses, while mandatory desexing of all non-breeding cats was supported by 93% of responses. There was also strong support for a legislative approach to cat management with 93% of responses in favour of the State Government’s proposal to develop cat management legislation.

As an outcome of this process, the Tasmanian Government is committed to developing cat management legislation, with a focus on domestic cats, in order to reduce the impact of cats on our native wildlife and to address the animal welfare issues associated with unwanted cats. It is also intended that the proposed legislation would provide a legal framework for those organisations and individuals that deal with unwanted cats or undertake stray and feral cat control activities.

A four-year phase-in period is to be provided.

As highlighted in the Position Paper, the key areas that the legislation may address include:

- compulsory desexing (evidenced with an ear tattoo) of all owned cats;
- compulsory identification of all owned cats by microchip;
- conditions on the sale of cats, including that all cats are to be de-sexed and microchipped prior to sale;
- only a registered cat breeder may retain a sexually whole cat, or sell a sexually whole cat, and then only to another registered breeder;
- cats are not to be given away as prizes in raffles and the like;
- declaration of prohibited areas for cats, and options for dealing with cats in prohibited areas; and
- provisions for humane dealing with unidentified cats.
The Department has held an initial discussion with the Office of Parliamentary Counsel to begin to discuss drafting details. There are a number of complex issues to work through and the Department will continue to develop the proposal in consultation with other Agencies and key stakeholders.

Although the development of the draft Bill is largely dependent on the resources of the Office of Parliamentary Counsel, it is anticipated that a full draft may be ready for discussion with key stakeholders towards mid-2009.

Consultation on the draft Bill will be targeted towards key stakeholders, including the Local Government Association of Tasmania, to identify any practical or implementation issues and to address specific areas with interested stakeholders.

While the timing of the Bill's introduction to Parliament cannot be forecast precisely, cat management is an important issue for the community and the Tasmanian Government is committed to the introduction of legislation as soon as an appropriate Bill is ready for debate, sometime during the latter half of 2009.

Budget Implications

There are none currently for the Association. However as stated in the LGAT submission there is concern that unless adequately funded by the State Government the cost to Local Government will be overly burdensome.

Local Government will need to see detail on the implementation and related costs before being able to wholeheartedly support the proposed cat management framework. The transition period is of particular concern as this is likely to be the time of greatest impost for all stakeholders, including Local Government; with increased questions and cat complaints, increased dumping of cats, a likely requirement to hold cats during the transition period or to contact owners identified through tags etc, high level of education for cultural change, the need to establish centres for transporting/holding/disposing of cats across the State, microchip scanning equipment costs and so on.

Current Policy

Local Government is supportive, in principle, of the four fundamental elements of the Government’s proposed approach, namely: mandatory desexing and microchipping of domestic cats, phased in over four years; a registers of cat breeders; legislation to underpin this approach and clarify the status of individuals and organisations that trap or control feral cats on private and/or public land; and promoting responsible cat ownership, including advice on what to do with unwanted cats.

Local Government has been advocating such an approach as is evidenced by the successful May 2007 General Meeting Motion outlined below:

“That LGAT request the State Government, as a matter of urgency, to introduce statewide legislation for the compulsory desexing and microchipping of non breeding registered cats that can be administered by public non government organisation partnerships between the State Government and competent animal welfare organisations, rather than individual local government by-laws”.

This was not the first time Local Government in Tasmania had considered cat control issues with other successful motions in June 2000, December 2003 and June 2006. In August 2007 LGAT developed a position paper on Cats. Unlike the 2007 motion the earlier motions did not support legislative control. The change in 2007 from previous positions was on the basis that Local Government does not have responsibility for administration of the legislation.
In early 2006, Latrobe Council introduced a Cat Management By-law which established a voluntary registration system and a number of other management measures. There has been some interest by other Councils in developing a similar by-law but to date they have not done so.

During the development of this by-law, the constraints of Sections 193 – 198 of the Local Government Act 1993 in relation to the impoundment and destruction of cats became apparent. It was considered that the financial impost and the potential distress to an animal were counter-productive to effective and humane cat control measures which councils might introduce in by-laws.

In debating the 2007 motion it was agreed that it is beyond the capacity of councils to effectively manage and fund cat control activities and that cat management is better managed within the industry where expertise and experience exists. Giving the industry the legal capacity to carry out functions to reduce unwanted cats would be a significant step forward.

The interest by, and support of, councils in tackling cat management issues is evidenced not only by the longstanding discussions but also the active involvement by many councils in cat education programs or cat management programs for their community.

2.4 SUBJECT: GENERAL POLICY DISCUSSION

Mayor Barry Easther/Mayor Graham Bury

That Committee members note the intent of this session and contemplate any matters they consider worth raising.

Carried

That the following issues be raised at the next PLGC meeting –

- That the Premier provide details of the resourcing provisions that will be implemented to support the newly declared Bay of Fires National Park and the implications for Tasmanian National Parks that are already under resourced.
- Discuss options in which State and Local Government can work together to provide community members, made redundant by the current economic crisis, with information on how to access assistance.
- That the protocols within the Communication Consultation Partnership agreement be adhered to and upheld.

Background
This is a standing agenda item intended to allow members the opportunity to raise any matters of strategic policy not addressed elsewhere in the agenda.
3. PROJECTS & SERVICES

Projects & Services Items for Comment and Decision.

3.1 SUBJECT: GENERAL MANAGER’S WORKSHOP

Mayor Lynn Laycock/Mayor Kevin Hyland

That the Committee note the following report.  

Carried

Background
The next General Manager’s workshop will be held on 18 – 19 March in Hobart. A number of presenters have been organised with a range of key topics covered.

Geoff Willis and the Water and Sewerage Corporation CEO’s will be discussing transfer arrangements and issues arising in relation to councils providing ongoing services for the corporations and interim arrangements in the lead up to commencement of operations.

Norm McIlfatrick will conduct a session on the State Infrastructure plan. The Deputy Auditor-General will discuss key audit issues, Rhys Edwards, Secretary of Department of Premier and Cabinet (DPAC) will provide an ‘up close and personal’ and Matt Healy from DPAC will discuss co-ordinated approaches to natural hazards.

A range of policy issues will be looked at including a discussion on guidelines to assist councils in the appraisal of General Manager’s performance, asset management and financial planning, ALGA issues and other key legislative issues that are on the hoizon.

Budget Implications
The event is run on a cost recovery basis.

3.2 SUBJECT: LOCAL GOVERNMENT MEDIA STRATEGY

Mayor Robert Legge/Mayor Deirdre Flint

That the Committee note the following report.

Carried

Background
The Association is presently contemplating a media campaign to raise the profile of Local Government on a number of fronts. The fact that it is an election year allows for a focus on potential candidates, the desirability of voting, the activities councils undertake and the careers offered.

Other jurisdictions have been very active in this area and the Association is reviewing materials, messages and costings for a comprehensive campaign.

Print, radio, television and internet are all contemplated but further advice will be provided once costings and other information is gathered.
3.3 SUBJECT: ELECTED MEMBERS WORKSHOP/PRE ELECTION TRAINING

Mayor Robert Legge/Lord Mayor Rob Valentine

That the Committee note the following report.  

Elected Members' Workshop
The two-day residential workshop for elected members, initially scheduled for March 2009 at the Tidal Waters Resort, St Helens, will now be held on 2-3 May.

The workshop program is currently being finalised. Details will be forwarded to elected members by the end of March and uploaded to the LGAT website.

Pre-election Workshops
Three Pre-election Workshops will be held around the state during the month of May for the benefit of people contemplating running for the 2009 Local Government Elections.

The meetings will be held from 5.30pm – 7.30pm at the following venues:
  19 May - Beachfront Voyager Motor Inn, Burnie
  20 May – Country Club, Launceston
  21 May – Mercure, Hobart

The free information sessions will be advertised in The Mercury, The Advocate and The Examiner prior to scheduled dates.

Budget Impact
The Elected Members Workshop is run on a cost recovery basis.

An allowance is made within the LGAT budget to cover the cost of the Pre-election Information Sessions.

3.4 SUBJECT: CENSUS

Mayor Graham Bury/Mayor Lynn Laycock

That the Meeting note the report.  

Background
LGAT undertook a census of Tasmanian Local Government elected members in both 2004 and 2006, attracting an impressive 69 and 64 per cent participation rate respectively. The results provided the Association with information on a broad range of matters relating to Tasmanian elected members.

It is necessary to regularly update this data to inform LGAT policy and program development, and to maintain a current profile of elected members and consequently LGAT has developed and distributed the 2009 census.
There are some additional questions in the 2009 census which will be used to inform the Governance Working Group under the Premier’s Local Government Council’s Stronger Councils, Better Services Project. These questions are around knowledge, training and communication. The Association will compile a report highlighting the major findings of the 2009 census which will be available to members on the LGAT website, along with the previous two reports.

The census is anonymous. No individual elected member or council will be able to be identified during the data collection, analysis or reporting process.

General Managers and Mayors were given notice of the census and asked to encourage participation.

Elected members have been asked to return the census (prepaid) by 27 February. Around 50 per cent of questionnaires had been returned at time of writing this report.

**Budget Implications**
Within current budget.

**Current Policy**
Supports a range of policy areas.

### 3.5 SUBJECT: LOCAL GOVERNMENT REPRESENTATIVES

That the Committee note there have been no Local Government Representative appointments.

**Noted**
4. FINANCES

Financial Items for Discussion & Decision.

4.1 SUBJECT: PROFIT AND LOSS REPORT *

Mayor Graham Bury/Lord Mayor Rob Valentine

That the profit and loss report to 28 February 2009, be received.

Carried

Background
At Attachment to Item 4.1, is a print out of the Profit And Loss Report to 28 February 2009.

Budget Implications
Does not apply.

Current Policy
Does not apply.

4.2 SUBJECT: CASH FLOW STATEMENTS ***

Mayor Deirdre Flint/Mayor Barry Easther

That the Committee receive the reports for the months of November and December 2008 and January 2009.

Carried

Background
It is considered appropriate that the Committee should have access to information relating to the cash position of the Association detailing cash on hand, reserves, amounts held for projects and expenditures and revenues pending.

Detailed cash flow statements have been prepared for the information of the Committee and are at Attachment to Item 4.2

Budget Impact
As above.

Current Policy
The Association has a responsibility to manage the assets of the organisation in a responsible and transparent manner.
4.3 SUBJECT: WATER AND SEWERAGE LOAN ARRANGEMENTS

Mayor Kevin Hyland/Mayor Robert Legge

That the Committee note the following report.

Carried

Background
Following the last GMC meeting advice was sought from councils as to whether they were supportive of the Association providing a loan to the new water corporations to enable them to access funds for start-up functions. The proposal was to provide up to $2 million with repayment by no later than September 2009. The interest rate is intended to be greater than that which the Association could otherwise obtain from an alternative investment. At the time of writing that figure had not been settle but documentation had been finalised.

It is expected that the agreement will be in place prior to the GMC meeting.

4.4 SUBJECT: FINANCIAL REPORT FOR YEAR ENDED 30 JUNE 2008 *

Mayor Deirdre Flint/Lord Mayor Rob Valentine

That the Committee note the 2007/2008 Financial Reports.

Carried

Background
The Association’s Auditors, The Tasmanian Audit Office, have advised that the Auditor General has reviewed the 30 June 2008 Financial Report and given notice of his approval.

On signing of the financial statements by the President, as endorsed at the GMC meeting held on 16 December 2008, the report was forwarded to the Auditor General for certification and a Certificate of Audit issued.

A copy of the Financial Report is at Attachment to Item 4.4.

Budget Implications
Does not apply.

Current Policy
Does not apply.
5. ADMINISTRATION

Administration Items for Discussion & Decision.

5.1 SUBJECT: OFFICE BUILDING WORKS

Mayor Graham Bury/Mayor Lynn Laycock

That the Committee note the following report.

Carried

Background Comment
The new owners of the building in which the Association is accommodated have contracted builders to undertake major alterations. A two story section is proposed for the south-west corner of the building replacing the former kitchen/storage area. This will have some disruptive impact on the Association’s operations in terms of noise, dust and access but advice indicates that the works will be completed by the end of May.

In recent weeks the tenancy previously occupied by Quill Consulting has been undergoing major renovation in the form of partitioning to enable the new tenants, the Master Builders Association, to take occupancy. These works will be completed in the coming weeks.

Lester Franks, a valuation firm, will take up occupancy of the newly built section and with remainder of the ground floor.

Some costing is being undertaken of air-conditioning for the first floor accommodation. While it is anticipated that the cost will be significant there may be significant offsets if an efficient system could be put in place. Heating of offices is presently very costly and inefficient and savings would be possible. Any cost is likely to be included within a revised leasing cost.

5.2 SUBJECT: STRATEGIC PLAN **

Mayor Kevin Hyland/Mayor Robert Legge

That the Meeting adopt the Strategic Plan.

Carried

Background Comment
GMC and Association staff participated in a Strategic Planning Day on 5 November at Campbeltown.

Following this a draft Strategic Plan was prepared and subsequently endorsed for circulation to all councils at the December 2008 GMC meeting.

A small number of comments were received by LGAT and generally these have been incorporated within the revised draft.

Two versions are provided to GMC at this meeting – one showing the changes tracked, (Attachment to Item 5.2a) and one without tracking (Attachment to Item 5.2b).
Budget Impact
Does not apply.

Current Policy
Does not apply.

5.3 SUBJECT: DATE OF NEXT MEETING

Mayor Deirdre Flint/Mayor Robert Legge

That the Committee meet on 13 May 2009 in Hobart.

Carried

A list of the meeting dates for 2009 is detailed below, please note these dates have altered.

2009

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<th>Date</th>
<th>Event</th>
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<td>11 March</td>
<td>General Meeting</td>
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<td>GMC</td>
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<td>12 March</td>
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<td>2 – 3 May</td>
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<td>13 May</td>
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<td>19 May</td>
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<td>20 May</td>
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<td>21 May</td>
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<td>10 June</td>
<td>AGM and General Meeting</td>
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<td>21 – 24 June</td>
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<td>12 August</td>
<td>General Meeting</td>
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<td>Premier’s Dinner</td>
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5.4 SUBJECT: OTHER BUSINESS & CLOSE

There being no further business the President declared the meeting closed at 4.40pm.

CONFIRMED AS A TRUE AND CORRECT RECORD

Dated this day of 2009

.................................................................

PRESIDENT

j