General Meeting

Minutes

18 May 2018

Tamar Function Centre

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GPO Box 1521, Hobart, Tas 7000
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Email: admin@lgat.tas.gov.au
Home Page: http://www.lgat.tas.gov.au

PROCEDURAL MATTERS.
RULES REGARDING CONDUCT OF MEETINGS

13. WHO MAY ATTEND A MEETING OF THE ASSOCIATION
(a) Each Member shall be entitled to send a voting delegate to any Meeting of the Association, such voting delegate exercising the number of votes determined according to Rule 16(a).

(b) After each ordinary Council election, the Chief Executive Officer shall request each Member to advise the name of its voting delegate and the proxy for the voting delegate for Meetings of the Association until the next ordinary Council elections.

(c) Members may change their voting delegate or proxy at any time by advising the Chief Executive Officer in writing over the hand of the voting delegate or the General Manager prior to that delegate taking his or her position at a Meeting.

(d) A list of voting delegates will be made available at the commencement of any Meeting of the Association.

(e) Members may send other elected members or Council officers as observers to any Meeting of the Association.

14. PROXIES AT MEETINGS
(a) Up to 1 hour prior to any Meeting of the Association, a Member may appoint another Member as its proxy.

(b) The form of the proxy is to be provided by the Chief Executive Officer and is to be signed by either the Mayor or General Manager of the Council appointing the proxy.

(c) The Chair of the meeting is not entitled to inquire as to whether the proxy has cast any vote in accordance with the wishes of the Member appointing the proxy.

(d) Proxies count for the purposes of voting and quorum at any meeting.

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

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

<table>
<thead>
<tr>
<th>Population of the Council Area</th>
<th>Number of votes entitled to be exercised by the voting delegate</th>
<th>Colour placard to be raised by the voting delegate when voting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 10,000</td>
<td>1</td>
<td>Red</td>
</tr>
<tr>
<td>10,000 – 19,999</td>
<td>2</td>
<td>White</td>
</tr>
<tr>
<td>20,000 – 39,999</td>
<td>3</td>
<td>Blue</td>
</tr>
<tr>
<td>40,000 and above</td>
<td>4</td>
<td>Green</td>
</tr>
</tbody>
</table>

(b) The Chairman of the meeting shall be entitled to rely upon the raising of a coloured placard as the recording of the vote for the Member and as evidence of the number of votes being cast.

(c) Except as provided in sub-rule (d), each question, matter or resolution shall be decided by a majority of the votes capable of being cast by Members present at the Meeting. If there is an equal number of votes upon any question, it shall be declared not carried.

(d) (i) When a vote is being taken to amend a Policy of the Association, the resolution must be carried by a majority of the votes capable of being cast by Members, whether 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.
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* Denotes Attachment
<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.00</td>
<td>Morning Tea on arrival</td>
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<tr>
<td>9.30</td>
<td>Meeting Commences</td>
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<tr>
<td></td>
<td>Council Round Up</td>
</tr>
<tr>
<td></td>
<td>Flinders Island</td>
</tr>
<tr>
<td>10.00</td>
<td>Minister Roger Jaensch</td>
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<td></td>
<td>Minister for Planning</td>
</tr>
<tr>
<td>11.00</td>
<td>Reconciliation Tasmania</td>
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<tr>
<td></td>
<td>Fiona Hughes and Russell Reid</td>
</tr>
<tr>
<td>1.00 approx</td>
<td>Lunch</td>
</tr>
</tbody>
</table>
The President, Mayor Doug Chipman welcomed Members and declared the meeting open at 9.30am.

Apologies were received from –

- Mr John Brown   Break O’Day Council
- Mayor Duncan McFie  King Island Council
- Mr Troy Brice   King Island Council
- Mayor Peter Freshney  Latrobe Council
- Mr Tim Kirkwood  Southern Midlands Council
- Mayor Tony Foster  Brighton Council
- Mr Ron Sanderson  Brighton Council
- Mayor Michael Kent  Glamorgan Spring Bay
- Mr David Metcalf  Glamorgan Spring Bay
- Mr Greg Winton  Derwent Valley Council
- Ms Justine Brooks-Bedelph  George Town Council
- Mr Michael Stretton  Launceston City Council
- Mayor Carol Cox  Flinders Council
- Mr Bill Boehm  Flinders Council
- Mrs Lyn Eyles  Central Highlands Council
- Mayor Don Thwaites  Kentish Council
- Mr Scott Riley  Circular Head Council
- D/Mayor Mary Dunaim  Waratah Wynyard Council
- Mayor David Downie  Northern Midlands Council
- Mr Robert Higgins  Tasman/Sorell Councils
- Mr Tony McMullen  Glenorchy City Council
- Mayor Martyn Evans  Derwent Valley Council
- Ms Sandra Ayton  Central Coast Council
- Ald Lyn Laycock  Devonport City Council
1. GOVERNANCE

1.1 CONFIRMATION OF MINUTES *

Circular Head Council/Clarence City Council

That the Minutes of the meeting held on 2 March 2018, as circulated, be confirmed.

Carried

Background:
The Minutes of the General Meeting held on 2 March 2018, as circulated, are submitted for confirmation and are at Attachment to Item 1.1.

1.2 BUSINESS ARISING *

Circular Head Council/West Tamar Council

That Members note the information.

Background:
At Attachment to Item 1.2 is a schedule of business considered at the previous meeting and its status.

1.3 CONFIRMATION OF AGENDA

Clarence City Council/Tasman Council

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

Carried

Background:
Delegates will be invited to confirm the Agenda for the meeting and the order of business.
1.4 **FOLLOW UP OF MOTIONS***

**Central Coast Council/Circular Head Council**

That Members note the report.  

Carried

**Background:**
A table detailing action taken to date in relation to motions passed at previous meetings is at Attachment to Item 1.4.

1.5 **PRESIDENT'S REPORT**

**President Mayor Doug Chipman/Huon Valley Council**

That Members note the report on activity since the last General Meeting (15 February to 4 May inclusive).

Carried

**Meetings**
- General Meeting
- General Management Committee Meeting
- ALGA Strategic Planning
- Elected Member Weekend
- Lyons candidate forum
- State Election Leaders’ forum
- International Stewardship Forum (panelist for ALGA)
- Future of TasWater (TasWater/State Government) – pre and post election
- David O’Byrne re shadow portfolios

**Media/Communication**
- Pulse articles
- LGTas article
- Radio – TasWater, RV/Caravans, election priorities
1.6 CEO REPORT

Launceston City Council/Tasman Council

That Members note the report on activity since the last (15 February to 4 May inclusive).

Carried

Media and Messaging
- Pulse
- LGTas
- Brian Carlton/ABC/Examiner/Mercury regarding Waste
- MR reappointment and related article Examiner
- MR Council Cost Index
- MR International Women’s Day/ Women Can and related media
- Op Ed – CCI and rates
- Op Ed – Difference between assertion and evidence
- Op Ed – Managing the cost of free camping

Policy and Projects
- TasWater advocacy during election campaign including production of newspaper advertisement, op ed and letter for Mayor Downie.
- TasWater advocacy post-election including letter to Government seeking meeting, and meeting between TasWater/LGAT and Treasurer.
  - Election campaign advocacy
  - Internal workshop on Model Credit Card Policy

Meetings
- Aboriginal and Dual Naming Policy Steering Committee
- David O’Byrne re shadow portfolio
- Director of Local Government regular meetings
- General Management Committee Meeting
- General Meeting
- Lead Peak Body Coalition candidate forums during the election - one in each of 5 electorates as well as the Leader’s Forum
- MAV Insurance Board Meeting
- Minister Roger Jaensch re housing and planning
- Premier’s Housing Summit
- Presentation on LGAT activity to Launceston City Council
- RDA Tasmania Board Meeting
- Road Safety Advisory Committee
- TASSIC Chair (teleconference)
- Various meetings with conference speakers and stakeholders
- Veolia re waste matters
- Youth Local Government Conference – re MOU re support and participation.
Events
- N/NW Breakfasts
- International Women’s Day Breakfast and support to launch Women Can campaign.
- General Manager’s Workshop
- Duke of Edinburgh Awards Employer Breakfast
- Farewell for Bertrand Cadart (speaking on behalf of sector)

Training/Development
- Elected Member weekend
- Presentation to MAV/JLT Risk Forum (South)
- Women’s Leadership Symposium

Operational
- Local Government Association of QLD re a range of policy and projects and opportunities for sharing
- Telecommunications review

1.7 MONTHLY REPORTS TO COUNCILS*

<table>
<thead>
<tr>
<th>Launceston City Council/Huon Valley Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>That Members note the reports for January, February and March 2018.</td>
</tr>
<tr>
<td>Carried</td>
</tr>
</tbody>
</table>

Background: Monthly reports to Councils that briefly outline Association activities and outcomes for the previous months are at Attachment to Item 1.7.

1.8 COUNCIL ROUND UPS

| That Members determine who will present briefings at the next meeting. |
| Noted |

Background comment: Flinders 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.
2. ITEMS FOR DECISION

2.1 TASWATER *
Contact Officer – Katrena Stephenson

<table>
<thead>
<tr>
<th>Break O’Day Council/Southern Midlands Council</th>
<th></th>
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</thead>
<tbody>
<tr>
<td><strong>That the Meeting</strong></td>
<td></td>
</tr>
<tr>
<td>1. Note the current status of the TasWater debate; and</td>
<td></td>
</tr>
<tr>
<td>2. Agree that LGAT’s advocacy effort on TasWater gradually reduce to a focus on ensuring sector feedback on key issues, especially legislative changes, as well as any support required to the Chief Owner Rep that cannot be provided by TasWater.</td>
<td></td>
</tr>
<tr>
<td><strong>Carried</strong></td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Participant</th>
<th>Response</th>
<th>Weight</th>
</tr>
</thead>
<tbody>
<tr>
<td>Break O’Day Council 1</td>
<td>For</td>
<td>1</td>
</tr>
<tr>
<td>Brighton Council 2</td>
<td>For</td>
<td>2</td>
</tr>
<tr>
<td>Burnie City Council 3</td>
<td>For</td>
<td>2</td>
</tr>
<tr>
<td>Central Coast Council 4</td>
<td>For</td>
<td>3</td>
</tr>
<tr>
<td>Central Highlands Council 5</td>
<td>[No Response]</td>
<td>1</td>
</tr>
<tr>
<td>Circular Head Council 6</td>
<td>For</td>
<td>1</td>
</tr>
<tr>
<td>Clarence City Council 7</td>
<td>For</td>
<td>4</td>
</tr>
<tr>
<td>Derwent Valley Council 8</td>
<td>For</td>
<td>2</td>
</tr>
<tr>
<td>Devonport City Council 9</td>
<td>For</td>
<td>3</td>
</tr>
<tr>
<td>Dorset Council 10</td>
<td>For</td>
<td>1</td>
</tr>
<tr>
<td>Flinders Council 11</td>
<td>[No Response]</td>
<td>1</td>
</tr>
<tr>
<td>George Town Council 12</td>
<td>For</td>
<td>1</td>
</tr>
<tr>
<td>Glamorgan/Spring Bay Council 13</td>
<td>[No Response]</td>
<td>1</td>
</tr>
<tr>
<td>Glenorchy City Council 14</td>
<td>For</td>
<td>4</td>
</tr>
<tr>
<td>Hobart City Council 15</td>
<td>For</td>
<td>4</td>
</tr>
<tr>
<td>Huon Valley Council 16</td>
<td>For</td>
<td>2</td>
</tr>
<tr>
<td>Kentish Council 17</td>
<td>For</td>
<td>1</td>
</tr>
<tr>
<td>Kingborough Council 18</td>
<td>Against</td>
<td>3</td>
</tr>
<tr>
<td>King Island Council 19</td>
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</tr>
<tr>
<td>Latrobe Council 20</td>
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<td>2</td>
</tr>
<tr>
<td>Launceston City Council 21</td>
<td>For</td>
<td>4</td>
</tr>
<tr>
<td>Meander Valley Council 22</td>
<td>For</td>
<td>2</td>
</tr>
<tr>
<td>Northern Midlands Council 23</td>
<td>For</td>
<td>2</td>
</tr>
<tr>
<td>Sorell Council 24</td>
<td>For</td>
<td>2</td>
</tr>
<tr>
<td>Southern Midlands Council 25</td>
<td>For</td>
<td>1</td>
</tr>
<tr>
<td>Tasman Council 26</td>
<td>For</td>
<td>1</td>
</tr>
<tr>
<td>Waratah - Wynyard Council 27</td>
<td>For</td>
<td>2</td>
</tr>
<tr>
<td>West Coast Council 28</td>
<td>[No Response]</td>
<td>1</td>
</tr>
<tr>
<td>West Tamar Council 29</td>
<td>For</td>
<td>3</td>
</tr>
</tbody>
</table>
Background
As outlined at the last Meeting, on the 6 February 2018 the Liberal Party confirmed their commitment to taking over the ownership of TasWater and announced they had ‘sweetened’ the deal for councils with:

- An immediate 12-month price freeze for customers, with no subsequent catch-up, meaning prices will always be lower;
- Total savings to customers of approximately $700 on average over six years, an increase of $200 on the original proposal; and
- The provision to councils of either 50 per cent of TasWater’s profits or $20 million (whichever is greater), indexed forever instead of until 2025.

The GMC convened a special teleconference to consider this announcement and determined that the risks had not fundamentally changed and that the Government had still not addressed concerns about governance, scrutiny, debt, viability and risks of political interference.

They determined that the position developed by Members in May 2017 (as well as that outlined in our election document) stood and that we would continue to advocate for “no further action by State Government with respect to ownership” and “collaboration between State Government, TasWater and Council Owners to prioritise those major water and sewerage initiatives that have the potential to provide significant shared benefits at a regional level”.

After the election, LGAT, through the President, took swift action to engage with the Premier and Treasurer on the issue of TasWater. The Government were receptive to developing a different approach and following meetings developed a new pathway which could be taken to councils, in the form of an MOU.

That MOU was signed on 1 May by the Chief Owner Representative, Mayor David Downie, but is subject to ratification by owner councils. It will be discussed in some detail at the Owner Representative Meeting on 10th May.

The MOU and related press releases, as distributed to councils is at Attachment to Item 2.1.

In summary if endorsed:

- The State Government will contribute $20 million a year for 10 years in exchange for equity in TasWater;
- As a shareholder they will have a role in the Board and CEO selection and the signoff of the corporate plan;
- They State Government will not take distributions, but council’s current distributions are preserved;
- The injection of funding will allow price increases for consumers to be capped and some acceleration of the capital program.
- There will be a collaborative approach to progressing Macquarie Point, the Launceston combined system and Cameron Bay.
The principles outlined in the MOU were developed with consideration of the key concerns raised by LGAT Members which formed LGAT’s advocacy and informed our legislative council submission. These included maintaining Local Government ownership, revenue/rating impacts, cost of living concerns, independent oversight, skilled board, ease of raising issues with TasWater, ensuring all community needs considered (avoiding pork barrelling) and so on.

It is important to understand that the MOU is non-binding and serves at this stage as a vehicle to consult with councils. This is because it was not practical to consult widely in the post-election environment.

Even if the MOU is endorsed there is much more detailed work to be undertaken and agreed by owners. TasWater and the Government must work together to determine the necessary changes to Legislation and the TasWater Constitution. TasWater will then call a meeting of Owner Councils with a detailed Information Memorandum that includes resolutions to approve constitutional changes. If the proposed resolutions are endorsed by Councils, government will then take the agreed legislative changes to Parliament.

Budget Implications
Advocacy support and actions have been funded without an additional call on Members but total direct expenditure on consultancy and advertising costs was $40,000.

Current Policy
Advocacy against the State takeover of TasWater has been a strategic priority for LGAT. Assuming that councils ratify the MOU it is intended that LGAT’s role will gradually reduce, with a focus on ensuring sector feedback on key issues, especially legislative changes as well as any support required to the Chief Owner Rep that cannot be provided by TasWater.

Strategic Plan, Priority 1:
Influence the State Government agenda for TasWater.

2.2 GMC REPRESENTATIVE – NORTH- NORTH WEST REGION
Contact Officer – Katrena Stephenson

<table>
<thead>
<tr>
<th>Break O’Day Council/Southern Midlands Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>That the Meeting agree to deferring a GMC by-election to fill the vacancy left by Steve Martin until after the October Local Government elections and allow the proxy, Mayor Jan Bonde to continue to serve on GMC until that time.</td>
</tr>
</tbody>
</table>

Carried

Background
The former Mayor of Devonport, Senator Steve Martin, was a member of the GMC. He resigned from council and therefore under our rules the position on GMC became vacant. The position on GMC (NW >20,000 population) is currently being filled by the proxy, Mayor Jan Bonde.
Ordinarily LGAT would run a by-election to fill the casual vacancy (Rule 21 (d)) however with Local Government elections in October there is always a risk we will have a vacancy arise if a current GMC member is not re-elected.

On that basis, we are seeking agreement of the Members to hold off running an election process until after the October elections, which reduces the cost risk to LGAT. Further, we are seeking agreement not to hold an election for a proxy for the NW position being filled by Mayor Bonde, on the same basis.

Under the LGAT Rules, 21 (c) The term of office of the General Management Committee may be extended by any Meeting of the Association for such periods as it determines.

**Budget Implications**
Potentially LGAT may have to fund two by-elections if the motion is not supported.

**Current Policy**
There is precedent for applying Rule 21(c), it has been applied several times over the last decade including most recently with Mayor Tony Bisdee and Ald Heather Chong.

### 2.3 WASTE MANAGEMENT
Contact Officer – Dion Lester

**Decision Sought**

That Members agree to a feasibility study into the establishment of a Local Government statewide waste management arrangements.

If supported LGAT will liaise with the relevant regional waste organisations and State agencies to develop a detailed scope, terms of reference and costs to councils for presentation at the July General Meeting of the Association.

For 44
Against 10
No Vote 0

<table>
<thead>
<tr>
<th>Participant</th>
<th>Response</th>
<th>Weight</th>
</tr>
</thead>
<tbody>
<tr>
<td>Break O'Day Council 1</td>
<td>For</td>
<td>1</td>
</tr>
<tr>
<td>Brighton Council 2</td>
<td>For</td>
<td>2</td>
</tr>
<tr>
<td>Burnie City Council 3</td>
<td>Against</td>
<td>2</td>
</tr>
<tr>
<td>Central Coast Council 4</td>
<td>For</td>
<td>3</td>
</tr>
<tr>
<td>Central Highlands Council 5</td>
<td>[No Response]</td>
<td>1</td>
</tr>
</tbody>
</table>
Circular Head Council 6       For       1
Clarence City Council 7      For       4
Derwent Valley Council 8     For       2
Devonport City Council 9     For       3
Dorset Council 10           Against  1
Flinders Council 11          [No Response] 1
George Town Council 12      For       1
Glamorgan/Spring Bay Council 13 [No Response] 1
Glenorchy City Council 14    For       4
Hobart City Council 15       For       4
Huon Valley Council 16       For       2
Kentish Council 17           Against  1
Kingborough Council 18       For       3
King Island Council 19       [No Response] 1
Latrobe Council 20           Against  2
Launceston City Council 21   Against  4
Meander Valley Council 22    For       2
Northern Midlands Council 23 For       2
Sorell Council 24            For       2
Southern Midlands Council 25 For       1
Tasman Council 26            For       1
Waratah - Wynyard Council 27 For       2
West Coast Council 28        For       1
West Tamar Council 29        For       3

Background
In Tasmanian our landfill diversion rate of 37% is significantly lower than the national average of 58% and almost half that of the ACT, NSW, Victoria and South Australia. This poor waste management practices present a risk to public health and the environment and negatively impacts on the public image of our State.

The lack of a state-wide landfill levy has created a market environment where resource recovery has a limited capacity to compete with landfill. The low landfill diversion rates in Tasmania result in a low economic benefit from the waste and recycling sector and the loss of the value of recoverable resource. Resource recovery operations employ more people and require greater investment in infrastructure per tonne of material processed compared to landfills.

A range of further issues have been identified in the current resource recovery system that prevent greater resource recovery. These include a lack of infrastructure planning, an absence of clear performance targets for resource recovery and data collection management systems to monitor and evaluate the effectiveness of programs and provide public transparency. Significant opportunities exist for improving resource recovery rates which target priority materials such as organics and materials from the construction and demolition, optimising kerbside systems, upgrade of Local Government infrastructure to best practice and addressing more efficient collection of problematic wastes such as Hazardous Household Wastes.
At the May 2016 Premier’s Local Government Council meeting, the State Government advised that they would not be introducing a waste levy but that the Environment Protection Authority (EPA) would be updating the Tasmanian Waste and Resource Management Strategy (TWRMS). The draft Strategy was expected to be released by mid-2017 with a three to five-year time horizon. It was likely to be project and action based in the first instance.

At the July 2016 LGAT General Meeting, members moved that LGAT re-establish the Waste Reference Group (WRG) to develop recommendations for Members, with respect to the TWRMS and/or a waste levy. The WRG consists of representatives from each of the three regional waste authorities and the LGAT Policy Director.

At the November 2016 General Meeting, members moved that LGAT reconfirm its commitment to the introduction of a statutory waste levy of $10 per tonne to be collected by public and private landfills, as endorsed at the Local Government General Meeting in July 2012. In late 2016 the WRG determined that it was strategically important that a “statewide waste strategy”, from a Local Government perspective, be prepared. This document would be used as our main tool to engage with the EPA. The completed strategy was presented at the April 2017 General Meeting and is available on the LGAT website:


The Strategy was provided to the EPA and Minister for Environment shortly after the April 2017 General Meeting to inform the State Government’s work on preparing a State Waste Strategy. Since that time LGAT staff have met with the EPA several times to discuss their progress. At the time of writing, the State Government was yet to release a draft State Waste Strategy, despite promising its imminent release more than once.

The recent issues resulting from the Chinese policy changes and its impact on kerbside recycling highlight the need for there to be leadership and action on waste management in Tasmania and Local Government can no longer afford to wait for the State Government. In addition, when the State Waste Strategy is released it will be project and action based in the first instance and this will not address some of the issues and challenges associated with waste management in Tasmania.

A critical factor which is key to improving our resource recovery and waste management in Tasmania is an adequately resourced state-wide organisation to lead, champion and deliver improvements to waste management. Evidenced by the lack of progress on a State Waste Strategy, the capacity of the EPA is constrained with respect to being able to adequately undertake this task.

Tasmania requires an organisation to lead and provide oversight of the implementation of improvements to our waste management, and funding to deliver programs and or strategic actions. Tasmania does not have a dedicated body with capacity to provide advice on state-wide waste issues to the Tasmanian Government, or the resources to deliver state-wide programs. For example, Sustainability Victoria, Green Industries South Australia and the Western Australian Waste Authority all have a strategic planning and program delivery roles with guaranteed core funding (hypothecated from a landfill levy).
The three regional waste management groups generally have a common purpose; however, their governance arrangements differ significantly across the state as does their function, resources and funding. Currently regional activities focus primarily on the waste generated from the Municipal Solid Waste sector, as it is the focus of and directly within the sphere of influence of their member councils.

It is unlikely that the State Government will establish an organisation to undertake this state-wide role, but Local Government has the opportunity (and experience) to investigate the benefits and risks of doing so and if feasible, what roles and functions such an organisation should perform. Any such investigation would need to look at delineating between function, roles and responsibilities of the regional groups and State government but at a minimum any state-wide organisation could support greater collaboration and coordinated delivery of strategies and programs across Tasmania.

As a first step it is requested that Members support a feasibility study to look at whether Tasmania would benefit from an organisation with state-wide oversight of our waste management and potentially what its roles and functions should be but, noting for it to be effective these functions should include:

- Providing leadership in developing and implementing improvements to our waste management;
- Delivering programs and or strategic actions; and
- Expand on opportunities in the waste sector.

While infrastructure ownership impacts and commercial arrangements would be part of the study, it would be recognised that historically councils have invested differently in waste infrastructure. Further, the final solution may or may not include infrastructure and ownership considerations.

It would be stipulated in the scope of work that any new arrangements would have to be at no detriment to councils.

**Budget Impact**
This work is substantial and will require additional resourcing, outside of LGAT’s existing subscriptions. It is anticipated that approximately $100,000 will be required for this work. If this motion is endorsed, the 2018-19 budget would contain a per council share to cover the additional cost, based on the subscription formula.

**Current Policy**
Strategic Plan:
- Facilitating change;
- Building Local Government’s reputation;
- Fostering collaboration; and
- Developing capacity and capability to deliver.
3. ITEMS FOR NOTING

3.1 CREDIT CARD POLICY
Contact Officer – Michael Edrich

Launceston City Council/Clarence City Council

That Members note the report on the Model Credit Card Policy.  

Carried

Background
LGAT has completed a draft Model Credit Card Policy for Tasmanian Local Government. An earlier draft version was provided to General Managers in March for initial consultation and feedback. After incorporating comments, LGAT has provided an updated version to all councils as well as to key State Government stakeholders, particularly the Local Government Division and the Tasmanian Audit Office (TAO).

This latest version provides clear guidance on the roles and responsibilities required to manage credit card allocation, appropriate use, as well as statement reconciliation and acquittal. The draft model policy aims to reflect the sound basis found in councils’ existing credit card policies while reconciling their diversity.

The draft policy aims to reflect that, despite intense media publicity and detailed independent auditing, the TAO “did not find evidence of serious or systemic misuse of public funds or fraud” and recommended “the development of a model credit card policy and its adoption by all councils to maintain a degree of consistency across the Local Government sector”.

Therefore, to respond to this, LGAT’s draft policy aims to harmonise the variety of individual policies across the sector, while recognising and building upon the strong existing level of policy foundation that already existing across Tasmanian Councils. A degree of customisation is built into the model policy to allow councils to adapt it to their own policy framework, while still addressing the TAO recommendations.

The draft policy is intended to be a model, not a mandatory requirement, so the intention is for it to form a robust guideline for councils in customising their response to the TAO recommendations.

Consultation will be open until Monday 28 May, a total of five weeks with feedback or questions to be directed, in the first instance, to Michael Edrich at michael.edrich@lgat.tas.gov.au.

Budget Impact
Being undertaken within current resources

Current Policy
Strategic Plan:
- Facilitating change;
- Building Local Government’s reputation
3.2 **TasNetworks Pricing Reset 2019-2024**

Contact Officer – Georgia Palmer

Launceston City Council/Clarence City Council

That Members note the report on the TasNetworks Pricing Reset.

Carried

**Background**

TasNetworks submitted its combined Transmission and Distribution Regulatory Proposal (Proposal) for 2019 to 2024 to the Australian Energy Regulator (AER) on 31 January 2018.

As a monopoly provider of transmission and distribution network services, the amount of revenue TasNetworks is able to earn from its customers each year is set by the Australian Energy Regulator (AER). This regulation exists primarily to protect electricity customers by ensuring specific performance standards and by capping revenue based on expected costs forecast during a regulatory period (usually five years).

The TasNetworks proposal has highlighted that the current prices for public lighting assets fall significantly short of full cost recovery. As a result, TasNetworks proposes to increase its public lighting prices over the 2019-24 and 2024-29 regulatory period to fully cost reflective pricing. Accordingly, TasNetworks proposes to increase the prices charged for public lighting service by the consumer price index (CPI) plus 2.5 per cent annually. TasNetworks submits that this will still be under full cost recovery in this period.

In reviewing the TasNetworks proposal, LGAT identified several issues, notably:

- The significant increase in overheads and corporate capex annuity attributed to each light type, accounting for much of the cost increase;
- That the capital cost of LED lights and new technology is priced in the model for 5 years with the price being the same in year 1 and year 5. This is concerning as the technology continues to move quickly and it is likely that prices will decrease over the 5-year period. It is also difficult to price a technology which hasn’t yet been developed or approved;
- That the cost of installing a new light seems to be significantly higher than it should be; and
- That the model may not account for the northern lights project and the change in ownership.

LGAT has raised these concerns directly with TasNetworks as well as the AER and the Consumer Challenge Panel. The Australian Energy Regulator has identified public lighting as one of the key areas of scrutiny as part of its assessment of the TasNetworks proposal. Due of this scrutiny, TasNetworks has reviewed the public lighting model and identified that it had made an error to the numbers and the split between public lights and contract lights and the forward program of lighting replacement. As a result of the review of inputs into the model TasNetworks has reduced the overheads by $1.4 million a year for the 5-year period (see graph below).
However, as the TasNetworks pricing proposal is not for full cost recovery during this period (e.g. the red proposed price path above), this reduction will not lead to any council savings in the 2019-2024 period. The savings to councils because of this adjustment are likely to occur in future determinations, e.g. post 2024.

Although the initial response to feedback on the model by TasNetworks is good news, LGAT believes that there are other pricing issues in their model that need to be addressed. LGAT has raised these concerns in its formal submission to the AER. It is hoped that the AER will require further adjustments to the public lighting proposal when it provides a formal response to TasNetworks in September. The final determination will be made by the AER in January 2019.

**Budget Implications**

Does not apply

**Current Policy**

Strategic plan:
- Facilitating Change; and
- Promoting financial sustainability.
3.3 **LOCAL GOVERNMENT ELECTIONS**  
Contact Officer – Katrena Stephenson

<table>
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<tr>
<th>Launceston City Council/Clarence City Council</th>
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<tr>
<td>That Members note the actions LGAT has in train to support the upcoming Local Government Elections.</td>
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</table>

Commission Adrianna Taylor reported on the well-attended program of candidate information sessions being rolled out in the Huon Valley and noted LGAT’s contribution to the Program.

**Background**
The Association has already commenced activity designed to support Local Government elections in October. This work will be delivered in two phases. Phase 1 is focussed on attracting and informing candidates and Phase 2 is encouraging voter turnout and supporting newly elected councillors.

Having had some early opportunity to consider our process, materials and partnership in relation to the Glenorchy City Council elections the following activities are being put in train.

**Phase 1:**
- Review and update the Becoming a Councillor Handbook.
- Develop new web based materials for candidates including video, audio and text. Topics covered include:
  - Are you able to stand for council?
  - What skills do you need?
  - What’s in it for me?
  - What do councillors do?
  - Working together.
  - Planning Authority role.
  - What you need to know about campaigning.
  - If you are elected.
  - How to nominate.

It is hoped that this provides a source of information for those who can’t attend regional sessions or for councils to use in local sessions.

- Provide template text and links for councils to use on their websites.
- Deliver regional and remote candidate information sessions in partnership with the Local Government Division, the Tasmanian Electoral Commission, the Audit Office and the Australian Local Government Women’s Association (Tas). Dates have been secured and forums will commence in late May with advertising in mid May. Partners are also participating in a series of forums in the Huon Valley Municipality at different dates over the next few months.
- The Better Councils Better Communities television commercial will be run during late May/June with an end title “Stand for Council” and direction to the LGAT website.
Key Dates

<table>
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<tr>
<td>Northern Forum</td>
<td>6 June</td>
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<tr>
<td>Southern Forum</td>
<td>13 June</td>
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Phase 2:

- Develop new web-based materials to supplement those provided for candidates, including more in-depth information on functions, including Land Use Planning; Meeting Procedures, Code of Conduct and Good Governance.
- The Better Councils Better Communities television commercial will be run during October with an end title encouraging people to vote in council elections.
- A Professional Development weekend for new councillors (with a special session for new Mayors) will take place on 17 November. This is intended to be run in partnership with the Local Government Division, Integrity Commission and Audit Office.

Key Date:

New Councillor/New Mayor Training - Launceston 17 November.

In addition to supporting the LGAT sessions the Local Government Division has indicated they will also engage with councils and councillors on a prioritised basis following the elections, to assist with induction. This might include councils that experience a significant change in councillors, and particularly where there are several first-time councillors.

The Division also advise that their regulatory activities will include efforts to ensure the integrity, and confidence in, the democratic process in the lead up to, and in the conduct of, the October election. These activities will complement the jurisdiction of the Tasmanian Electoral Commission (TEC) and the Director has been in discussion with the TEC on this issue. The integrity of the electoral roll and the eligibility of candidates for each council are vital to the community’s confidence in the outcomes of the elections.

At its December 2018 meeting, the PLGC agreed to include in its official Communiqué a statement of principle that affirmed the commitment of both levels of government to promoting, in the lead-up to the 2018 council elections:

1. The important, and increasingly complex role of Local Government in serving and representing the interests of local Tasmanian communities, whilst discharging statutory obligations such as acting as a planning authority;
2. The encouragement of candidates from a diverse range of backgrounds, so that elected members reflect a broad cross-section of the community and the value diversity brings;
3. The continuous improvement in the professionalism, capacity, and integrity of councils and councillors;
4. A recognition of the valuable role that a councillor plays in local communities and the personal satisfaction councillors can gain from helping their communities; and
5. An increase in active community engagement and participation at the local Government level, both at and between council election
Budget Impact
Within current resources.

Current Policy
Strategic Plan -
• Building Local Government’s reputation;
• Developing capacity and capability to deliver.

3.4 PLANNING REFORM
Contact Officer – Dion Lester

Launceston City Council/Clarence City Council

That Members note the following report on the State Government’s Planning Reform Agenda.

Carried

Background
The State Government’s planning reform agenda priorities are establishing the Tasmanian Planning Scheme and the introduction of a set of Tasmanian Planning Policies to inform the planning system. In addition, the Government is undertaking measures to facilitate affordable housing.

Tasmanian Planning Scheme
Councils are currently preparing their Local Provision Schedules (LPSs), with it anticipated that 17 of the 29 LPSs will be submitted to the Tasmanian Planning Commission by the end of 2018, with the remainder in 2019.

At the time of writing concerns had been raised by a number of councils that the Natural Assets Code was not workable. The state-wide mapping undertaken collectively by councils has substantially improved what was available from the State Government, however it does not overcome the poorly drafted Code. Discussions are on-going with the Tasmanian Planning Commission on how this can be resolved in a reasonable timeframe.

Tasmanian Planning Policies (TPPs)
As part of its planning reform agenda the Government is developing a suite of new TPPs to support and inform the planning system. The new policies are anticipated to provide the long overdue strategic direction to the planning system. In mid-2017 the Government consulted on the draft Bill (the Land Use Planning and Approvals Amendment (Tasmanian Planning Policies) Bill), which establishes the mechanism to create the TPPs.

The Government has indicated the Bill will be introduced to Parliament in the autumn Session of 2018. Once the Bill is passed by Parliament formal consultation will then begin on the actual Policies.
Regional Land Use Strategies
The three regional land use strategies were declared on 27 October 2011, with the northern and southern strategies undergoing a number of revisions in the intervening years. The strategies provide strategic direction (at a regional level) for land use and development and are implemented via the interim planning schemes (and subsequently the LPSs).

A broader review of the strategies and the governance arrangements has been discussed with Government, although it is not anticipated this would occur until the TPPs are developed and implemented (2 – 3 years off). However, owing to the growth pressure being experienced in the south of the State, the Government has agreed to consider a medium-term review of the southern strategy contingent on their LPSs being submitted. The scope of this medium-term review will address some of the concerns raised by councils in relation to the urban growth boundary, growth management strategies and general interpretation issues identified in the Strategy.

The Government is not intending to undertake a similar medium-term review for the Northern and Cradle Coast strategies.

Housing Supply – Crown Land Rezoning
On 15 March 2018, the Premier hosted a Housing Summit comprising key stakeholders in the housing sector. The Summit was called as a result of community concern about the availability of housing in the Greater Hobart region. A key action arising from the Summit was for the Government to develop fast-track legislation for land release and development. This will involve the introduction of enabling legislation in the autumn session of Parliament to fast track the required zoning changes for identified surplus government land.

A draft Bill was released for a very limited (2 weeks) consultation on Monday 30 April. The Bill establishes a power for the Minister to directly rezone specific parcels of Crown land, which will be identified in a schedule attached to a Regulation. It also allows the Minister to approve related subdivision applications and nominate specific planning controls that apply to the land.

The Bill will also provide a power for the Minister to issue ‘Temporary Emergency Residential Planning’ Permits to allow the immediate provision of emergency accommodation in appropriate locations where that might normally be prohibited under a planning scheme. This power applies to both Crown and private land.

Budget Impact
Being undertaken within current resources, noting this accounts for a significant workload.

Current Policy
Strategic Plan:
  • Facilitating change;
  • Building Local Government’s reputation;
  • Fostering collaboration; and
  • Developing capacity and capability to deliver.
Local Government Relief and Recovery Policy
Feedback from LGAT on the draft Local Government Relief and Recovery policy has now been reviewed by the Office of Security and Emergency Management. Some of the feedback has been incorporated into a revised draft and a suite of guidelines have been developed to support the draft. The draft will now go to the State Recovery Committee for endorsement before to going to the State Emergency Management Committee for ratification. LGAT will continue to liaise with the State Government in relation to the policy and will look to ensure that the policy and supporting guidelines are reviewed after the first major event so as to ensure councils have the information they need through the guidelines.

Flood Debris Management on Crown Land
LGAT recently raised the issue of flood debris management on crown land at the Premiers Local Government Council Officials meeting. A number of councils have raised concerns in relation to the clean-up of debris in waterways and on coastal beaches after flooding. This is in relation to safety of the public as well as the potential impact of the debris on future flood events. The current emergency management documentation does not clearly articulate responsibility for clean-up and rehabilitation of our waterways and beaches and this needs to be addressed.

As a result of the item and following discussion, the Deputy Secretary of Premier and Cabinet has agreed to task the Office of Security and Emergency Management with working with Crown land to address the gap, with LGAT to be consulted throughout the work.

Lidar Data and Flood Study Funding
The Commonwealth and Tasmanian Governments have committed to jointly funding the Tasmanian Flood Project under the Natural Disaster Relief and Recovery Arrangements. The Tasmanian Flood Project will:

- Ensure that most if not all communities will have access to a high-resolution surface model for the purpose of flood modelling through the collection of light detection and ranging (LiDAR);
- Development of a Tasmanian Flood Hazard Map to support flood risk assessment and the development of land use planning and building controls; and
- Partner with Local Government (on a 1/3, 1/3, 1/3 funding basis) to undertake detailed flood studies and evacuation planning for the communities most at risk of flooding that do not have a current flood study.
The Tasmanian Flood Project has a budget of $3 million that is roughly evenly spread across the tasks above. The project will commence in the third quarter of 2018 under the SES and will take three years to complete. The first year will be dedicated to LiDAR data capture, the second year the Tasmanian Flood Hazard Map and, the third year to detailed flood studies. Enquiry’s should be directed to Luke Roberts at OSEM or Chris Irvine at SES.

Budget Impact
Being undertaken within current resources.

Current Policy
Strategic Plan:
- Facilitating change;
- Fostering collaboration; and
- Developing capacity and capability to deliver.

3.6 COMMUNICATIONS AND EVENTS UPDATE
Contact Officer – Kate Hiscock

Launceston City Council/Clarence City Council

That Members note the following report.

Carried

106th Annual LGAT Conference - “Re-inventing the Three R’s”
25-27 July at the Wrest Point Casino, Hobart

Registrations open mid May!

With excitement, we announce the 2018 LGAT Annual Conference
Plenary and Workshop Program:

Key Note Speakers:

Craig Reucassel – ABC TV War on Waste, The Chaser  
Re-inventing the challenges of waste
Scott Rankin – 2018 Tasmanian Australian of the Year  
Everyone has the right to thrive – Rejuvenation and hidden disadvantage
Sally Curtain – Thought leader, Strategist and Reformer  
Digital Transformation - How the City of Casey drove impactful change
Brook Dixon - Managing Director Delos Delta & President Australian Smart Communities Assn  
Smart People Make Smart Communities
Genevieve Lilley - Architect, Writer & History Buff  
Re-imagining Place
Mayor David O-Loughlin, ALGA President
## Workshop Program:

### Stream 1: Infrastructure & Engagement

- **David Bobberman** - Austroads Safety Program Manager
  - The 5 R’s to help achieve the safest road network; Local Government liability, standards, & practices

- **Kimbra White** - Co-founder and director of MosaicLab
  - Engagement - the Good, the Bad and the Ugly.

### Stream 2: Innovation & Digital

- **Sally Curtain** - Thought Leader, Strategist and Reformer
  - Reform Program on a Page – Understanding your digital maturity

- **Eyal Halamish** - OurSay - Founder and Risk Communication Expert
  - Risky business: Community in the Digital Space

### Stream 3: Corporate Development

- **Dr Matt Constable** – Chiropractor, Business and Clinical Consultant
  - Rejuvenate and Reinvesting in your greatest Assets: You and your Team.

- **Dr Seth Nicholls** – Principal Consultant, Nicholls Consulting
  - Rejuvenating, Reforming and Reinventing your Council’s Decision-Making Process

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### The 106th LGAT Awards for Excellence

The annual Local Government Awards for Excellence aim to promote outstanding achievement and inspire leading management practice and continuous improvement among Tasmanian councils. The Awards for Excellence recognize and reward councils for their hard work benefiting local communities. The Awards for Excellence celebrate and raise awareness of successful Local Government projects and promote networks and collaboration between Local Government organisations.

The nomination process is now open. The Guidelines and entry form can be found [here](#). Nominations close 1 June 2018.

Entries can be submitted to Reception@lgat.tas.gov.au

### LGTas

The April edition of LGTas is out now and available [here](#)

This LGTas we are showcasing Local Government collaboration and partnerships; celebrating the achievements of our members.

All Elected Members have been provided a printed edition of April LGTas. If you would like any further printed copies, please contact Kate Hiscock: kate.hiscock@lgat.tas.gov.au

### Mayors’ Professional Development Day

Thursday 17 May, Windsor Park, Riverside.

**David Dilger** will lead an interactive discussion about steps your Council can take to ensure councillors and managers are communicating effectively with their peers and employees to
avoid dealing with sexual harassment, bullying, conflicts of interest breaches, victimisation and other legal claims.

**Budget Impact**
The LGAT Annual Conference is funded through Sponsorship.

**Current Policy**
LGAT Strategic Plan:
- Building Local Government’s reputation
- Fostering collaboration
- Developing capacity and capability to deliver

### 3.7 POLICY UPDATE

**Contact Officer – Dion Lester**

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<tr>
<td>That Members note the Policy Update.</td>
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**Local Government Community Health and Wellbeing Project**
The engagement and consultation phase of the project has commenced through face-to-face meetings with Community Development Officers (and equivalent officers) at 23 councils and one video link meeting. These meetings included discussion of councils’ current work on community health and wellbeing, information about upcoming funding opportunities and sharing of documents and resources. Face to face or video link meetings will be sought with the remaining five councils.

The Project Advisory Committee met for the first time in May and is expected to provide useful input into the project.

**Community Satisfaction Survey**
Since October 2001 LGAT has undertaken state-wide community satisfaction surveys, typically interviewing (by telephone) around 1240 Tasmanian residents from all Local Government areas.

There have been seven (7) previous surveys in 2001, 2002, 2006, 2009, 2011, 2013 and 2015, with the next one due this year. Nine areas of council services were identified and within these areas some 30-35 distinctive service areas were identified. The service areas were Council staff, other council service areas, waste management, community health and safety, recreation and cultural facilities, social and community services, roads, footpaths and traffic, community involvement, and planning and development. The questions have largely remained the same since 2001.

Analysis of the results across each survey has indicated that the scores, or community satisfaction, tends to vary very little from year to year. Beyond the positive media that has
been gained from the results (average satisfaction has tended to be around 70 out of 100) the results offer little value to councils or LGAT on areas for improvement.

Given the limited value received from the survey and the cost involved (~$30,000 per survey) it has been determined that for 2018, the survey will be reviewed and updated to try and make it more useful for councils and LGAT. LGAT will look to academic research and the work of other associations in developing robust and sustainable measures for the future. Certain questions will inevitably remain. All going well, LGAT is intending to release the survey results during the Local Government election period as another mechanism for encouraging voter turnout.

**Code of Conduct**
The new code of conduct framework commenced on 13 April 2016. In early 2017, the Tasmanian Government agreed to a request by the sector for a review of the framework at the conclusion of its initial 12 months of operation. The aim of the review was to investigate whether the framework is proving to be effective and identify and address any aspects of the framework that have not operated as intended. LGAT led consultation with councils, while the Local Government Division (LGD) has led consultation with members of the Code of Conduct Panel and Executive Officer.

Members endorsed a series of recommendations at the November 2017 General Meeting. These recommendations and those provided by the Panel members have been considered by the LGD and a package of recommendations have been presented to the Minister. At the time of writing the Minister was still considering this information.

**Gifts and Benefits**
In late 2017 the *Local Government Act 1993* was amended as part of the targeted review. A key amendment was the inclusion of a head of power to provide that elected members notify the general manager of receipt of gifts or donations, and that the general manager maintains a gifts and donations register.

Consequential amendments to the *Local Government (General) Regulations 2015* (General Regulations) are now required to prescribe the classes of gifts and donations, the monetary threshold for disclosure, notification requirements and the details recorded in the register. The draft *Local Government (General) Amendment Regulations 2018* have been released for formal consultation, with comments due to by close of business Friday 25 May to Dion (dion.lester@lgat.tas.gov.au). The draft amendments to the General Regulations include:

- A period for notification of receipt of a gift or donation of 14 days. If a councillor receives a gift or donation while overseas, the 14-day period will commence on the councillor’s return to Australia;
- Amending regulation 21 to remove unnecessary prescriptions for the size and number of electoral posters and signs;
- Amending regulation 22 to introduce a single electoral expenditure limit of $10,000 for a candidate, regardless of whether they are running for mayor or deputy mayor or councillor, increased each year by CPI; and
- Amending regulation 22 to remove restrictions on the conditions of advertising, specifically in relation to the limits on television, radio and newspaper advertising.
The Government is aiming to amend the General Regulations well before the October 2018 Local Government elections so that persons nominating for election are aware of their obligations.

**New Valuation Information System of Tasmania**
The Office of the Valuer-General (OVG) within DPIPWE is working on a new valuation and information system, which is scheduled to go-live at the end of August 2018. The primary business objective of the new Valuation Information System of Tasmania (VISTAS) is to develop a contemporary property information system, which provides an authoritative property and valuation register that underpins the framework for all Tasmanian land.

The transition to the new VISTAS system will not affect existing interaction and processes between the OVG and local councils. The OVG will be better placed to service the councils with their queries and statutory valuations more efficiently, with opportunities in the future to automate or streamline processes across all municipality in Tasmania.

LGAT’s Policy Director sits on the Steering Committee for the project.

**Free Camping**
The Government formally commenced a review into how national competitive neutrality principles are applied to council-owned RV parking and camping facilities early this year. This review is being oversighted by senior representatives from the Departments of Premier and Cabinet, Treasury and Finance and State Growth. As part of the process a stakeholder reference group has been established with representatives from LGAT and Local Government generally, caravan park operators and RV tourists and camping facility consumers. The stakeholder group has met once and is due to meet again on 23 May. Following the first stakeholder meeting Treasury commenced developing an options paper based on initial feedback from the reference group and this will be used as the basis for further consultation with stakeholders. A final report is anticipated by the end of June.

**Budget Impact**
Being undertaken within current resources.

**Current Policy**
Strategic Plan:
- Facilitating change;
- Building Local Government’s reputation;
- Fostering collaboration; and
- Developing capacity and capability to deliver.
### 3.8 YOUTH LOCAL GOVERNMENT CONFERENCE

Contact Officer – Katrena Stephenson

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<td>That Members note the following report on the Tasmanian Youth Local Government Taskforce</td>
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<td>Carried</td>
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**Background**

Late last year LGAT hosted a training session for Tasmanian Youth Local Government Taskforce members in preparation for their Youth Local Government Conference. In the session Mayor Doug Chipman and media consultant Keryn Nyland gave the young people an overview of some of the procedural and communication issues for the sector.

The Youth Local Government Conference was held at the Hobart City Council from 14-16 October and attracted 28 young people from all over Tasmania (including Flinders Island). The attendees were nominated by their council. The young people used the Council Chambers to run mock council meetings and discuss the topics that they highlighted as important in their municipalities.

Participants noted the priorities for Tasmania’s youth as mental health, public health, development, fisheries, waste management and recycling, recreational facilities, employment, public transport and youth advisory groups.

The Taskforce aims to raise the youth voice with councils. In summary, the Taskforce stated that:

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the Tasmanian Youth Local Government program of meetings has proven to be beneficial for students. It has encouraged youth to contribute to their local communities and ensured those youth who are engaged are genuinely listened to. The quality of debate and depth of understanding of the young councillors was inspiring, and it will be wonderful to see the conference blossom in future years. This conference is set to be an annual event that will provide a link between Tasmania’s youth and the Local Government sector”.
```

Last year LGAT provided $500 in sponsorship for the conference to support accommodation for those attending from regional areas.

Last month, LGAT entered into an MOU with the Tasmanian Youth Government Association with the aim of supporting further collaboration over the next few years, including through ongoing partnership for the Tasmanian Youth Local Government conference. Support includes promotion to councils and to that end, Members are encouraged to nominate students locally for participation in the program.

A copy of the MOU is at **Attachment to Item 3.8.** *

Further, the TYGA are providing some information for dissemination at the meeting.
3.9 **ANNUAL PLAN** *
Contact Officer – Dion Lester

Launceston City Council/Clarence City Council

That Members note the following report.

Carried

**Background**
A report against the progress of the LGAT Annual Plan is at [Attachment to Item 3.9].
4. ITEMS FOR DISCUSSION

4.1 PROCEDURAL MOTION

Tasman Council/Circular Head Council

That a procedural motion be put to allow for an additional motion to come before the Meeting.

Carried

For 39
Against 11
No Vote 0

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<th>Response</th>
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<td>Dorset Council 10</td>
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<td>Flinders Council 11</td>
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<tr>
<td>George Town Council 12</td>
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<tr>
<td>Glamorgan/Spring Bay Council 13</td>
<td>[No Response]</td>
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<tr>
<td>Glenorchy City Council 14</td>
<td>For</td>
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<tr>
<td>Hobart City Council 15</td>
<td>[No Response]</td>
<td>4</td>
</tr>
<tr>
<td>Huon Valley Council 16</td>
<td>For</td>
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</tr>
<tr>
<td>Kentish Council 17</td>
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<tr>
<td>Kingborough Council 18</td>
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<tr>
<td>King Island Council 19</td>
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<tr>
<td>Latrobe Council 20</td>
<td>For</td>
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<tr>
<td>Launceston City Council 21</td>
<td>Against</td>
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<tr>
<td>Meander Valley Council 22</td>
<td>For</td>
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<tr>
<td>Northern Midlands Council 23</td>
<td>For</td>
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<tr>
<td>Sorell Council 24</td>
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<td>Southern Midlands Council 25</td>
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<tr>
<td>Tasman Council 26</td>
<td>For</td>
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</tr>
<tr>
<td>Waratah - Wynyard Council 27</td>
<td>For</td>
<td>2</td>
</tr>
<tr>
<td>West Coast Council 28</td>
<td>For</td>
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</tr>
<tr>
<td>West Tamar Council 29</td>
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</tbody>
</table>
## 4.2 Sale of Anglican Churches and Cemeteries

**Tasman Council/Southern Midlands Council**

That the LGAT issue a public statement on behalf of Members -
- Acknowledging the importance of redress for victims of abuse;
- Noting the concern being expressed across a number of Tasmanian communities about the sale of their local churches and cemeteries;
- Seeking that the Anglican Church ensure that those communities are not being made to pay unfairly for the actions of leaders in the Church; and
- That there is a genuine consideration given to the huge impact on communities particularly rural and regional Tasmanian.

Carried

<table>
<thead>
<tr>
<th>Participant</th>
<th>Response</th>
<th>Weight</th>
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<tbody>
<tr>
<td>Break O'Day Council 1</td>
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<td>Brighton Council 2</td>
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<td>Burnie City Council 3</td>
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<td>Circular Head Council 6</td>
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<tr>
<td>Dorset Council 10</td>
<td>Against</td>
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<tr>
<td>Flinders Council 11</td>
<td>[No Response]</td>
<td>1</td>
</tr>
<tr>
<td>George Town Council 12</td>
<td>Abstain</td>
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</tr>
<tr>
<td>West Tamar Council 29</td>
<td>For</td>
<td>3</td>
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</table>
5. OTHER BUSINESS & CLOSE

There being no further business, the President declared the Meeting closed at 12.10pm.
<table>
<thead>
<tr>
<th>Item No</th>
<th>Items for Decision</th>
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</thead>
<tbody>
<tr>
<td>2</td>
<td>Items for Decision</td>
<td></td>
</tr>
<tr>
<td>2.1</td>
<td>TasWater</td>
<td>Refer Item 9.9</td>
</tr>
<tr>
<td>2.2</td>
<td>GMC Representative - North North-West Region</td>
<td>No Further Action</td>
</tr>
<tr>
<td>2.3</td>
<td>Waste Management</td>
<td>Refer Items 8.1</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>3</th>
<th>Items for Noting</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>3.1</td>
<td>Credit Card Policy</td>
<td>Refer Item 9.6</td>
</tr>
<tr>
<td>3.2</td>
<td>TasNetworks Pricing Reset 2019-2024</td>
<td>Refer Item 9.15</td>
</tr>
<tr>
<td>3.3</td>
<td>Local Government Elections</td>
<td>Refer Item 9.1</td>
</tr>
<tr>
<td>3.4</td>
<td>Planning Reform</td>
<td>Refer Item 9.3</td>
</tr>
<tr>
<td>3.5</td>
<td>Emergency Management</td>
<td>Refer Item 9.15</td>
</tr>
<tr>
<td>3.6</td>
<td>Communications &amp; Events Update</td>
<td>Refer Item 9.14</td>
</tr>
<tr>
<td>3.7</td>
<td>Policy Update</td>
<td>Refer Item 9.15</td>
</tr>
<tr>
<td>3.8</td>
<td>Youth Local Government Conference</td>
<td>Refer Item 9.15</td>
</tr>
<tr>
<td>3.9</td>
<td>Annual Plan</td>
<td>Refer AGM Agenda Item 8</td>
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<table>
<thead>
<tr>
<th>4</th>
<th>Items for Discussion</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>4.2</td>
<td>Sale of Anglican Churches and Cemeteries</td>
<td>Refer Item 8.4</td>
</tr>
</tbody>
</table>
LGAT has streamlined its reporting on Motions which have been passed at General Meetings. This report details motions where LGAT is still pursuing an outcome.

| Local Government Legislation | Passed: July 2014 | Notes: LGAT has raised this with the division via the targeted review, however it was not picked up in the subsequent amendments to the Local Government Act. Subsequently LGAT has written to the Local Government Division (LGD) to seek to have this item included as part of an upcoming miscellaneous amendments package, currently being developed. At the time of writing no formal response had been received from the LGD. |
| That the LGAT request a change to the Local Government Act to ensure a Mayoral vacancy does not trigger a by-election if the vacancy occurs within 12 months of an election. |
| Passed: July 2015 | Notes: As above |
| That LGAT request the Local Government Division alter section 339F (4) Local Government Act 1993 from requiring a council to review its customer service charter at least once every 2 years to within 12 months after a council election. |
| Passed: July 2015 | Notes: As above |
| That the Local Government Association of Tasmania urge the State Government to support the transfer of the administration of the General Manager’s Roll to the Tasmanian Electoral Commission. |
| Passed: July 2015 | Notes: As above |
| The Local Government Association of Tasmania urge the State Government to review the eligibility for inclusion on the General Manager’s Roll by reviewing the definition of occupier to better capture all citizens, inclusive of refugees and permanent residents living in a Local Government area. |
| Passed: July 2015 | Notes: As above |

| Environment | Passed: July 2016 | Notes: In early 2017, the LGAT Waste Reference Group has completed a Statewide Waste and Resource Management Strategy and provided this to the EPA to inform the update of the Tasmanian Waste and Resource Management Strategy. In that Strategy, it is noted that there is an absence of baseline data which inhibits a detailed analysis of the quantity and source of |
| That the Local Government Association of Tasmania be requested to consult with the regional waste management bodies (and other relevant bodies) for the purpose of: |
| Passed: July 2016 | Notes: In early 2017, the LGAT Waste Reference Group has completed a Statewide Waste and Resource Management Strategy and provided this to the EPA to inform the update of the Tasmanian Waste and Resource Management Strategy. In that Strategy, it is noted that there is an absence of baseline data which inhibits a detailed analysis of the quantity and source of |
| a. Identifying the extent of problems associated with the disposal of car wrecks/car bodies. This recognises the lack of disposal options given the current steel recycling market (or lack thereof); and |

Last modified 19/06/18
b. In conjunction with the regional bodies, determine what cost effective options can be considered to address and manage the issues identified.

Note: Consideration should be given to an option for car enthusiasts to access these car wrecks/car bodies for sourcing parts and/or bodies for restoration purposes.

That the Local Government Association of Tasmania reconfirm its commitment to the introduction of a statutory waste levy of $10 per tonne to be collected by public and private landfills as endorsed at the Local Government General Meeting in July 2012.

Passed: November 2016

Notes: The Statewide Waste and Resource Management Strategy, prepared by the LGAT Waste Reference Group, to inform the State Government’s Waste Action Plan (still under development) notes the establishment of a statewide waste levy should be an immediate high priority action. Waste management (including the establishment of a levy) was one of the five election priorities for LGAT and was a State Budget priority also for the sector.

For further information, see item in the July General Meeting Agenda.

That the Local Government Association of Tasmania lobby the State Government to introduce container deposit legislation for the state.

Passed: July 2017

Notes: Under the 2017-18 State Budget, the EPA received $100,000 to develop a model framework for the implementation of a Container Deposit Scheme in Tasmania. Recognising the importance of Local Government, LGAT was invited to sit on the Steering Committee for this project. The consultants have completed their work and the report is currently with the Minister for Environment.

That Members reaffirm their commitment to improving waste management and raise with the State Government -

- The importance of Waste Management, in particular plastics;
- Our disappointment in the lack of progress of the waste strategy; and
- The need for additional resourcing to be implemented.

Passed: November 2017

Notes: See item in the July General Meeting agenda.
### Planning and Building

No Current Motions

### Roads and Infrastructure

<table>
<thead>
<tr>
<th>Motion</th>
<th>Passed:</th>
<th>Notes:</th>
</tr>
</thead>
<tbody>
<tr>
<td>That LGAT and member Councils continue to lobby the Minister for Infrastructure for improved roadside vegetation management on State Government controlled roads.</td>
<td>April 2017</td>
<td>Not yet commenced.</td>
</tr>
<tr>
<td>That the State Government be urged to increase its per capita spending on the provision of public transport services within metropolitan and regional Tasmania.</td>
<td>July 2017</td>
<td>Not yet commenced.</td>
</tr>
</tbody>
</table>

### Emergency Management

<table>
<thead>
<tr>
<th>Motion</th>
<th>Passed:</th>
<th>Notes:</th>
</tr>
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<tbody>
<tr>
<td>That LGAT lobby the State Government to boost Tasmania’s disaster resilience by providing a significant increase in funding and work with the Commonwealth Government to change the disaster resilience mitigation funding under the National Partnership Agreement back to ⅓ Commonwealth, ⅓ State and ⅓ Council contributions.</td>
<td>July 2017</td>
<td></td>
</tr>
</tbody>
</table>

- Notes: LGAT has continued to lobby in relation to increasing mitigation funding and to change the funding split for mitigation funding through our election documents, budget submission and through the Premiers Local Government Council. The Australian Local Government Association also included increased mitigation funding as a priority in their budget submission.
- At this stage there appears to be little appetite from the State and Federal Governments to change the current arrangements. However, LGAT continues to liaise and provide input to the State Government and ALGA in relation to the Federal Governments review of Mitigation funding.
- On a more positive note, as part of the joint Federal & State Government Tasmania Flood Project, LGAT successfully advocated for the flood studies component of the project to include a 1/3:1/3:1/3 split in contributions from the three levels of Government.

### Local Government Business and Finance

No Current Motions
<table>
<thead>
<tr>
<th>That LGAT Supports the entitlement of all councillors in Tasmania to be provided with a hard copy or electronic copy of the electoral roll for their Local Government Area, including the General Manager’s Roll for that area, with regular updates; and</th>
<th><strong>Passed: February 2017</strong>&lt;br&gt;<strong>Notes:</strong> LGAT has written to the Director of the Local Government Division to request the legislative change required to enable the electoral roll to be made available to all councillors. At the time of writing no formal response had been received from the LGD.</th>
</tr>
</thead>
<tbody>
<tr>
<td>That LGAT calls on the Tasmanian Government to put forward the legislative changes necessary to give effect to this entitlement, noting that details such as the regularity of updates, permitted uses of the roll and how the costs of providing the roll will be funded; and what safeguards will be put in place to ensure copies of the roll are transmitted securely are matters to be determined by the Tasmanian Government in consultation with Local Government.</td>
<td></td>
</tr>
<tr>
<td>That the Local Government Association of Tasmania lobby the State Government to investigate the coordination of school immunisation programs being undertaken on a State wide basis, rather than being an individual council responsibility to coordinate.</td>
<td><strong>Passed: July 2017</strong>&lt;br&gt;<strong>Notes:</strong> LGAT has raised the issue of coordination of immunisation with the Department of Health and Human Services (DHHS). DHHS have advised that the statewide immunisation strategy is currently being developed, with consultation expected during July and August 2018. It is expected that this strategy will deal with the school immunisation programs and the strategic coordination of immunisation more broadly. <strong>This motion will be removed following the July General Meeting.</strong></td>
</tr>
<tr>
<td>That LGAT lobby the State Government to amend the Public Health Act 1997 to declare all school road crossings and surrounds, a smoke free area under section 67B.</td>
<td><strong>Passed: July 2017</strong>&lt;br&gt;<strong>Notes:</strong> LGAT has raised the issue of making smoke free school road crossings with DHHS in the March quarterly meeting. DHHS have advised that councils can make their own declaration under the provisions of the <em>Public Health Act 1997</em> to enable school crossings to be made smoke free. Further DHHS have offered to assist councils with the wording of a declaration and mapping, if support is required. For example, DHHS recently assisted Georgetown Council with their declaration to make school crossings smoke free, which commenced on the 7 May 2018. The broader issue of declaring smoking illegal near public buildings including hospitals is under consideration by DHHS. <strong>This motion will be removed following the July General Meeting.</strong></td>
</tr>
</tbody>
</table>
**Key LGAT Activity – April 2018**

**Issues in Focus**

LGAT continued its sustained advocacy effort in relation to TasWater post the State Election culminating in the recent announcement of a MOU between TasWater and the State Government which outlines the principles to a new collaborative way forward to be taken to councils for consideration. The State Government, TasWater and the Chief Representative of the Owners’ Representatives Group reached in principle agreement to work together to progress water and sewerage reform, with the following key principles:

- The State Government to become a part owner (10%) of TasWater, involving revised governance arrangements;
- the State will provide contributions to TasWater, to a total of $200 million over the ten year period commencing on 1 January 2019, with the first contribution in the 2018-19 financial year;
- TasWater will accelerate its water and sewerage infrastructure investment program;
- Future regulated water and sewerage prices in Tasmania will be capped until 30 June 2025; and
- Under the proposal, TasWater will continue to be a majority council owned, sustainable and financially viable corporation, with an appropriate governance, that delivers water and sewerage services in Tasmania effectively and efficiently.

**Policy/Project Activity**

- Submission on the Draft Local Government Relief and Recovery Policy to Office of Security and Emergency Management, Department of Premier and Cabinet
- Development of a submission to Australian Energy Regulator on TasNetworks Pricing Reset Proposal
- Initiated consultation with Councils on Draft Emergency Management Amendment Bill
- Preparation of draft Workforce Development Grant for Environmental Health Officers (EHOs)
- Negotiation of updated contract variation for recycling on behalf of southern Tasmanian Councils
- Input into Code of Conduct position paper by Local Government Division
- Update the LGAT Awards for Excellence
- Preparation of procurement workshop at the LGAT Annual Conference
- Sector consultation on planner resourcing within councils
- Collation of council data on rental vacancy rates and visitor accommodation compliance activities
- Council advice on Federal Government proposal for changes to regional airport security
- Ministerial briefing notes (Local Government and Environment Ministers) on impact to Tasmanian Councils of Chinese recycling policy changes
- Council advice on Monetary Penalties Enforcement Act
• Research on other jurisdictions public space by-laws
• Update the Guide for Minute Takers Handbook
• Finalised LGAT’s draft Model Credit Card Policy and released it for consultation with all councils as well as key stakeholders in the State Government
• Development of website content and audio-visual material to promote nominations to run for council elections
• Session chair at the Coast to Coast Conference, Local Government workshop on Coastal Adaptation.

Media

<table>
<thead>
<tr>
<th>LGAT Media</th>
<th>Date</th>
<th>Publication</th>
</tr>
</thead>
<tbody>
<tr>
<td>Opinion Editorial – Setting Rates a Balancing Act for Local Government</td>
<td>30.4.2018</td>
<td>Advocate</td>
</tr>
<tr>
<td>Feature Article – What lies ahead for Local Councils</td>
<td>24.4 2018</td>
<td>Examiner</td>
</tr>
<tr>
<td>LGAT CEO Dr Katrena Stephenson interviewed by Lucy Stone</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Radio Interview and online article – Tasmania Talks on Recycling: LGAT CEO Dr Katrena Stephenson interviewed by Brian Carlton</td>
<td>19.4.2018</td>
<td>Tasmania Talks</td>
</tr>
</tbody>
</table>

LGAT Media Release:
| Council Cost Index                                                        | 12.4.2018 |
| LGAT CEO Contract Renewed                                                 | 9.4.2018  |

Drafted another Opinion Editorial for The Examiner (not yet run) on Road User Charging.

Communications

• LGTas - The April edition of LGTas showcases Local Government collaboration and partnerships; celebrating the achievements of our Members. Read it [here](#).
• The Pulse e-newsletter March
• LG Noticeboard
• Twitter.

Training and Events

• Development of a range of new web-based materials targeted at candidates for the October Local Government elections
• Altered the Better Councils Better Communities TV avert to help promote nominations to run for council elections
• MAV/JLT Risk Forums – LGAT presented at both Sorell and Meander Valley Forums
• Exploring event partnership opportunities with LG Professionals Tas.
Meetings

- Australian Energy Regulation and Consumer Challenge Panel - TasNetworks pricing reset proposal 2019-24
- Australian Institute of Company Directors – Training for Local Government
- Australian Local Government Association (ALGA) – Planning policy officers phone conference
- Australian Government Department of Jobs and Small Business – opportunities for Local Government and communities
- Australian Energy forum - TasNetworks pricing reset proposal 2019-24
- David O’Byrne MP - Local Government matters
- Department of State Growth – Planning policy discussion
- Derwent Estuary Group (Incl. Glenorchy, Kingborough, Hobart, Clarence Councils) – Tracks, trails and promoting walkability
- Department of State Growth – Heavy Vehicle Access regional group meetings with councils
- Director of Local Government - Regular meeting
- Department of Health and Human Services (DHHS) – Community Health and Wellbeing Project KPI discussion and future grant opportunities for councils
- Duke of Edinburgh Awards Employer Breakfast
- DHHS, Glenorchy Council – Prevention Tracker Advisory meeting teleconference
- DHHS – Walkability for Transport Project
- DHHS, EPA and EHA Tasmania - EHO Workforce development grant consultation
- Glamorgan Spring Bay Council - Farewell of Bertrand Cadart, representing the LG sector.
- Hobart and Launceston Councils – EHO Workforce development grant consultation
- Ironbark Sustainability – scoping assistance for LG in dealing with climate variability risk
- Institute of Internal Auditors – Training for Audit Panels
- Officer of Security and Emergency Management, Department of Premier and Cabinet – Recovery update
- MAV Insurance - Board meeting
- Minister for Planning – Local Government planning reform priorities
- National Reference Group teleconference – Local Government toolkit for Domestic and Family Violence prevention
- Natural Assets Code Working Group – scoping guidelines for implementation
- Planning Information Network – presentation on planning reform
- RDA Tasmania - Board meeting
- SKM – Discussion to update the recycling contract variation for Southern Tasmanian Councils
- Sorell Council – Workforce development project
- State Emergency Service - Joint Natural Disaster Resilience Program Grant application
- State Government – TasWater
- TasNetworks Customer Council
- TasNetworks - Great Southern Lights project discussion with CEO
- TasNetworks - revenue reset stakeholder forum
- TasNetworks - public lighting and revenue reset
- TasWater – scoping way forward
- Tasmanian Climate Change Office (DPAC) Electric Vehicle Working Group – scoping Tasmanian Government support for Local Government initiatives to facilitate Electric Vehicle uptake
- Tasmanian Youth Local Government – planning for LGAT workshop and Youth Local Government conference
- UTAS - Food Policy Council consultation
- Veolia – future waste workshop opportunities
- Volunteer Tasmania – network meeting.
Key LGAT Activity – May 2018

Issues in Focus - TasWater
An MOU with the State Government was signed on 1 May by the TasWater Chief Owner Representative, Mayor David Downie.

The MOU outlines that:

• The State Government will contribute $20 million a year for 10 years in exchange for equity in TasWater;
• As a shareholder they will have a role in the Board and CEO selection and the signoff of the corporate plan;
• The State Government will not take distributions, and council’s current distributions are preserved;
• The injection of funding will allow price increases for consumers to be capped and some acceleration of the capital program; and
• There will be a collaborative approach to progressing Macquarie Point, the Launceston combined system and Cameron Bay.

The principles outlined in the MOU were developed with consideration of the key concerns raised by LGAT Members, which formed LGAT’s advocacy and informed our legislative council submission. These included maintaining Local Government ownership, revenue/rating impacts, cost of living concerns, independent oversight, skilled board, ease of raising issues with TasWater, ensuring all community needs are considered (avoiding pork barrelling) and so on. Ultimately it means that councils distributions will continue to flow to provide for a range of local services and infrastructure; as well as the minimising the cost increases for water and sewerage services for households. A real win win!

Policy/Project Activity
• Negotiation of Deed to amend Southern Tasmanian Councils recycling contracts
• Submission - Emergency Management Amendment Bill 2018
• Submission- TasNetworks Pricing Reset 2019-24 Australian Energy Regulator
• Successful grant application, Natural Disaster Relief and Recovery Grant, Tasmanian Municipal Emergency Management Guidelines.
• Tender advertised, MAV/LGAT Streetlighting installation and materials
• Submission to the Local Government Division on a range of miscellaneous amendments required to the Local Government Act
• Sector consultation and submission on the draft Residential Housing Supply Bill 2018
• Correspondence with the Minister for Planning of the sector’s priorities for planning reform
• Sector advice on the Federal Budget
• Successful partnership grant for active transport project being led by the Menzies Institute
• Consultation on hard waste collection costs for some councils
• Input into priority vegetation mapping support documentation
• Early Years, Local Government Children’s Forum – 5 July 2018, arrangements finalised. To be run in partnership with the Australian Early Development Census, B4 Coalition and Hobart City Council
• LGAT telecommunications and internet upgrade proposal endorsed and suppliers advised
• Draft new State-wide LGAT Customer Satisfaction Survey complete, for discussion with social research companies
• Sought councils’ feedback through the LGAT Performance and Improvement Survey 2018
• Engaged Local Government Procurement experts from NSW and SA, to conduct a Procurement Workshop to run in parallel with the LGAT Annual Conference
• Promoted the Tasmanian Climate Change Office’s ChargeSmart grants program supporting workplace electric vehicle charging
• Review stakeholder comments and feedback on draft LGAT Model Credit Card Policy
• Respond to council enquiries regarding Local Government (Meeting Procedures) Regulations 2015 requirements
• Provided input on behalf of Tasmanian councils into the Local Government National Report 2018 for the Australian Government
• Provided advice to a member council to inform decision making around the considerations required before committing to substantial investment in coastal hazards infrastructure
• Represented Tasmanian Councils on the evaluation committee for the Tasmanian Climate Change Office’s “Coastal Hazards Management for Existing Settlements and Values” project
• Preparation of LGAT 2018/19 Budget

Media
• Media Release: Free Candidate Information Sessions
• Chris Jones, Editor of the Mercury, Introductions and Local Government briefing
• Letter to editor – planning
• Letter to editor – sale of Anglican Churches
• LGAT Better Councils television commercial with new end titles “Represent Your Community, Stand for Council” running during May and June.
• Social Media promotional flyer distributed to all councils: Candidate Information Sessions

Communications
• The Pulse e-newsletter May
• LG Noticeboard
• Twitter
Training and Events

- Mayor’s Professional Development Day – Windsor park, West Tamar
- LGAT Annual Conference Registration opened – click here to register
- Huon Valley Candidate Information Session – CEO co presented with Director of Local Government
- Preparation for Regional Candidate Information Sessions
- King Island Candidate Information Session – Policy Director co presented with Director of Local Government and Audit Office
- King Island Planning Authority workshop for Council and community members
- Preparation of web-based range of resources for prospective Candidates in the October Local Government elections
- Attendance at Reconciliation week breakfast

Meetings

- CEO visit to the Local Government Association of Queensland to learn about products and services that could benefit Tasmanian councils
- Minister for Local Government (Peter Gutwein) - The President and CEO discussed a number of issues and initiatives at play in the sector, in line with our election advocacy document
- Minister for Environment (Elise Archer) - Following up from a meeting held shortly before the elections the President, CEO and Policy Director sought to raise awareness of the issues around recycling and seek commitment to progressing the State Waste Strategy as a matter of urgency
- Members of the Parliamentary Labor Party - The CEO and Policy Director met to discuss our submission on the Residential Housing Supply Bill
- Shadow Minister for Economic & Regional Development; Employment, Training & Skills Development; Small Business and Veteran’s Affairs (Anita Dow) - The President and CEO had a general discussion about Local Government and her portfolios
- TasWater General Meeting
- Meeting of Association CEOs
- LGAT General Meeting, including presentation from Minister for Planning and Housing, Roger Jaensch.
- CEO attendance at Volunteering Tasmanian Awards
- Road Safety Advisory Council Meeting
- CEO of Local Government Professionals Tasmania regarding event synergies
- Secretary of DPAC and CEO of TasCoss - Women in Leadership opportunities
- General Management Committee Meeting
- Premier’s Local Government Council Officials Meeting
- Premier’s Local Government Council Meeting
- Community Health and Wellbeing Advisory Committee - Inaugural meeting
- Environmental Health Officers from Kingborough, Hobart, Tasman Councils – LGAT/EPA Workplan
- Multicultural Council – Partnership agreement with LGAT
- Clarence, Glenorchy, Kingborough Councils – Universal Design Principles project
• DPWPWE, Ten Lives, Kingborough Council, Cradle Coast Authority, NRM North – Cat Management Co-ordination Steering Committee
• Tasmania Canteen Association – working with Health and Wellbeing Project
• EPA – MoU workplan follow up
• DHHS – Walkability for Transport forum follow up
• Alcohol Advisory Group – Alcohol Simulation Modelling
• Consolidated data collection (CDC) consultant selection panel
• Department of Premier and Cabinet - Recovery working group meeting
• Department of Police, Fire and Emergency Management - Evacuation Framework
• Office of Security and Emergency Management - recovery reform
• TasNetworks - Great Southern Lights Project
• Ironbark Consulting, Councils - Great Southern Lights Project team meeting
• Department of Police, Fire and Emergency Management - Collaborative Leadership sub-committee meeting
• Department of Education - Australian Early Development Census, Steering Committee
• Department of Education – Local Government Early Years Working Group
• Central Coast Council staff – meeting regarding improvements to the Delegations Register
• 11th National Local Government Cultural Forum
• Municipal Association of Victoria (MAV) – LinkedIn Webinar on maximising employer brand & content development
• EPA – state waste strategy
• Waste Strategy South – update on LGAT advocacy activities
• VISTAS Steering Committee – regular meeting
• Planning Policy Unit – Residential Housing Supply Bill
• National Competition Policy & freedom camping stakeholder reference group meeting
• Local Government Associations - environment and waste policy update
• Department of State Growth – Young Driver Symposium & Ideas Sharing Session
• Southern Tasmania Councils Authority (STCA) Regional Climate Change Initiative (RCCI) – quarterly meeting
• Cultural Forum Executive teleconference
• Kingborough Council, Derwent Valley Council, Brighton Council, Clarence City Council – Community Health and Wellbeing Project consultation and planning
• Fae Robinson – Community Health and Wellbeing Project planning
• DHHS - Community Health and Wellbeing Project funding opportunity
• Tasmanian Health Service & DHHS – Health Promotion Quarterly Information Sharing Meeting
• DHHS – Systems Thinking introduction
• Tasmanian Health Service - Community Health and Wellbeing Project planning
• Australian Road Research Board – Restricted Access Vehicle Route Assessment Tool Governance Committee meeting
• Department of State Growth – Community Road Safety Grants Committee application assessment meeting
• Tasmanian Climate Change Office – representation of Tasmanian Councils on future TCCO projects and Climate Resilient Councils work program
STATEWIDE WASTE MANAGEMENT FEASIBILITY STUDY – SCOPE

LOCAL GOVERNMENT ASSOCIATION OF TASMANIA

ITEM

21 JUNE 2018

Authored by: DION LESTER

Position: POLICY DIRECTOR
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Introduction
LGAT are seeking a suitably qualified consultant to undertake a feasibility study into a ‘Statewide Waste Management Arrangement’ for the planning, co-ordination and delivery of statewide waste policies, strategies, programs and services to support better waste management across Tasmania.

Project Governance and Administration
In addition to a dedicated LGAT project manager, LGAT will establish a Local Government Reference Group, which includes representatives from each of the three regional organisations to support the project.

The consultant may draw upon this group for additional engagement with Local Government i.e. either through one on one direct engagement with reference group members and/or meetings and workshops with the reference group.

Tasks and Deliverables

Part A: Needs and Gap Analysis
Undertake a needs/gap analysis for a Statewide Waste Management Arrangement to co-ordinate and deliver statewide waste policies, strategies, programs and services.

Tasks:
1. Engage with Local Government, the three-regional waste organisations, key industry representatives and State Government, on the need for a proposed Statewide Waste Management Arrangement. This is to include the delivery of:
   a. Three regional workshops (one per region) with Local Government;
   b. Three regional workshops (one per region) with regional waste authorities;
   c. One statewide industry workshop; and
   d. One statewide State Government session.
2. Analyse current industry trends and opportunities and community expectations (via desktop research) as they relate to waste management in Tasmania.
3. Review the current governance arrangements, purpose, role and functions of regional organisations and the State Government (e.g. the EPA) to co-ordinate and deliver waste policies, strategies, programs and services, particularly in the context of the changing waste management landscape.
4. Review other jurisdiction Statewide Waste Management Arrangements and their support for waste management.
5. Assess the gaps in current arrangements at a statewide level in Tasmania and identify the need for a Statewide Waste Management Arrangement, to co-ordinate and deliver statewide waste policies, strategies, programs and services to support waste management across Tasmania.
Deliverables:

A short report detailing:

a. The outcomes of engagement with respect to the need for the proposed Statewide Waste Management Arrangement;

b. Current industry trends;

c. Review of the current statewide waste strategy, planning and delivery framework detailing:
   i. Current purpose, roles and functions of existing regional groups, Local Government; State agencies and other key stakeholders; and
   ii. Identified gaps and assessment of the need for Statewide Waste Management Arrangement.

d. Recommendation on the need and benefits of a Statewide Waste Management Arrangement in Tasmania.

Hold Point

On completion of Part A there will be a hold point, subject to the recommendation on the need of a Statewide Waste Management Arrangement.

Part B: Feasibility Statewide Waste Management Arrangement

Undertake a review of options for a Statewide Waste Management Arrangement and assess the feasibility.

Tasks:

1. Undertake a review of proposed purpose, governance, role and function of a Statewide Waste Management Arrangement. As a minimum, the review must consider the following areas:
   a. Key benefits and objectives;
   b. Direction and management;
      i. Purpose and role definition; and
      ii. Governance arrangements.
   c. Policy and strategic planning roles;
   d. Operational and service delivery roles;
   e. Resourcing; and
   f. Accountability.

2. Examine what statutory governance models are available to establish and run the arrangements and determine the relative costs and benefits of each.

3. Undertake a review of potential funding arrangements/mechanisms, including community capacity to pay.
4. Engage with Local Government, the three-regional waste organisations, key industry representatives and State Government, on the proposed purpose, governance, role and function Statewide Waste Management Arrangement. This is to include the delivery of:

   a. Three regional workshops (one per region) with Local Government;
   b. Three regional workshops (one per region) with regional waste authorities;
   c. One statewide industry workshop; and
   d. One statewide State Government session.

5. Undertake an assessment of the feasibility of the proposed Statewide Waste Management Arrangement. The assessment must consider, as a minimum:

   a. The strength/weakness compared with existing frameworks;
   b. Cost/Benefits, opportunities and risks;
   c. Likelihood & barriers to implementation; and
   d. A roadmap for potential future roles and responsibilities of the Statewide Waste Management Arrangement.

6. Conduct a single statewide workshop with Local Government and regional waste organisations on the proposed purpose, governance, role and function of the proposed Statewide Waste Management Arrangement.

7. Present the final report to a LGAT General Meeting (20 mins presentation and 20 minutes questions).

**Deliverables:**

1. A draft report detailing the review of benefits & objectives, proposed purpose, role and function of a Statewide Waste Management Arrangement and potential funding mechanisms.

2. A final report (after the statewide workshop) detailing:

   a. The review of proposed purpose, role and function of a Statewide Waste Management Arrangement including;
   b. A review of potential funding mechanisms;
   c. An assessment feasibility of the proposed Statewide Waste Management Arrangement; and
   d. Conclusions and recommendations.
21 May 2018

The Right Reverend Dr Richard Condie
GPO Box 748
HOBART TAS 7001

Dear Dr Condie

Sale of Churches and Cemeteries

I am writing on behalf of the Members of the Local Government Association of Tasmania, the 29 councils.

At our General Meeting held on Friday 18 May, Members voted in support of the following motion:

That LGAT issue a public statement on behalf of Members:

1. Acknowledging the importance of redress for victims of abuse;
2. Noting the concern being expressed across a number of Tasmanian communities about the sale of their local churches and cemeteries;
3. Seeking that the Anglican Church ensure that those communities are not being made to pay unfairly for the actions of leaders in the Church; and
4. That there is genuine consideration given to the huge impact on communities particularly in rural and regional Tasmania.

Aspects of the debate included the concern being expressed in some communities about the disproportionate impact in rural communities where there was no alternative place of worship within a reasonable distance, the cultural and heritage values of some of the proposed sites, the lack of genuine engagement to date; that not all the funding was to be used for redress and the perception of a cash grab, and future lack of access to cemeteries for families.

The LGAT will be issuing the public statement in the form of a letter to the editor to each of the three regional Tasmanian papers (attached).

As Councils are often the first point of call for raising community concerns, I encourage the Church to make contact with councils to understand the extent and nature of those concerns in each community.

Yours sincerely

Dr Katrena Stephenson
CHIEF EXECUTIVE OFFICER
28 May 2018

Dr Katrena Stephenson  
Chief Executive Officer  
Local Government Association of Tasmania  
326 Macquarie Street  
Hobart TAS 7000

Dear Dr Stephenson

Sale of Churches and Cemeteries

Thank you for your letter of 21 May 2018, which Bishop Condie has handed to me for response. Thank you too for passing on some of the concerns that your members are hearing through local communities.

We are at the very start of the process, and dependent on a decision of Synod to be able to consult more widely with local communities. If the Synod does decide to pass the proposed bill, there will be a period of six months in which we will be able to consult with communities and church communities to ensure that the method of raising funds to pay for redress will have as light an impact on local communities as possible. We certainly intend to engage with local councils during this process.

Local church communities will be able to make submissions to Diocesan Council for exemption of buildings from sale. One of the key criteria for these applications is distance or isolation. Local communities can also make representations to Diocesan Council by writing to me, at the addresses contained at the bottom of this letter, or by email at registrar@anglicantas.org.au.

Yours sincerely

James Oakley  
Registrar / General Manager

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*A church for Tasmania, making disciples of Jesus*  
1st Floor Church House 125 Macquarie St Hobart TAS 7000 | GPO Box 748 Hobart TAS Australia 7001  
+61 3 6220 2020 | www.anglicantas.org.au
13 June 2018

Dr Katrena Stephenson
Chief Executive Officer
Local Government Association Tasmania
326 Macquarie Street
HOBART  TAS  7000

Dear Katrena

Thank you for your letter of 4 June 2018.

I have attached documentation regarding the consultation process for community groups. This information is also available on our website at: https://anglicantas.org.au/redress-proposal/.

The criteria for submissions will be available the week following the 21st July, 2018. We envisage that this information will be accessible via our website.

Sincerely

[Signature]

The Rt Revd Dr Richard Condie
Bishop of Tasmania
The outline of the process for Parishes is:

**Applications for exemptions**

1. From June 2018, parishes will have the opportunity to apply to Diocesan Council for properties to be exempt from sale, or for funds to be exempt from levies. The criteria for exemptions is primarily about the ministry and mission needs in a parish.
2. Those applications must be made to the Council before 1 October 2018.
3. The Council will consider all submissions at its meeting in December 2018. This is to give everyone time to gather all the information that might be needed to make a sound decision about a property or fund.

**Levying funds**

4. In the second half of 2018, Diocesan Council will impose a 25% levy on all the funds in the deposit list, based on the balance of those funds on 17 April 2018. These funds will be quarantined, so that they are available to be paid for redress claims as needed.
5. The parishes will continue to receive the interest on those funds until they are used for making redress payments.
6. The balance of any money remaining at the end of the National Redress Scheme (after 10 years), will be returned to the parishes from which it was levied.

**Selling properties**

7. There will be some properties on the list that the relevant parish agrees ought to be sold. We will start marketing these in August or September, after they have been identified.
8. Following the December Diocesan Council meeting, where the list of properties for sale is finalised, we will start the process of sale.
9. This process will take some years and will be carefully planned and staged following consideration of the submissions received from parishes. We are currently exploring options to maximise the value of properties before sale, to ensure that we are being wise stewards of our resources.

**Community Consultation**

Community groups, councils or individuals who wish to make a representation to Diocesan Council, about church property marked for sale, can address their submission to the General Manager of the Diocese at Registry@anglicantas.org.au.

Submissions can be made after Synod has finalized the list in June until 1 September 2018

"A church for Tasmania, making disciples of Jesus."

1st Floor Church House 125 Macquarie St Hobart • GPO Box 748 Hobart TAS Australia 7001
Telephone +61 3 6220 2020 • media@anglicantas.org.au • www.anglicantas.org.au
FACT SHEET – REDRESS FUND

Why are we doing this?
The Anglican Diocese of Tasmania believes that providing redress (a payment, counselling costs, and the opportunity for a direct apology) for survivors of child sexual abuse is the right thing to do. It provides restorative justice, recognition and support for survivors.

With a significant number of child sexual abuse cases taking place in the 1960’s, 70’s and 80’s, the Diocese has decided to join the National Redress Scheme, an independent government scheme to provide redress. We anticipate that around 150 survivors may come forward for redress, and that our liability will be in the order of $8 million over the next ten years.

The Diocese cannot fund $8 million out of its operations, nor can it fund the repayment of a loan of that magnitude. It does however have assets, including property and investments from the proceeds of previous property sales, it can utilise.

What will we do?
The Synod decided on 2 June 2018, to establish a Redress Fund for the Diocese to cover claims made against the Anglican Church of Tasmania. Funds will be derived from:
- Around $2.9M from levies (of 25%) on funds from past property sales by the Diocese and parishes;
- Around $1.1M from direct contributions by some larger parishes; and
- Around $4.7M from levies (of 25%) of the net proceeds of the sale of 108 properties owned by the Diocese.

The Synod agreed to a list of properties that may be sold, and a list of funds that may be levied. Properties: https://tinyurl.com/y7rkwn7 Funds: https://tinyurl.com/ydajapgc

The proceeds of the sale of property will be directed as follows (see graphic: https://tinyurl.com/yavl8x49):
- 25% to the Redress Fund;
- 25% to the New Ministry Development Fund, of which 15% may be reclaimed by the Parish; and
- 50% to remain in trust for Parish use.

The aim of this is to enable ministry activities to continue where property is sold with up to 65% of the proceeds available for local parish use.

How can you respond?
The Diocese will engage in a process of consultation with our parishes and with local communities to determine if properties or funds should be excluded from the lists for sale or levy. An independent Probity Advisor will oversee this process. The key dates in that process are:
- 1 September 2018 – deadline for community submissions to the General Manager of the Diocese.
- 1 October 2018 – deadline for Parish Council submissions to the Diocesan Council.
- December 2018 – Diocesan Council meets to consider submissions and may exempt some buildings from sale or delay sales.

Sales of properties that remain on the list will take place in a controlled manner over the following 2-3 years.

All correspondence should be directed to The Registrar/ General Manager, Mr James Oakley, GPO Box 748, Hobart 7001, or registry@anglicantas.org.au

Further information can be found here: https://anglicantas.org.au/redress-proposal/
Information about cemeteries can be found in the FAQ here: https://tinyurl.com/y7w8g7ev
Dr Katrena Stephenson, CEO LGAT
Dear Katrena

Further to my telephone call of even date I am interested in exploring the possibility of Tasmanian Councils taking over control of Tasmanian cemeteries.

I am writing as a member of the Uniting Church in Tasmania, and have served as a member of the Tasmanian Presbytery Resource and Development Committee for the past 15 years. Also last October as a Tasmanian representative, attended a Melbourne Synod meeting called to discuss the establishment of a cemeteries policy for Victoria and Tasmania. This is still ongoing.

Recent publicity about the proposed sale of Anglican church properties, also sale of Uniting Church properties including cemeteries, prompts me to explore how best to operate cemeteries in the future.

In Mainland States cemeteries are mostly under the control of Shire Councils. In Victoria there are only three Uniting Church cemeteries, here some forty three. Some are closed to further burials while some are on separate titles from that of the church. In the past several Uniting Church properties with attached cemeteries have been sold to private individuals with problems occurring. At Bracknell for a time a young bull was allowed to run in the cemetery amongst the headstones, which has now been replaced by a Shetland pony. This has been a cause of much concern to relatives of people buried there. At Butleigh Hill, Cressy area, trucks and irrigators are reported as passing over graves, again generating concern.

Once a church and cemetery is sold there is little control over what happens at the property which is a cause for concern.

In the past Churches have facilitated the operation of cemeteries in communities, but with declining membership, ageing congregations and sale of properties, changes to the operation of cemeteries is becoming necessary.

Other issues with private ownership are, the maintenance of grounds, provision of access ie. getting past barriers and dogs, and the ability to keep records.

Also some cemeteries are heritage listed and are of historical significance. Also some have rare species growing in the grounds which are required to be protected.

Should Councils become responsible for cemeteries, the cost of operation should remain similar to that at present but become a community cost as is the case with present community run cemeteries and other community facilities.

I would appreciate your thoughts on the matter. Possibly we may be able to meet up and explore the matter further and include other church representatives in discussions.

Sincerely
Ivan Badcock
Dear Katrena

Thanks for your advices.

To expand on my earlier email I am forwarding further information on Tasmanian Uniting Church cemeteries. This was mostly put together about six years ago but has not greatly changed since then.

At that time I visited many of the north/northwest cemeteries and it would appear that many of the cemeteries receive care and maintenance from a variety of groups and it anticipated this will continue, thus not requiring much council maintenance work.

The Work Orders group do work and this is well received and valued, with the Department of Justice advising they are able to take on more properties. Attached is a copy of our application for work at the Evandale cemetery which shows details they require. The congregation is very satisfied with their work.

Councils also do much work, not only at Council run cemeteries and have heard that a north east Municipal Council does maintenance at all of its cemeteries.

At several cemeteries there are signs advising the cemetery has rare and threatened flora species, the aim being to provide protection and preservation. See picture of the sign at the Meadowbank Campbell Town cemetery, (attached). Other cemeteries have similar signs. Should you require clarification or additional information please make contact.

I look forward to hearing of the out come of the July meeting.

Regards,
Ivan
Telephone - 6397 3558,
Mobile - 0439 653 597
Hagley Cemetery

Some considerations by Ivan Badcock – 14 November 2017

The cemetery forms part of the Uniting Church’s mission in the area, Hagley, Westbury, Exton, and beyond, and provides a safe and respectful resting place for loved ones. It is still a working cemetery with 12 burials booked plus 9 to be placed in the columbarium. It is likely that others will be wanting to be placed there.

The ground for the cemetery was gifted by a neighbour, George Scott (1804-1877) in 1864 and he and a number of his descendants are buried there. Scott family members still attend to maintenance of the grounds. The church and cemetery are on separate titles.

Besides other Pioneer families, also to be found there is Rev William Dawson (1854-1886) who died as a serving minister in the Westbury circuit. The wife of another Westbury Wesleyan minister and several minister’s children are also interred there.

The request to sell the Hagley church, but excluding the cemetery, was forwarded to PART on 6 October 2015 but a written response is yet to be received. However verbally we are advised the sale must include the cemetery, for reasons of maintenance and insurance. These issues are now addressed.

Maintenance – Over the 150 years since the cemetery was established, maintenance has been attended by the people of the district and descendants of people buried there. Over that period it has been well maintained, which still continues, and is expected to be so into the foreseeable future. Should the time come when that arrangement ceases, the services of Work Orders, provided by the Tasmanian Department of Justice are available. Currently for the Uniting Church, they attend to maintenance at the Cressy, Longford and Evandale cemeteries and also do work in the Hagley and Westbury Anglican cemeteries amongst others. The service is provided without charge. They advise of being able to take on more work.

The workers attend to grass mowing and general tidying of the grounds. The Department provides travel, equipment and insurance cover for those doing work. I have not heard of any complaints about their work, rather good reports.

Maintenance concerns are therefore unfounded.

Insurance – I am not aware of any claims relating to the cemetery. Risk factor therefore appears low.

Past Cemetery Sales – Two not far distant Uniting Church properties, containing cemeteries, have been sold over the past approximate 15 years, those at Bracknell and Butleigh Hill. Problems have occurred at both. At Bracknell an owner placed a young bull into the cemetery grounds amongst tomb stones which caused much concern, particularly to those who had relatives buried there, also to town residents. At the Butleigh Hill cemetery there have been reports of trucks and irrigators passing over graves again raising concerns.
This has given rise to negative publicity towards the church.

Once a property has been sold the Church has little control over what the new owners may do at the site, nor is there any guarantee that the grounds will be satisfactorily maintained.

Other Factors – With retention of the cemetery a new entrance to the cemetery will need to be provided. Guy Barnett, MHA, and whose parents are buried in the cemetery, has had discussions with Craig Perkins, Mayor of the Meander Council, and who advises the Council is agreeable for this new entrance.

It is known that the South Riana Uniting Church cemetery was retained when the church was sold and recently settled. There are many similarities between the two places and I fail to understand why the Hagley sale is being treated differently.

Summary – In summary Hagley is a well kept working cemetery with historic significance and is important to the Uniting Church’s mission and people in the area. Its retention and operations, I believe, are best continued in the hands of the local congregation.

I therefore submit that the cemetery not be sold.
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<th><strong>File Name</strong></th>
<th><strong>Property Town Location</strong></th>
<th><strong>Denomination</strong></th>
<th><strong>Description</strong></th>
<th><strong>Open/Closed</strong></th>
<th><strong>Record Admin</strong></th>
<th><strong>Maintenance contact</strong></th>
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<td>Bicheno, Morrison Street</td>
<td>Methodist</td>
<td>Columbarium</td>
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<td>Mrs Helen Gamble, Rosedale Road, Bicheno 6257 1184</td>
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<td>Tranmere-Clarence Plains Coast Care Group Phil Anstie <a href="mailto:phil.anstie@gmail.com">phil.anstie@gmail.com</a>. Heritage listed</td>
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<td>Devonport **</td>
<td>Moriarty *Greenbanks, Lot 2, Bonneys Lane</td>
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<td>Cranbrook, 14876 Tasman Highway</td>
<td>Presbyterian</td>
<td>Cemetery</td>
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<td>Mrs Dot Barden 0418 331 447 Website: Gravesites of Tasmania Website: Headstones From Cemeteries Of Tasmania</td>
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<td>Columbarium</td>
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<td>Finance &amp; Property Files Aug 1977 – transferred to Kentish Council Website: Headstones From Cemeteries Of Tasmania</td>
<td>Kentish Council</td>
</tr>
<tr>
<td>Kingston</td>
<td>Kingston – Settlers</td>
<td>Wesleyan Methodist</td>
<td>Cemetery</td>
<td>Closed</td>
<td>Records at Archives Office</td>
<td>Kingborough Council</td>
</tr>
<tr>
<td></td>
<td>Park Channel Highway</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Launceston North</td>
<td>Tunnel, 460 Bacala Rd</td>
<td>Wesleyan Methodist</td>
<td>Cemetery</td>
<td>Open</td>
<td></td>
<td>Local Resident</td>
</tr>
<tr>
<td>Launceston South Esk</td>
<td>Evandale, 9 High Street</td>
<td>Presbyterian</td>
<td>Cemetery</td>
<td>Closed</td>
<td>Records at file Records at Launceston Library Website: Headstones From Cemeteries Of Tasmania</td>
<td>Mowed by Northern Midlands council. Congregation arranges other maintenance</td>
</tr>
<tr>
<td>Launceston South Esk</td>
<td>Hadspen, 47 Main Road</td>
<td>Wesleyan Methodist</td>
<td>Cemetery</td>
<td>Open only for paid plots</td>
<td>Records at file Mrs Edna McCormack Website: Headstones From Cemeteries Of Tasmania</td>
<td>Congregation</td>
</tr>
<tr>
<td>Launceston South Esk</td>
<td>White Hills, 630 Blessington Road</td>
<td>Wesleyan Methodist</td>
<td>Cemetery</td>
<td>Open</td>
<td>Cemetery Plan on file Property Sold May 2017</td>
<td></td>
</tr>
<tr>
<td>Longford</td>
<td>Cressy, 6B Saundridge Road</td>
<td>Wesleyan</td>
<td>Cemetery</td>
<td>Closed but for prepaid plots</td>
<td>Northern Midlands council &amp; UCA Longford</td>
<td></td>
</tr>
</tbody>
</table>
1. **Background to the Review**

Tasmanians need to be confident that the councillors they elect to represent them will uphold and abide by certain standards of conduct and behaviour. The local government Code of Conduct framework plays an important role in supporting this outcome.

A statewide Code of Conduct framework applying to all elected councillors first commenced on 13 April 2016. The framework was established through changes to the *Local Government Act 1993* (the Act) and replaced a patchwork of previous code of conduct arrangements that were in place at the individual council level.

The framework was developed through extensive consultation with the local government sector and the Integrity Commission, and provides for greater uniformity and enforceability than pre-2016 arrangements, which were widely seen as lacking consistency and credibility.

In early 2017, the Tasmanian Government agreed to a request by the sector for a review of the local government Code of Conduct framework (the Review) at the conclusion of its initial 12 months of operation. The aim of the Review was to investigate whether the framework is proving to be effective, and identify and address any aspects of the framework that have not operated as intended.

The Review, which is now complete, was the subject of substantial consultation. The Local Government Association of Tasmania (LGAT) led consultation with councils, while the Department of Premier and Cabinet’s Local Government Division (LGD) led consultation with Code of Conduct Panel members and the Executive Officer. The sector endorsed a set of recommendations at the LGAT General Meeting on 1 November 2017.

2. **The Tasmanian Government’s Response**

Appendix A outlines in detail the Government’s response to the proposed changes put forward through consultation with both the sector and Panel members. The Government has considered and responded to all proposed changes with reference to the following four guiding principles:

1) **The Code of Conduct is designed to establish best practice for councillors in discharging their functions and obligations as elected officials, predominantly focussing on behavioural expectations and complementing the legal requirements of the Act.** Serious matters of misconduct (e.g. misuse of office) are separately (and appropriately) dealt with as offences under the Act. Where there are overlaps between the code and the Act, streamlining of the code to remove duplication is supported.

2) **Proceeding to the formal complaints process should be the last – not first – resort for resolving behavioral matters.** Measures that reduce the number of vague, frivolous, trivial or vexatious complaints at the earliest opportunity should be pursued as a priority, as should placing the onus on parties to resolve issues before resorting to the formal complaints process. The amount of time and resources in dealing with trivial complaints should be reduced to the maximum extent that is reasonably possible without compromising the rigor of the complaints process.
3) The code of conduct process is not intended to operate as a ‘court’. Concepts such as the awarding of costs against parties to a complaint, and mandating the right for parties to be given a hearing in relation to a complaint are not appropriate given the objectives and nature of the code of conduct framework.

4) High levels of prescriptiveness should be avoided where possible, particularly where they have the potential to prevent or constrain the exercise of professional judgement in arriving at a sensible, fair and efficient outcome. Code of Conduct Panels should be given sufficient flexibility to exercise their professional judgement with respect to dealing with complaints, including in relation to whether or not they need to hold a hearing, or whether or not they accept amended complaints. It is acknowledged that Panels must have the requisite skills, and receive sufficient support and training, so as to ensure the sector can be confident that Panel members are well equipped to exercise the necessary level of judgement on such matters.

The Government broadly supports adjusting and refining the code to address the issues and concerns identified by the sector and Panel members during consultation.

The Government notes the sector’s position is that the Government should have overall administrative and funding responsibility for the Code of Conduct framework. However, it is common practice across a number of sectors for a regulated entity to fund certain costs associated with its own (independent) regulation. The Government will engage the sector in a broader discussion about governance and funding in parallel with work to implement other recommendations.

3. Reform Package

The Government is proposing a package of 19 individual improvements to the Code of Conduct framework, which will include legislative amendments, changes to the Model Code and administrative and process improvements.

The changes are designed to increase the sector’s ownership of, and commitment to, the framework and improve the efficiency of complaints processes, including through the early dismissal of trivial complaints.

Key elements of the Government’s response include:

- A new requirement on the parties to a complaint to demonstrate that they have undertaken ‘reasonable efforts’ to resolve an issue that is the subject of a complaint before a complaint is formally accepted. This will place the onus on parties to try and resolve an issue as before formal escalation, and reinforce that a code of conduct complaint is an option of last, not first, resort in relation to elected member behavior.

- A new provision in the model code to allow Panel Chairs to dismiss complaints on the basis of ‘triviality’, as well as frivolous and vexatious complaints. Adding ‘trivial’ will support a reduction in the number of complaints to only those that are material in nature.

- The removal of duplicative provisions, such as ‘pecuniary interests’ and ‘misuse of information’ from the Model Code. These changes will support the Code’s focus on
behavioural matters by eliminating unnecessary duplication between issues that are specifically dealt with by the Code and those that are already covered by other offence provisions of the Act.

- **A new provision to explicitly prevent all relevant parties from misusing information they obtain as part of a code of conduct investigation.** The Act does not currently deal with the misuse of information obtained by Panel members or complainants, only elected members. Misuse of information provisions should apply to all parties involved in the complaint process.

The Government’s full Code of Conduct reform package is summarised in **Table 1**, below.

**Table 1: Code of Conduct Review Reform Package**

<table>
<thead>
<tr>
<th>#</th>
<th>Change</th>
<th>Rationale</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>A new legislative provision will allow Panel Chairs to dismiss complaints on the basis of ‘triviality’, as well as frivolous and vexatious complaints.</td>
<td>The amount of time and resources in dealing with obviously trivial complaints should be reduced to the maximum extent that is reasonably possible without compromising the rigor of the complaints process. Panel member and sector advice is that ‘frivolous and vexatious’ is too narrow to allow the dismissal of ‘trivial’ matters. Adding ‘trivial’ will support a reduction in the number of complaints to only those that are material in nature.</td>
</tr>
<tr>
<td>2</td>
<td>The complainant and respondent will both be required under the Act to make a Statutory Declaration in relation to a complaint.</td>
<td>It is a reasonable expectation that both parties should be willing to attest – ‘under oath’ - to the honesty and accuracy of their accounts. This change was suggested by both the sector and Panel members.</td>
</tr>
<tr>
<td>3</td>
<td>Complainants will be required to demonstrate that they have undertaken ‘reasonable efforts’ to resolve an issue that is the subject of a complaint before a complaint is formally accepted. The Chair of the Panel will be given flexibility to judge what is reasonable in the circumstances on a case-by-case basis.</td>
<td>This will place the onus on parties to try and resolve an issue before formal escalation, and reinforce that a Code of Conduct complaint is an option of last, not first, resort in relation to elected member behavior.</td>
</tr>
<tr>
<td>4</td>
<td>The ability for a complainant to amend a complaint once the Panel has commenced an investigation will be removed.</td>
<td>The Chair will retain the flexibility and discretion to make a decision about accepting an amended complaint, on a case-by-case basis up until the beginning of an investigation. However, post the commencement of an investigation, additional complaints will need to be submitted separately and assessed on their own merits.</td>
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<tr>
<td>#</td>
<td>Change</td>
<td>Rationale</td>
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<tr>
<td>5</td>
<td>A new provision will be included to prescribe that Determination Reports must be kept confidential until they are formally tabled by the relevant council.</td>
<td>This change will enhance procedural fairness and confidentiality.</td>
</tr>
<tr>
<td>6</td>
<td>Councils will not be permitted to table a complaint determination reports in an open council meeting while a determination is still subject to appeal.</td>
<td>This change will enhance procedural fairness.</td>
</tr>
<tr>
<td>7</td>
<td>Councils will be required, in their Annual Reports, to report on the total number of complaints they received in a given financial year.</td>
<td>This change will increase transparency of reporting on complaints, which already requires councils to report on the number of complaints upheld and the costs associated with complaints met by councils.</td>
</tr>
<tr>
<td>8</td>
<td>All parties will be explicitly prevented under the Act from misusing information they obtain, or are privy to, as part of a code of conduct investigation.</td>
<td>The Act does not currently deal with the misuse of information obtained by Panel members or complainants, only elected members. Misuse of information provisions should apply to all parties involved in the complaint process.</td>
</tr>
<tr>
<td>9</td>
<td>Councils will be required to place determination reports on the agenda of open council meetings.</td>
<td>While 'tabling' is already provided for under the Act, this does not always result in the matter being placed on the meeting agenda. This change will increase public transparency.</td>
</tr>
<tr>
<td>10</td>
<td>Responsibility for councillor training costs resulting from a code of conduct determination should be clarified.</td>
<td>Training costs should to be borne by the relevant council, not the individual councillor, and this should be reflected in the Act.</td>
</tr>
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</table>

**Changes to Model Code**

<table>
<thead>
<tr>
<th>#</th>
<th>Change</th>
<th>Rationale</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Potential changes to the ‘materiality test’ in Part 2 (6) of the Model Code that currently applies with respect to conflicts of interest will be subject to further review and consultation with the sector.</td>
<td>The Model Code currently provides that elected members are to “…act in good faith and exercise reasonable judgement to determine whether the conflict of interest is so material that it requires removing himself or herself physically from any Council discussion and remaining out of the room until the matter is decided by the Council”. The ‘materiality test’ attracted a range of diverging views from stakeholders during the review process. While removing the test would provide clear and unambiguous direction to elected members, it also has the potential to diminish the autonomy of elected members in making judgments as to whether conflicts are significant enough to warrant physically removing themselves from deliberations. Further consultation will be undertaken as part of the changes to the Model Code before any changes are made to part 2.</td>
</tr>
</tbody>
</table>
2  ‘Pecuniary interests’ will be removed from Part 2 of the Model Code. | There is some overlap between certain provisions of the Model Code and the Act. Pecuniary interests are one such example where the wording of conflict of interest provisions includes pecuniary interests. 

Unnecessary duplication between matters that are specifically dealt with by the code and those that are already covered by other offence provisions of the Act will be removed.

3  ‘Use of Information’ will be removed from Part 5 of the Code. | As with pecuniary interests, ‘use of information’ is another area of overlap between the Model Code and the Act. Section 339 of the Act already deals with misuse of information.

4  Part 7(1)(a) of the Model Code will be re-drafted to limit the requirement on elected members to treat all persons with ‘fairness’. | This part of the Model Code should capture the essence of the desired behaviour; while still allowing for frank debate and robust political disagreement. The Government supports the sector’s view that the use of terms such as ‘courtesy’ and ‘dignity’ in this part of the Model Code can be problematic because they are more subjective.

5  Part 8(5) of the Model Code will be amended by inserting ‘publicly’ prior to ‘undermines the decision of the council’. | This change will bring Part 8(5) of the Model Code in line with Part 8(6) and clarify that the code is focused on an elected members’ public conduct, acting in their capacity as a councillor.

### Administrative and process improvements

<table>
<thead>
<tr>
<th>#</th>
<th>Change</th>
<th>Rationale</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Current complaint forms will be reviewed to ensure there is greater clarity regarding the specific nature of a complaint. For example, complainants should be able to select the descriptor that best applies to the alleged breach of conduct.</td>
<td>Responds to sector feedback and is consistent with the overall objective of improving the ‘front end’ of the complaints process.</td>
</tr>
<tr>
<td>2</td>
<td>Additional guidance will be provided to Panels on the application of ‘reasonable person’ test in Part 7(1)(b) of the Model Code, which deals with causing ‘offence or embarrassment’ is sensible. While the Panels should have a sound understanding of this concept (particularly the legal member of the Panel), some guidance to elected members is supported.</td>
<td>Responds to sector feedback and aims to increase consistency in decision-making.</td>
</tr>
<tr>
<td>3</td>
<td>Guidance will be provided to Panel members to ensure that prescribed training to address behavioural issues is ‘provider-neutral’.</td>
<td>Responds to sector feedback and encourages a more strategic approach to training in the context of the code of conduct process.</td>
</tr>
</tbody>
</table>
Consideration should also be given to local training provider capacity, with potential to establish a ‘panel’ of providers that have been assessed as competent at providing specific training types/modules.

| 4 | Training for Panel members will be reviewed to ensure that members are clear on the limits of the sanctions they apply – that is, sanctions can only be applied to the individual that is the subject to a complaint that has been upheld, and not all councillors |
| Responds to sector feedback to provide greater clarity in this regard. |

4. **Next Steps**

It is anticipated that legislative and Code amendments will be implemented by the end of 2018, subject to the Government’s legislative agenda and other Parliamentary priorities.

The sector will be given a further opportunity to provide input to legislative amendments and changes to the Model Code before they are introduced to the Parliament.

As noted above, there are several ongoing issues in regard to governance and resourcing responsibilities for the Code of Conduct framework, which will require further discussions between the Minister for Local Government and the sector. These matters will be progressed and resolved in parallel with legislative and Model Code amendments.
## Appendix A: Detailed response to individual local government sector and Panel member recommendations

<table>
<thead>
<tr>
<th>#</th>
<th>Recommendation</th>
<th>Changes to legislation or Model Code required?</th>
<th>Who proposed the recommendation?</th>
<th>Tasmanian Government Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>A Statutory Declaration from the complainant and respondent should be required.</td>
<td>Yes, legislative amendment</td>
<td>The sector and Panel members</td>
<td>Supported. Both parties should be willing to attest – ‘under oath’ - to the honesty of their accounts.</td>
</tr>
<tr>
<td>2</td>
<td>Improve the complaint forms to ensure there is clarity regarding the complaint. For example, complainants should be able to select the descriptor that best applies.</td>
<td>No, administrative/process change only</td>
<td>The sector and Panel members</td>
<td>Supported. The amount of time and resources in dealing with obviously trivial complaints should be reduced to the maximum extent that is reasonably possible without compromising the rigor of the complaints process. Adding ‘trivial’ would support a reduction in the number of complaints to only those that are material in nature. Currently, the term ‘frivolous and vexatious’ is too narrow to allow dismissal of ‘trivial’ matters. Grounds should identify that this is the reason for dismissal.</td>
</tr>
<tr>
<td>3</td>
<td>Enable the Chairs to dismiss trivial complaints.</td>
<td>Yes, legislative change</td>
<td>The sector and Panel members</td>
<td>Supported. The Government considers that the Chair should retain the flexibility and discretion to make a decision about accepting an amended complaint, on a case-by-case basis up until the beginning of an investigation. Once a formal investigation has commenced, any additional complaints should be submitted separately and assessed on merit. At a practical level, recommended changes to improve complaint forms (additional substantiation etc) should help address this issue by reducing the incidences of complaints being amended.</td>
</tr>
<tr>
<td>4</td>
<td>Panels should have the ability to dismiss a complaint at any stage in the process.</td>
<td>No change necessary</td>
<td>The sector and Panel members</td>
<td>Supported, as this is already the case. If a complaint proceeds from the assessment stage to investigation, that investigation could be concluded very quickly if the Panel receives information that would allow it to dismiss the complaint.</td>
</tr>
<tr>
<td>5</td>
<td>Remove ability for complainant to amend the complaint once the Panel has commenced its investigation (28X(2)).</td>
<td>Yes, legislative change</td>
<td>The sector</td>
<td>Supported. There is some overlap between some provisions of the code and the Act. The Government supports streamlining the code with a view to focusing primarily on behavioural matters, and removing unnecessary duplication between matters that are specifically dealt with by the code and those that are already covered by other offence provisions of the Act. Use of information is another area of overlap between the Model Code and the Act. Section 339 of the Act already deals with misuse of information.</td>
</tr>
<tr>
<td>6</td>
<td>Exclude pecuniary interest from Part 2 of the Model Code.</td>
<td>Yes, change to Model Code</td>
<td>The sector and Panel members</td>
<td>Supported. The sector and Panel members</td>
</tr>
<tr>
<td>7</td>
<td>Prevent the determination report from being tabled in an open council meeting while subject to appeal.</td>
<td>Yes, legislative amendment</td>
<td>The sector</td>
<td>Supported.</td>
</tr>
<tr>
<td>#</td>
<td>Recommendation</td>
<td>Changes to legislation or Model Code required?</td>
<td>Who proposed the recommendation?</td>
<td>Tasmanian Government Response</td>
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<tr>
<td>8</td>
<td>The Panel must be appropriately experienced, trained and supported and must demonstrate they can perform the role before being appointed.</td>
<td>No, administrative/process issue</td>
<td>The sector and Panel members</td>
<td>Supported noting that the Panels as constituted represent what the sector requested (two persons with local government experience, one being the Chair, and a legal representative). The Government also notes that in the last recruitment round to add to the list of Panel members to select from, the selection Panel was drawn entirely from nominations from the sector. The Government proposes to continue this approach into the future, so that Panel members will be persons nominated by the sector itself. Code of Conduct Panels will primarily be challenged in the area of its application of natural justice and this is the appeal mechanism for the Magistrates Court Civil Division. Therefore as a minimum the legally trained person should have training in administrative law principles of procedural fairness, evidence and bias. Ideally all members of the Panel would receive this training.</td>
</tr>
<tr>
<td>9</td>
<td>The Chair must have the experience to both control and lead the interview process and not allow too much leeway for comments outside the scope of the complaint.</td>
<td>No, administrative/process issue</td>
<td>The sector</td>
<td>Supported. See comments above.</td>
</tr>
<tr>
<td>10</td>
<td>Clarify that Panel chairs are obliged to refer matters that are the jurisdiction of the Director of Local Government, prior to a full Code of Conduct process.</td>
<td>No change necessary</td>
<td>The sector</td>
<td>Supported as this is already provided for in the Act.</td>
</tr>
<tr>
<td>11</td>
<td>Information on complaints upheld (as a minimum) should be reported as part of the Annual Report.</td>
<td>Yes, legislative amendment if reporting requirements are extended</td>
<td>Panel members</td>
<td>Supported. The Government notes that section 72 of the Act already requires the following in council annual reports: • A statement of the number of code of conduct complaints that were upheld either wholly or in part during the preceding financial year; • The total costs met by the council during the preceding financial year in respect of all code of conduct complaints dealt with under Division 3A of Part 3 during the preceding financial year. Reporting could be extended to also include total number of complaints received.</td>
</tr>
<tr>
<td>12</td>
<td>Explicitly prevent parties from misusing information they obtain as part of a code of conduct investigation.</td>
<td>Yes, legislative amendment</td>
<td>Panel members</td>
<td>Supported. The Government notes that section 339 of the Act could be amended to include information obtained by any party (including Panel members) via a code of conduct investigation.</td>
</tr>
<tr>
<td>13</td>
<td>Reinforce confidentiality requirements.</td>
<td>Yes, legislative amendment</td>
<td>Panel members</td>
<td>Supported. Amend section 28KZ of the Act to prescribe that Determination Reports must be kept confidential until they are formally tabled by the relevant council.</td>
</tr>
<tr>
<td>14</td>
<td>Require determination reports to be on the agenda of open council meetings.</td>
<td>Yes, legislative amendment</td>
<td>Panel members</td>
<td>Supported. While ‘tabling’ is already provided for under section 28ZK of the Act, this does not always result in the matter being placed on the agenda.</td>
</tr>
<tr>
<td>15</td>
<td>Obligation on Director to advise Panel when a matter should have been referred to Director.</td>
<td>No</td>
<td>Panel members</td>
<td>Supported as this is already the case.</td>
</tr>
<tr>
<td>16</td>
<td>Additional step in process – three days to allow respondents a chance to review and respond to proposed sanctions.</td>
<td>No</td>
<td>Panel members</td>
<td>Supported. The Government understands that this process has been adopted and is already in effect.</td>
</tr>
<tr>
<td>#</td>
<td>Recommendation</td>
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<tr>
<td>17</td>
<td>Clarify responsibility for training costs.</td>
<td>Yes, legislative amendment</td>
<td>Panel members</td>
<td>Supported. Amend section 28Z(N) of the Act to clarify that costs of training that might be required of a councillor as a result of Determination Report are to be borne by the relevant council, and not the individual councillor.</td>
</tr>
<tr>
<td>18</td>
<td>Improvements needed in regard to the receipt, checking and processing of complaint forms.</td>
<td>No</td>
<td>Panel members</td>
<td>Supported. The Government notes that councils could give consideration to whether the General Manager should continue to perform the function of receipt, checking and processing of complaint forms or, in their interests of ensuring that the General Managers are not put in potentially difficult positions, if it could be delegated to an ‘authorised officer’ (e.g. similar to Right to Information Officers at the State Government level). The Government considers these concerns will be ameliorated through guidance, support and education.</td>
</tr>
<tr>
<td>19</td>
<td>Limit 7(1)(a) of the Model Code to fairness.</td>
<td>Yes, change to Model Code</td>
<td>The sector and Panel members</td>
<td>Supported. This part of the Model Code should capture the essence of the desired behaviour under this part of the code, while still allowing for frank debate and robust political disagreement. The Government supports the sector’s view that the use of terms such as ‘courtesy’ and ‘dignity’ in this part of the Model Code can be problematic because they are more subjective.</td>
</tr>
<tr>
<td><strong>Supported in principle</strong></td>
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<tr>
<td>20</td>
<td>Introduce a mechanism for mediation or a requirement to demonstrate that mediation has been attempted.</td>
<td>Yes</td>
<td>The sector and Panel members</td>
<td>Supported in principle. Mediation should be pursued where it presents the reasonable prospect of resolving the matter without recourse to formal administrative/statutory processes. However, mediation will not always be appropriate and should be assessed on a case-by-case basis. The Government proposes instead that a ‘reasonable efforts to resolve’ test be placed on complainants before a complaint is accepted under 28V of the Act, and that the Chair be given the flexibility to judge what is reasonable in the circumstances on a case-by-case basis. This proposal would generally only apply to Part 7 of the Model Code and possibly some of Part 8.</td>
</tr>
<tr>
<td>21</td>
<td>The Chair should be able to seek preliminary advice from the General Manager to consider other matters before dismissing or proceeding with a complaint.</td>
<td>Potential legislative change</td>
<td>The sector</td>
<td>Supported in principle. The initial assessment by the Chair is intended to be undertaken based on the documentary evidence provided. This could be extended to include any relevant documents (e.g. meeting minutes etc.) provided by the General Manager (if available and relevant). However, there are concerns that seeking additional advice from the General Manager in addition to the above documents may in some cases create a perception of bias (eg where there has been conflict in the past between an elected member and a General Manager), with the attendant risk of damaging relationships between the General Manager, elected members and council staff. An alternative would be to provide additional scope for the Chair to obtain information or advice that the Chair may draw on in making an initial assessment, but this then starts to enter the realm of ‘pre-emptive investigation’ before the initial assessment has even been completed. Other changes aimed at reducing the number of complaints proceeding to full investigation and determination will likely address the practical concern reflected in this recommendation. So too should any complaints resolution procedures that a council may put in place to resolve issues before they escalate to a formal code of conduct complaint.</td>
</tr>
<tr>
<td>#</td>
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<tr>
<td>22</td>
<td>Include recognition of a councillor exposing fraud or other illegal activity as not offending Part 3 (1) of the Model Code.</td>
<td>Yes, change to Model Code</td>
<td>The sector</td>
<td>Supported in principle. The Government supports the intent, but does not believe this is technically necessary. It seems self-evident that any disrepute brought upon council as a result of the revelation of unlawful or unethical behaviour is caused by the person responsible for those actions (and not any person acting to uncover them). Further, the Public Interests Disclosures Act 2002 already covers the field in relation to this issue. The Government also recognises the risk that a small minority of persons may falsely raise allegations of significant impropriety for political or other reasons. Where this is found to be the case the Code or the Act should be able to deal with those persons.</td>
</tr>
<tr>
<td>23</td>
<td>Include an explanatory note regarding a ‘reasonable person’ to support interpretation of Part 7(1)(b) of the Model Code.</td>
<td>Yes, change to Model Code if explanatory note included in body of code.</td>
<td>The sector and Panel members</td>
<td>Supported in principle. The provision of additional guidance to Panels on the ‘reasonable person’ test is sensible. While the Panels should have a sound understanding of this concept (particularly the legal member of the Panel), some guidance to elected members is supported. This could be achieved by a supporting guideline and through elected member and Panel training, rather than through a change to the code itself. Concerns about interpretation of 7(1) are likely to be ameliorated by a re-draft and tightening of that section (see above).</td>
</tr>
<tr>
<td>24</td>
<td>Remove “undermines the decision of the council” from Part 8(5) of the Model Code.</td>
<td>Yes, change to Model Code</td>
<td>The sector</td>
<td>Supported in principle. The spirit (if not the letter) of the Act with respect to the role and responsibilities of councillors is that once a decision is made, then an individual councillor should not publicly criticise a decision of council (noting that council voting records are public documents). On this basis, the Government does not support any weakening of the code to allow for public dissent regarding council decisions, instead the Government proposes inserting ‘publicly’ prior to ‘undermines the decision of the council’. Similar to recommendation 23, the Government considers showing ‘respect’ when expressing personal views publicly, as in Part 8(6), is important to capture the essence of the desired behaviour under this part of the Code.</td>
</tr>
<tr>
<td>25</td>
<td>Once the Panel is notified of a complaint the General Manager should be required to table the complaint in the next available Closed Session of Council and the Mayor or Deputy Mayor (if complaint relates to the Mayor) should be notified immediately.</td>
<td>Yes, legislative change</td>
<td>The sector</td>
<td>Supported, in principle. The Government supports the intent of providing council with forewarning of complaints where this is deemed necessary and appropriate. The Government understands that this is already possible without having to prescribe that it occurs. There is a need to ensure procedural fairness/natural justice are not adversely impacted as a consequence. A matter referred by a Panel for example to the Director as a possible offence under the Local Government Act should not be disclosed. Panel members suggest that it is important that confidentiality of the process is maintained until the determination is completed. Matters that proceed to investigation after the assessment stage could, in principle, be reported in session, but - in the interests of natural justice - the right to confidentiality for both complainant and councillor should be maintained. This would mean only limited, de-identified information could be provided (eg number of complaints received and basis of the complaint). The Government believes it is unnecessary to prescribe this in legislation, instead it should be left to</td>
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<tr>
<td>#</td>
<td>Recommendation</td>
<td>Changes to legislation or Model Code required?</td>
<td>Who proposed the recommendation?</td>
<td>Tasmanian Government Response</td>
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<tr>
<td>26</td>
<td>Code of Conduct sanctions should only be imposed on those against whom the complaint is made.</td>
<td>No changes necessary</td>
<td>The sector and Panel members</td>
<td>Supported in principle. The Government believes this is a perceived risk, as opposed to an actual problem with the Code. Panels would have no jurisdiction to issue sanctions beyond those councillors who are subject to a complaints process. This issue will be covered in training for Panel members. To the extent that systemic or cultural issues with a council may be signalled by repeat complaints on similar matters against a number of councillors, this should trigger consideration of ‘whole of council training’ as a recommendation or suggestion by the Panel. The Government understands that some Panels have in fact made these types of suggestions, but they have never been issued as ‘sanctions’.</td>
</tr>
<tr>
<td>27</td>
<td>In relation to sanctions involving training, the Panels should only be able to direct that training be undertaken, and that training is to include certain matters. The Panel should not be able to bind a third party to provide that training.</td>
<td>No changes necessary</td>
<td>The sector and Panel members</td>
<td>Supported in principle. Prescribed training to address behavioral issues should be ‘provider-neutral’. Again, this matter can be covered in training for Panel members. Consideration should, however, be given to local training provider capacity, with potential to establish a ‘panel’ of providers that have been assessed as competent at providing specific training types/modules. This is an administrative matter that can be progressed within the current framework.</td>
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<tr>
<td></td>
<td><strong>Noted</strong></td>
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<tr>
<td>28</td>
<td>Conflicts of Interest – remove ‘materiality test’ from Part 2(6) of the Model Code of Conduct.</td>
<td>Yes, change to Model Code</td>
<td>Panel members and some parts of the sector</td>
<td>The Model Code currently provides that elected members are to “…act in good faith and exercise reasonable judgement to determine whether the conflict of interest is so material that it requires removing himself or herself physically from any Council discussion and remaining out of the room until the matter is decided by the Council”. The ‘materiality test’ attracted a range of diverging views from stakeholders during the review process. While removing the test would provide clear and unambiguous direction to elected members, it also has the potential to diminish the autonomy of elected members in making judgments as to whether conflicts are significant enough to warrant physically removing themselves from deliberations. Therefore, further consultation will be undertaken as part of the changes to the Model Code before any changes are made to part 2.</td>
</tr>
<tr>
<td>29</td>
<td>Fixed costs incurred by the State Government for the Executive Officer role and associated Panel support should not be “cost recovered” from councils.</td>
<td>No, administrative/process issue</td>
<td>The sector</td>
<td>Noted. While noting the recommendation, the costs of this function are real and must be borne by someone. It is common practice across a number of sectors for a regulated entity to fund certain costs associated with its own (independent) regulation. The Government understands the sector’s position that this is a responsibility for Government. This will form part of a broader discussion that will occur with the sector regarding resourcing and responsibility.</td>
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<td>30</td>
<td>Clarification is required on who holds the responsibility for overseeing the effective implementation of the framework and the governance model. Panel members suggested the need to ensure clear delineation between the role of Panels and that of the Director.</td>
<td>Potential legislative change required</td>
<td>The sector and Panel members</td>
<td>Noted. While the Government is responsible for administration of the legislative framework, there is a 'blurred' line as where the separation of this role occurs and the overall support for the framework. One option is that an enhanced Executive Officer role could do more than simply provide the executive support to the Panel on each individual complaint, but also provide for the more general administration and support for the framework. Such an option would support the statutory separation of the Code of Conduct from the Director of Local Government. However, critical to any solution is funding and resourcing. For further discussion with the sector and the Minister.</td>
</tr>
<tr>
<td>31</td>
<td>A greater commitment to providing guidance and support for councils and Panel members is required.</td>
<td>No, administrative/process issue</td>
<td>The sector and Panel members</td>
<td>Noted. See comments above.</td>
</tr>
<tr>
<td>32</td>
<td>An Executive Officer role could provide for the more general administration and support for the framework, rather than just executive support to the Panel on each individual complaint.</td>
<td>No</td>
<td>Panel members</td>
<td>Noted. See comments above and recommendation 29.</td>
</tr>
</tbody>
</table>
| 33 | Measures to support Panel members to improve the consistency and quality of investigations, hearings and determinations, for example:  
   - Recording of hearings and supporting protocols  
   - Development of practice manuals  
   - Decision templates | No                                            | Panel members                  | Noted and supported in principle. These matters can be progressed without any substantive changes to the framework, but will require time/resource investment. Again, this is part of the broader discussion regarding resourcing and responsibility (see above), for further discussion with the sector and Minister. |
| 34 | The process for determining variations to the Model Code (Clause 28T of the Local Government Act) and the rationale for denying a variation needs a greater level of transparency. | No change necessary                         | The sector                     | Noted. Part of the argument from the sector to Government to introduce the Model Code was for a minimum, uniform code of conduct to apply across all councils. While variations are allowed, in principle these variations would only apply where a council sought to vary the code above the minimum standard in the Model Code. It should be noted that the greater the inconsistency between councils in terms of codes of conduct, the greater the likely associated costs of the system (Panels having to be familiar with multiple, bespoke codes). Any future consideration of a request to vary the code by a council would include reasons for agreeing or denying the request, consistent with past practice. |
| 35 | The the Government is requested to provide legal advice as to the consequences of changing the drafting in the Change ‘is to’ to ‘must’ in the following sections of the Act:  
   - 28V (3), 28ZA (1), (2), (3a), (3b)  
   - 28ZC (1b), (5) | Yes, legislative change                      | The sector                      | Noted. The Government defers to the Office of Parliamentary Counsel (OPC) on technical matters of drafting. The Government has previously been advised that there is a legal reasoning for the use of ‘must’ and ‘is to’ in various contexts and understands that ‘must’ effectively denotes something is mandatory with no discretion, whereas ‘is to’ is still directory in nature, but may be used in situations where some level of minor procedural discretion may be appropriate or acceptable (e.g. where a particular administrative action is to be undertaken by a person or persons). The Government considers the current drafting is appropriate in this context. |
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<tr>
<td>28</td>
<td>28ZF (4), (6b) 28ZG (1) 29ZJ (1) 28ZK (2), (4)</td>
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**Not supported**

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<tr>
<th>36</th>
<th>The Model Code should make it clear that a complaint cannot be lodged related to a planning decision.</th>
<th>Yes, change to Model Code</th>
<th>The sector</th>
<th>Not supported. The Government appreciates that a framework for appeals and complaints already exists for when a council is acting as a planning authority (i.e. the Resource Management Planning and Appeals Tribunal [RMPAT]).</th>
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<td>However, the practical risk is that the RMPAT process would generally only result in an ‘overturning’ of a planning decision, and not necessarily a sanction against an individual councillor who, for example, deliberately and knowingly votes not in accordance with the planning authority obligations he or she has.</td>
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<td>If there is no individual sanction available, there is a risk of increased decisions not being made in accordance with planning authority obligations. There have been examples where valid code of conduct complaints have been upheld on this basis, which could no longer occur if this recommendation were adopted.</td>
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<td>In other words, the Government considers that there is a strong argument that councillors should still be accountable for their individual conduct when dealing with planning matters, in addition to the collective decisions of council being subject to appeal via RMPAT.</td>
</tr>
</tbody>
</table>

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<thead>
<tr>
<th>37</th>
<th>Councillors whose conduct is being reviewed by a Panel should have the option of appearing before the Panel.</th>
<th>Yes, legislative change</th>
<th>The sector</th>
<th>Not supported. The Panel should deal with written submissions, unless convinced otherwise on a case-by-case basis. The Government would caution that further consideration of the potential cost and complexity associated with this practical ramifications of this recommendation is required. This change may lead to an expectation that complainants are also given this opportunity adding further to potential cost/complexity.</th>
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<td>On the one hand concerns have been raised with the cost and length of the Panel process, but this recommendation would likely increase costs and complexity/time intensity.</td>
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<td>The framework as established is not a court and was designed to allow the Panel to make a determination if the evidence is clear, without a hearing. The Panel should have the discretion to decide whether a hearing is necessary in the context of the complaint in question.</td>
</tr>
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<tr>
<th>38</th>
<th>The legislation should require a General Manager to notify a subject of a complaint once the General Manager has determined the complaint meets the requirements of Section 28V of the Act.</th>
<th>Yes, legislative change</th>
<th>The sector</th>
<th>Not supported. In the interests of procedural fairness, the subject of a complaint should receive notification from the Panel Chair once the Chair has undertaken the initial assessment under section 28ZA.</th>
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<td></td>
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<td>In saying that, there is technically nothing to prevent this happening at present. The Government believes it is not necessary to prescribe this, instead it should be left to the continued discretion of councils.</td>
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<tr>
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<td>Recommendation</td>
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<td>39</td>
<td>Remove ability for the Panel to compel a councillor to apologise.</td>
<td>Yes, legislative change</td>
<td>The sector and Panel members</td>
<td>Not supported. The concern seems to be that an enforced apology is insincere or meaningless. While the Code cannot ‘regulate for sincerity’, it does not necessarily follow that an apology serves no purpose for the complainant. A public apology is a common sanction used in relation to civil actions, and in disputes that are heard in other similar forums (panels, tribunals etc.). An unwillingness to apologise will likely be read as the rejection by the subject of the complaint of the findings of the panel and/or a lack of contrition, with the potential to undermine the framework more generally.</td>
</tr>
<tr>
<td>40</td>
<td>Timeframes should be included for the formation of the Panel (within 4 weeks of the complaint being referred) and for a hearing to be held (within 30 days of the formation of the Panel) and for making the determination (30 days from the date of the hearing).</td>
<td>Yes, legislative change</td>
<td>The sector</td>
<td>Not supported. All parties have an interest in, and support, the efficient administration and determination of Code of Conduct complaints. However, at a practical level, resourcing constraints associated with the Executive Officer role and the availability of Panel members is already challenging within the existing timeframes. With respect to the latter issue, it is important to remember that Panel members must manage their part-time Panel responsibilities and time commitments alongside their other substantive commitments. Councils have expressed concerns regarding costs and this must be balanced against potential changes. Further, other recommendations put forward by the sector have the potential to add further time/complexity to the process, which would make mandated resolution of complaints within four weeks even more challenging. It is noted that, of the 16 complaints that have proceeded beyond the initial assessment and have been completed, only four were outside the legislative timeframe of 90 days.</td>
</tr>
<tr>
<td>41</td>
<td>There should be removal of a Panel’s ability to exceed timeframes and appropriate resourcing put in place to ensure timelines are met.</td>
<td>Yes, legislative change</td>
<td>The sector</td>
<td>Not supported. See comments above.</td>
</tr>
<tr>
<td>42</td>
<td>The cost of lodging a complaint should be the same as the cost for lodging a planning appeal to the Resource Management and Planning Appeal Tribunal.</td>
<td>No</td>
<td>The sector</td>
<td>Not supported. The cost of lodging a complaint should cover some of the cost of processing and administration and be set at a level which prevents the lodgment of trivial complaints on the one hand, while not acting as a financial barrier to lodging a legitimate complaint on the other. The principle should be cost recovery for administration and processing.</td>
</tr>
<tr>
<td>43</td>
<td>If a complaint is found to be frivolous and vexatious, the Panel should have the ability to award costs against the complainant.</td>
<td>Yes, legislative change.</td>
<td>The sector</td>
<td>Not supported. The Code of conduct complaints process is not intended to act as a ‘court’ and in any case there are no relevant ‘damages’ to be taken into account. Having a system where the parties to a complaint could be liable for costs would likely both act as a deterrent to the lodgment and defence of legitimate complaints, and to individuals considering running for elected office. Increased ability to dismiss trivial complaints early in the process should help reduce overall cost of complaints system.</td>
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MEDIA RELEASE
FOR IMMEDIATE RELEASE

07 June 2018

Tasmanian Planning Commission recommendations on visitor accommodation don’t go far enough

Local Government notes the Tasmanian Planning Commission’s report on standards for visitor accommodation in planning schemes, released today.

LGAT President Mayor Doug Chipman advised that the Association’s position remained that the simplest and fairest way to regulate short term visitor accommodation is to differentiate between those properties which are people’s private residence and those which are a secondary or investment property.

“Local Government supports retention of the exemption for true home sharing, however we believe that the regulation for investment properties and shacks should be left to councils to define” Mayor Chipman said.

Mayor Chipman noted councils are in the best position to assess the local circumstances, determine what the impacts will be on their local communities and set regulation accordingly.

“This would simplify the messaging for property owners, enhance our understanding of where people are wanting to set up short time visitor accommodation and allow councils some control over how much of that accommodation is allowed before it changes the essential characteristics of a residential area” said Mayor Chipman.

LGAT notes that the Tasmanian Planning Commission (TPC) has acknowledged the greater potential for amenity impacts on surrounding residents with visitor accommodation in shacks and investment properties. It is disappointed, however, that the TPC they have failed to address this in its recommendations in any meaningful way.

Local Government also supports the recommendation for the State Government to collect the necessary data to determine the impact visitor accommodation is having on housing availability and affordability and looks forward to engaging with the Government on how this process can be expedited.

For media enquiries, please contact LGAT President Mayor Doug Chipman on 0409704835
Shared statement from peak bodies relating to short stay accommodation

13 June 2018

It is time for evidenced based policy decisions about short stay accommodation.

Tasmanian Council of Social Service (TasCOSS), Shelter Tasmania, the Local Government Association of Tasmania (LGAT) and the Tourism Industry Council Tasmania (TICT) have come together to call for adequate data to assess the impact of short stay accommodation in Tasmania.

“In the absence of comprehensive data every decision made is guess work. We need a robust evidence base underlying policy and resourcing responses and time has run out on waiting for it”, said TasCOSS CEO, Kym Goodes.

In light of the Tasmanian Planning Commission recommendations released last week, we (as peak bodies) are calling on the Tasmanian government, AirBnb and Stayz to prioritise providing definitive listing data so we can truly map where there has been a significant shift from the long-term rental market.

“This is needed to resource appropriate policy, service and regulation responses; to minimise the impact on housing affordability and the shape of our communities; and additionally ensure our vibrant tourism based economy is preserved,” said Shelter CEO Patti Chugg.

“Following the State Government announcement earlier this year that an agreement had been reached with Air BnB and Stayz on data sharing, leadership is now required to make sure that data is provided quickly and with sufficient detail to be useful in guiding our responses,” the four Peak Bodies today stated.

LGAT CEO, Dr Katrena Stephenson said it is clear that there is significant non-compliance with the current planning permit requirements, and some considerable confusion likely remains as to what owners must do if they want to use their property for short stay accommodation.

“These four peak bodies call on Airbnb and Stayz to support the State Government through requiring proof of compliance for all their current and prospective listing to ensure they are not promoting illegal accommodation operations,” Dr Stephenson said.

“We also think it is vital that the Government resource an effective education campaign to give all in the Tasmanian community a clear understanding on what the expectations are of owners. While the majority of property owners are allowed to use their premises for short stay accommodation, they must still lodge paperwork with their local council. This is important as it not only ensures they are aware of safety requirements but also gives us vital data that supports decisions about our suburbs and towns more generally”.

Luke Martin, TICT CEO said the need for communications, resourcing and community understanding is critical.
“This is the role of the State Government. It has created the opportunity for short stay to operate and it must now resource data collection and compliance and ensure communication is a priority.”

“It is important that Tasmanians and tourists can all enjoy the benefits of home sharing businesses like Airbnb and Stayz. Short stay accommodation is an integral part of Tasmania’s tourism successes,” said Mr Martin.

Ultimately, it is the case that some Tasmanians have been displaced as a result of short stay accommodation. We must understand where that has occurred and what the impact is in order to prioritise the building of new houses and ensure the Affordable Housing Strategy is targeting the right communities and the right types of homes,” said TasCOSS CEO Kym Goodes.

Shelter, LGAT, TasCOSS and the TICT are not seeking to stop Tasmanians from home sharing but rather ensuring the best policies and regulations are put in place to protect our state and complement the opportunity short stay provides.

Ends

For more information Zara Gudnason, TasCOSS, 0421 250 777
Victorian Sustainability Study

1. Rural and Regional Councils Sustainability Reform Program

The 2017-18 Victorian State Budget announced the establishment of the Rural and Regional Councils Sustainability Reform Program (the Program) to identify challenges and barriers experienced by rural and regional councils and develop policy reforms to provide long-term financial and operational sustainability for the sector.

As a part of this program, Local Government Victoria engaged KPMG to:

- Explore the current and emerging barriers to financial and organisational sustainability experienced by rural and regional councils;
- Understand the impact of these barriers for rural and regional Victorian communities; and
- Develop a suite of reform options to address sustainability barriers and support the long term financial and operational sustainability of rural and regional councils.

The analysis looked at 48 of Victoria’s 79 councils, using a “Sustainability Assessment Framework” comprised of five performance and operating environment domains that present critical elements of sustainable councils. The five domains were:

- Context - What are the characteristics of the community of the council area? What relevant external factors will influence the council’s operating environment? How are these expected to change over time?
- Capability - To what extent is there sufficient capacity and capability to enable the council to govern effectively and deliver its functions to meet the needs of their community?
- Financial Performance - To what extent does the council generate sufficient funds to provide the agreed level and standard of services and infrastructure?
- Efficiency - To what extent does the council deliver services and infrastructure efficiently, and achieve value for money for ratepayers?
- Effectiveness - To what extent does the council deliver the agreed level and standard of services and infrastructure in accordance with community needs and strategic objectives?

The work noted that all council in Victoria (& particularly the rural and regional councils assessed) are experiencing changing local contexts. In addition, rural and regional councils were found to be facing a range of barriers and challenges that will limit their ability to be sustainable over the longer term. These barriers, identified through a combination of consultations, data analysis, and reference to previous investigations and reports include:

- Financial pressures and constraints - limited capacity to increase own-source revenue, limited community capacity to pay increased rates, fees, or charges, increasing expectation of service delivery; increasing cost base.
- Relatively higher infrastructure and service delivery costs - regional and rural councils face relatively higher unit costs in maintaining assets and in the delivery of some services. Regional and rural councils spend more of their budgets to meet demands for core functions, leaving less for the growing set of functions expected by their local communities.
- Capability constraints and operational capacity issues - regional and rural councils face challenges attracting and retaining skilled, professional and knowledgeable staff.
The report presents a range of options designed to help rural and regional councils overcome barriers to long-term sustainability, outlined below. Although it is important to note that these are currently being considered by the Victorian State Government.

<table>
<thead>
<tr>
<th>Theme</th>
<th>Reform option</th>
<th>Key components</th>
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<tbody>
<tr>
<td>State – Local Government Alliance</td>
<td>Sustainable service delivery funding model</td>
<td>Support service delivery planning for each rural and regional council; analyse plants to develop benchmarking &amp; other analytical tools</td>
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<td>Funding model</td>
<td>Undertake a taxation and funding model inquiry to support rural and regional council sustainability</td>
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<td>Operation Transformation</td>
<td>Regional service delivery</td>
<td>Regional service delivery model development and implementation</td>
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<td>A modern digital strategy</td>
<td>Support collaboration and innovation through enabling back office transformation</td>
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<td>Small shires stabilisation</td>
<td>Establish a <em>Stabilisation fund</em> for infrastructure needs to maintain productivity and liveability in rural Vic, focused on at-risk small shires and at-risk communities</td>
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<tr>
<td>Stronger Local Governance</td>
<td>Building local capacity</td>
<td>Improve knowledge and capability of council staff</td>
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<td>Support development of workplace plans for each rural and regional council</td>
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<td>Develop a program and support for councillors to better equip councillors with the knowledge and tools to meet community expectations</td>
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<td>Innovative community engagement</td>
<td>Establish a fund to help local government identify innovative ways to efficiently and effectively engage with the community</td>
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Your Logo Here

[Council Name]

CREDIT CARD POLICY

Version [1.0]

Adopted:

[Date published]
## Document Control

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<tr>
<th>Policy Name</th>
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<td>Department responsible for policy develop</td>
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<td>Strategic Plan reference</td>
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<tr>
<td>Related policies</td>
<td>![Insert relevant policies]</td>
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<tr>
<td>Publication of policy</td>
<td>![E.g. Administration, website, Customer Service Centre]</td>
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- *Local Government Act 1993*
- Purchasing Policy
- Travel Policy
- Entertainment Policy
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1 Policy Statement

1.1 Scope

Corporate credit cards are recognised as an efficient and flexible method of paying for goods and services in the public sector. They offer a convenient and highly traceable payment option, particularly for low value, day-to-day transactions, and can substantially improve purchasing efficiency by reducing administrative costs.

However, any transaction method holds the potential for misuse and the convenience and flexibility of credit cards can be a vulnerability. Therefore, sound policies and protocols for use and control must be established to take advantage of the improved purchasing efficiency while minimising the opportunity and impact of misuse of funds.

The policy is intended to apply to credit cards, as well as any other similar type of corporate or organisational purchasing card. In this policy, the term “credit card” is used to refer to any purchasing card, including credit, debit, EFTPOS and similar bank cards issued by Council and used for purchasing on behalf of Council. The key features of an account to which this policy applies are:

(1) Purchasing responsibility on the account holder; and
(2) A bank card for making purchases utilising Council finances; and
(3) A periodic transaction statement cycle.

1.2 Purpose

The purpose of this policy is to provide guidance on how Council corporate credit cards are to be allocated, used and administered to ensure that they assist in efficient delivery of local government services while minimising the potential for misuse and fraud.

1.3 Purchasing Principles

[Guidance on this section is provided at Appendix A – Guidelines for Using this Document]

Cardholders must conform to sound principles of purchasing when using a Council credit card. These principles are detailed in Council’s Purchasing Policy.

1.4 Preferred Purchasing Methods

In using a Council credit card, Cardholders must consider the alternative purchasing methods available, such as purchase orders and purchase contracts.

Credit cards are appropriate for purchasing in the following typical situations:

(1) Smaller purchase amounts, typically below [S1,000];
(2) Invoices for approved goods or services requiring immediate or out-of-cycle payment, when payment has been authorised;
(3) Where purchase orders:
   (a) are impossible or unworkable (such as internet purchases of approved goods or services); or
   (b) would take too long, unreasonably impact operational efficiency or result in missed opportunity, for example, if a PO would incur significant and unreasonable additional costs (either to Council or the supplier) relative to the cost of the goods or services being procured;
(4) Where payment by credit card has been formally authorised, such as emergency situations; or
(5) For purchases that cannot be made in the office, such as work-related travel expenses generated while traveling, or field work expenses requiring payment in the field.

Purchase orders or purchase contracts are preferred in the following typical situations:
(1) For invoices not requiring urgent or immediate payment, such as invoices with a future due date;
(2) Larger purchase amounts, typically of $1,000 or more; or
(3) Purchases requiring agreement between parties on terms (of service, engagement or sale).

Cardholders operate with some discretion, but must justify their purchasing decisions, including the purchasing method chosen. Seek guidance or written instruction from your General Manager or financial executives if you are in doubt.

1.5 Policy Review and Update Cycle

This policy is to be reviewed every two years. Credit card allocation and credit limits are to be reviewed at the same time as the policy review, as well as those time specified in section 2.4.
2 Control of Credit Cards – For Authorisers

2.1 Risk Management Strategy

Each active credit card represents a risk of accidental or intentional misuse of public funds and each credit limit amount is the extent of that risk. To minimise risks associated with credit cards, Council must:

(1) Allocate credit cards according to an organisation-wide strategy, and avoid allocating on an ad hoc or individual basis; and
(2) Only issue cards to organisational roles where the operational benefits of efficient purchasing outweigh the increase in risk; and
(3) Maintain control on the total number of credit cards issued and their combined purchasing potential (or credit limit) at any one time; and
(4) Control the credit available on each card to an appropriate amount required to facilitate efficient purchasing for each role, considering the alternative payment options available; and
(5) Ensure Cardholders and Authorisers adhere to the procedures and responsibilities set out by the policy by placing the onus of evidence for each purchase upon the Cardholder.

2.2 Authorisers

Authorisers have a key role in the control of credit cards, managing purchasing risk and maintaining compliance with this policy. Authorisers:

(1) May authorise or decline the issuing of credit cards to a Cardholder;
(2) May authorise or decline applications for the top-up of funds to monthly credit limits;
(3) May authorise or decline discretionary transactions, such as entertainment or gifts in accordance with this policy;
(4) May direct a Cardholder to reimburse Council for transactions deemed not to be in accordance with this policy;
(5) May or may not be allocated a credit card; and
(6) If they are allocated a credit card, may not authorise their own purchases, top-ups, or issuing their own credit card.

The following roles are Authorisers for the purpose of this policy:

- General Manager
- [e.g. Chief Financial Officer or equivalent financial management executive]
- [e.g. Deputy General Manager]
- [Insert additional roles here, but limit to executive/senior management roles. Each council should maintain control of the number of Authorisers, with a suggested maximum of 6-8. Authorisers should include, as a minimum, the General Manager and a financial management executive, such as the Chief Financial Officer]
2.3 Allocation and Issue of Credit Cards and Credit Limits

*Guidance on this section is provided at Appendix A – Guidelines for Using this Document*

Credit cards are allocated and issued according to the rules in the following sections.

2.3.1 Allocating Credit Cards

(1) **Schedule 1 – Allocation of Credit Cards and Credit Limits** lists the roles that, at the absolute discretion of the Authorisers, may potentially be issued with a credit card and the maximum credit limit for each role.

(2) The General Manager and [Chief Financial Officer or equivalent financial management executive] must authorise the allocation table.

(3) Council credit cards are allocated to people in roles that require them. Credit cards may not be applied for. Contact your supervisor if you believe your role requires a credit card or a different credit limit. Your supervisor may choose whether or not to request a review of Table 1. **Credit Card Allocation Table** to include your role or change the credit limit available to your role.

(4) A credit card will not be allocated to Councillors and Aldermen.

(5) A credit card may be issued to the Mayor if the operational benefits to Council of efficient purchasing sufficiently outweigh the administrative cost of managing an additional card.

2.3.2 Issuing Credit Cards

(1) The issue of each credit card must be authorised by an Authoriser and recorded.

(2) An Authoriser cannot authorise the issue of their own credit card.

(3) A person in a role that is allocated a credit card is not obliged to hold one.

2.3.3 The General Manager’s Credit Card

(1) The General Manager is allocated a card, if they choose to hold one.

(2) The credit limit for the General Manager is determined by Council approval, including subsequent adjustments.

(3) All statement reconciliations and credit limit top-ups for the General Manager’s credit card are reviewed by the Mayor (who is not an Authoriser) and authorised by the Chief Financial Officer [or equivalent financial management executive] who is an Authoriser.

2.3.4 Setting Limits and Controls on Credit Cards

(1) The maximum number of cards that Council will allow to be active at any one time is [to be set according to Council needs and acceptable risk; e.g. ten (10) credit cards – see guidance at Appendix A – Guidelines for Using this Document].

(2) The maximum total credit limit of all cards is to be no more than [to be set according to needs, acceptable risk and budget requirements; e.g. $30,000 cards – see guidance at Appendix A – Guidelines for Using this Document].

(3) Monthly credit limits will be set to the lowest amount required by the Cardholder to conveniently execute their role, considering budget constraints, the role of top-ups, and the alternative payment methods available.

(4) Limits on individual transactions may be set.
2.4 Review of Credit Card Allocation and Credit Limits

The allocation of each credit card and their credit limits detailed in **Schedule 1 – Allocation of Credit Cards and Credit Limits** is to be set according to operational requirements and authorised by the General Manager and Chief Financial Officer. Only the General Manager’s credit limit requires Council approval; all other roles and limits are set according to Council operational requirements, as determined by the General Manager and Chief Financial Officer.

**Appendix A** may be reviewed and updated at any time as needed. Additionally, **Table 1. Credit Card Allocation Table** will be periodically reviewed every two years, as a minimum, in conjunction with the policy update cycle. The aim of each review is to ensure that credit card allocation and limits are facilitating efficient purchasing and delivery of Council’s services while effectively managing purchasing risk. Unnecessary or insufficiently justified cards should be withdrawn and destroyed. Credit limits should be adjusted to the lowest monthly amount needed to facilitate efficient purchasing, as evidenced by purchasing history and adherence to this policy. **[Top-ups to monthly credit limits are preferred over increasing credit limits – see Appendix A – Guidelines for Using this Document]**.

In addition to the periodic review, **Table 1. Credit Card Allocation Table** is recommended to be reviewed if:

1. Requests are received to add or remove roles from the Credit Card Allocation Table, or alter individual credit limits;
2. Proposed changes to the Credit Card Allocation Table require changes to the maximum number of credit cards or the maximum total credit limit;
3. A Cardholder terminates employment or returns their card;
4. A card is lost or stolen or the subject of fraud or identity theft;
5. A significant breach of the policy (under section 2.6) occurs; or
6. Significant reorganisation of Council roles is undertaken.

Where the operational benefits to Council of a role holding a credit card no longer outweigh the increase in risk of the extra card, the credit card should be returned and cancelled.

- The last review of credit cards and limits was: [insert date]
- The next review of credit cards and limit is: [insert date two years from above; for administrative convenience, card review date is recommended to coincide with policy review date]

2.5 Top-Ups to Monthly Credit – Deciding Applications

A Cardholder may apply for a top-up of funds to the monthly credit. Top-up applications are decided according to the following procedure:

1. A top-up requires the following approval:
   a. An Authoriser, or any person, cannot authorise top-ups for their own credit card.
   b. Top-ups of the General Manager’s credit card account are always reviewed by the Mayor (who is not an Authoriser) and authorised by the Chief Financial Officer [or equivalent financial management executive] who is an Authoriser.
   c. Top ups of the Chief Financial Officer’s [or equivalent financial management executive] credit card are authorised by the General Manager and another Authoriser.
   d. Top ups of all other Cardholders are authorised by the [Chief Financial Officer or General Manager] and one other Authoriser [OPTIONAL – it is recommended that councils have a specific role, involved in financial management, who is always an Authoriser for all top-up applications].
(2) Authorisers review the Cardholder’s purchasing and top-up history for adherence to this policy and justification of purchases.
(3) For any given month, the total top-up amount for an account should generally not exceed 50% of the monthly credit limit.

2.6 Breach of Policy or Misuse

Any breaches of this policy by any Cardholder, Authoriser, staff or elected member, depending on the nature and extent of the breach, may result in:
(1) Counselling and retraining in the policy and requirements;
(2) Reimbursement of costs;
(3) Cancellation of card;
(4) Disciplinary action in accordance with Councils’ Disciplinary Policy; or
(5) Referral to police or civil proceedings.

If you become aware of policy breaches or misuse, report them immediately to an Authoriser. Policy breaches or misuse should also be reported to Council and credit card allocation should be reviewed.
3 Statement Reconciliation and Acquittal Process – Cardholders and Authorisers

The purpose of the Statement Reconciliation and Acquittal Process is to ensure that:

- Cardholders justify and prove every purchasing decision to Council; and
- Council is able to justify and validate its endorsement and validation of Cardholders’ purchasing decisions to auditors, investigators and the public.

On receipt of the account transaction statement each month, the statement will be reconciled according to the following process:

1. The Cardholder must collate all purchase evidence (including tax invoices with purchase purpose or signed purchase statement) with all written approvals for discretionary purchases or top-ups and provide them to a Council financial officer who is delegated to reconcile the account statement.

2. A delegated Council financial officer will:

   a. Reconcile transaction individually against the supporting documentation and the requirements of this policy; and

   b. Question with the Cardholder any transactions:

      i. without supporting documentation;

      ii. that may be in conflict with this policy;

      iii. that appear suspicious, unauthorised, excessive or of unknown purpose.

   c. If there are any outstanding transactions that cannot be adequately explained or reconciled with this policy, the officer must report these to the Chief Financial Officer [or equivalent financial management executive] for further investigation and appropriate action.

3. Any breaches of this policy will be dealt with according to risk and severity of the breach in accordance with section 2.6 Breach of Policy or Misuse.

4. If all transactions are supported by adequate documentation and purchases appear to be in accordance with this policy with no suspicious activity:

   a. The delegated financial officer will sign the account statement and provide:

      i. For the General Manager’s credit card, to the Mayor for review before final sign off by the Chief Financial Officer [or equivalent financial management executive];

      ii. For all other cards, to the Chief Financial Officer [or equivalent financial management executive] for final sign off;

   b. The Chief Financial Officer [or equivalent financial management executive] signs the statement to confirm the delegated financial officer’s findings and approve for payment.

5. Full statement reconciliation, acquittal and approval for payment must be completed before payment is due or within four (4) weeks of receiving the statement.

6. Direct debt or similar automatic payment methods are not to be used for payment of credit cards as they can bypass the statement reconciliation and acquittal process.
4 Use of Credit Cards – For Cardholders

4.1 General Use

4.1.1 Cardholder Responsibility and Liability
As a Cardholder, you are responsible for the safe custody and security of the card and account and liable for any misuse and associated costs. You are responsible for resolving use and transaction disputes and ensuring that use of the card is ethical and strictly in accordance with this policy.

Credit cards are provided strictly for business-related purchasing only. Cardholders must be able to justify and prove their purchasing decisions to Council in a manner that allows Council to be able to justify and validate their endorsement of purchasing decisions to auditors, investigators, and the public. Always follow this policy and seek guidance from an Authoriser if in doubt.

Cardholders must comply with any terms and conditions of use provided by the card issuer and should follow the guidelines and recommendations of the issuing institution.

4.1.2 Non-Cardholder Use
Only the designated Cardholder may use the credit card. You must not let any other person use your credit card or account or record or share your credit card number, including other Council staff or elected members.

Where for an approved purchase in compliance with this policy, you may use your credit card to purchase work-related items on behalf of another Council staff or elected member, provided you are satisfied the expense is appropriate and approved in accordance with this policy. If you choose to do so, the purchase must always be made, documented and justified by the Cardholder in accordance with this policy.

4.1.3 Receipts and Documentation for Every Purchase
You must obtain a valid tax invoice for all credit card purchases and note the purpose of the purchase.

A valid tax invoice must provide sufficient information to demonstrate that the document is intended to be a tax invoice and include the following:\footnote{1}
(1) The seller's identity;
(2) The seller's Australian Business Number (ABN);
(3) The date the invoice was issued;
(4) A brief description of the items sold, including the quantity (if applicable) and the price;
(5) The GST amount payable (if any) – this can be shown separately or, if the GST amount is exactly one-eleventh of the total price, as a statement such as 'Total price includes GST'; and
(6) Purchases over $1000 must also show the buyer’s identity or ABN (in addition to the seller’s details).

You should make every attempt to obtain valid original documents in support of transactions. In the absence of a valid tax invoice or original receipt, the you must provide sufficient information regarding the transaction to satisfy an Authoriser that the purchase is a valid work-related purchase that complies with this policy. The supporting information should include details of the transaction purpose, date, time, amount, vendor name and ABN, and your signature.

\footnote{1 ATO tax invoice requirements: https://www.ato.gov.au/Business/GST/Issuing-tax-invoices/}
If you make a transaction of over [e.g. $150] and fail to retain a valid tax invoice for it, you must complete and sign a statutory declaration\(^2\) that includes all the required supporting information to justify the purchase, including the transaction purpose, date, time, amount, vendor name and ABN.

Cardholders are liable for the cost of transactions that cannot be verified to be in compliance with this policy. Repeated purchases without original supporting documentation (valid tax invoice), requiring the Cardholder’s explanation, or a statutory declaration are a purchasing risk to Council and may result in a credit card being revoked or disciplinary action in accordance with 2.6 Breach of Policy or Misuse.

4.1.4 Applying for a Monthly Credit Top-Up (Cardholders)

A Cardholder may apply for a top-up to the monthly credit. An application can be made as a written request to an Authoriser, detailing the following:

(1) The top-up amount requested (top-ups, if approved, will usually not be greater than 50% of the monthly credit limit);
(2) The account balance and monthly credit limit;
(3) Reasons for exceeding the monthly limit; and
(4) Forthcoming purchases expected and amounts to justify the need for a top-up.

4.1.5 Lost, Stolen or Damaged Cards

If your Council credit card is lost or stolen, you must immediately contact the issuing institution to report the lost or stolen card. Follow the advice of the institution and then advise an Authoriser at the earliest opportunity.

Damaged cards can be reported to Council’s financial management team for a replacement card to be arranged.

4.1.6 Return of Cards

Return your Council credit card immediately to your manager if you:

(1) Are ceasing or terminating employment;
(2) Moving to a role that is not assigned a credit card;
(3) Taking extended leave from your role for [6] or more months, or otherwise where you feel retaining your card is an unnecessary risk; or
(4) No longer require, or do not wish to hold, a credit card.

Credit cards should generally be cancelled and destroyed in these circumstances. If employees are returning from leave of [9] months or less, cards may be held securely by Council, at Council’s discretion.

[Councils should include the return of credit cards in an employee exit checklist. Councils should consider initiating a review of the credit card allocation table as a whole each time a Cardholder returns a card.]

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\(^2\) Statutory declaration forms are available from the Department of Justice: http://www.justice.tas.gov.au/forms/statutory_declarations
4.2 Permitted Transactions

The following types of transactions are permitted and purchases may generally be made with a Council credit card without written approval from Authorisers.

Transactions for expenses that are demonstrably approved and budgeted for, such as approved projects, approved entertainment or approved travel, may be made without additional approval from Authorisers. You must be able to demonstrate purchases you make are approved and in accordance with this policy, if queried.

[Councils may wish to specify here the process by which expenses are considered to be approved.]

4.2.1 Travel Expenses

[Guidance on this section is provided at Appendix A – Guidelines for Using this Document]

Travel expenses are expenses incurred in the course of authorised work-related travel. They include accommodation, transport, meals, and expenses incidental to travel. Credit cards are ideally suited to cater for expenses incurred while travelling.

Travel expenses should be purchased in accordance with Council’s Travel Expenses Policy.

4.3 Discretionary Transactions Requiring Authorisation

The following types of transactions and purchases generally require written approval from one or more Authorisers and are discretionary transactions. Written approvals for discretionary purchases must be provided with all purchase invoices as part of the Statement Reconciliation and Acquittal Process (see Part 3).

4.3.1 Entertainment Expenses

[Guidance on this section is provided at Appendix A – Guidelines for Using this Document]

Entertainment means the provision of food drink or recreation – even if business discussions or transactions occur. Entertainment is typically considered a private expense and must not be purchased using a council credit card or funds without clear prior approval to do so.

Entertainment expenses are discretionary transactions and should only be purchased where approved in accordance with Council’s Entertainment Expenses Policy.

There are a range of circumstances where entertainment expenses may be considered to be work-related and may be purchased with your Council credit card. These include travel expenses (in accordance with section 4.2.1 Travel Expenses above), to support approved overtime work, for approved Council events or social functions or within an approved entertainment expenses budget for your role. Refer to Council’s Entertainment Expenses Policy for how to seek approval for work-related entertainment expenses.

Certain roles are delegated the discretion to incur work-related entertainment expenses as part of their roles. These roles and their discretionary expense limits are allocated in Schedule 1 – Allocation of Credit Cards and Credit Limits.

4.3.2 Gifts

Gifts are typically considered to be private expenses and must not be purchased with a Council credit card without prior approval. However, there may be limited instances where a gift using Council funds
is appropriate, such as in recognition of exceptional service of a community volunteer, or as prizes for Council-sponsored community awards, and so are discretionary transactions.

Refer to Council’s Gifts Policy for guidance and how to apply for approval to purchase a gift.

4.3.3 Fuel
Wherever available, use a fuel card to purchase fuel for work-related fuel expenses. In the event a fuel card is not available or not accepted by vendors in a location, you may use your Council credit card to purchase fuel for work-related travel, however you must provide sufficient supporting evidence that documents the trip, its length, and purpose.

4.4 Prohibited Use and Transactions
The following types of transactions and purchases are generally prohibited and must not be made on a Council credit card.

4.4.1 Cash Advances / Withdrawals
Council credit cards must not be used for cash advances or withdrawing cash.

4.4.2 Refunds
Any refunds for purchases made on a Council credit card must be refunded back to the credit card account. Refunds must not be accepted in cash.

4.4.3 Purchases of a private or personal nature
Council credit cards must not be used for purchases of a private or personal nature, even if you intend to reimburse Council. Only approved, work-related expenses in accordance with this policy may be incurred.

4.4.4 Fines
Council credit cards must not be used to pay fines of any nature. You must pay any fines that you incur.

4.4.5 Alternative Online Payment Methods and Storing Credit Card Details
Use of Council credit cards on, or linking to, alternative online payment methods and e-commerce payment systems or accounts, such as PayPal, Google Pay, Apple Pay, iTunes, or any system that records and stores credit card details, are prohibited.

Where a payment for necessary goods or services can only be made through such a payment/e-commerce system, and that system requires the storage of credit card details or linking to a credit card account (such as Uber), then the General Manager may delegate certain Cardholders to set up and manage an online account. This policy applies for the online account, as for the credit card itself:

1) The online account is restricted for use by the Cardholder;
2) The online account is for work-related purchases only, in accordance with this policy;
3) The online account is to be set up with the Cardholder’s work email address and details and to be managed separately from any personal online payment/e-commerce accounts.

Permissions for online accounts should be centrally controlled and recorded by Council. Council credit cards must never be linked to personal online payment systems or accounts.
5 Cardholder Declaration

I have read and understood Council’s Credit Card Policy. I understand the requirements of me as a Cardholder and agree with comply with them.

In particular, I agree:

- That I will adhere to Council’s Purchasing Policy;
- That I will follow the rules and procedures of credit card use outlined in this policy;
- That my credit card is to be used for Council business only;
- That I must retain receipts and documentation to support all transactions made with my card;
- That I am responsible for the safekeeping and security of my card and account and liable for any misuse;
- That I will not allow any other person to use my Council credit card; and
- That disciplinary action will be taken for any breaches of the policy.

Name: __________________________
Position: _________________________
Signed: __________________________
Date: ____________________________

6 Authorisation

A Council credit card is approved to be issued to the Cardholder named above, who is authorised to hold and use a Council credit card in compliance with this policy.

Authorised by:

Name: __________________________  Name: __________________________
Position: _________________________ Position: _________________________
Signed: __________________________ Signed: __________________________
Date: ____________________________ Date: ____________________________
Schedule 1 – Allocation of Credit Cards and Credit Limits

This Policy permits the issue of credit cards only to the Council roles and with the limits stated in Table 1 below.

Table 1. Credit Card Allocation Table

<table>
<thead>
<tr>
<th>Role/Position</th>
<th>Issue</th>
<th>Credit Limit(^3)</th>
<th>Transaction Limit(^4)</th>
<th>Discretionary Expense Limit(^5)</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Manager</td>
<td>1</td>
<td>[e.g. $7,000]</td>
<td>[e.g. N/A]</td>
<td>[e.g. $800]</td>
</tr>
<tr>
<td>[e.g. Deputy General Manager]</td>
<td>[2]</td>
<td>[e.g. $3,000]</td>
<td>[e.g. $2,000]</td>
<td>[e.g. $500]</td>
</tr>
<tr>
<td>[e.g. Chief Financial Officer or equivalent financial management executive]</td>
<td>[3]</td>
<td>[e.g. $3,000]</td>
<td>[e.g. N/A]</td>
<td>[e.g. N/A]</td>
</tr>
<tr>
<td>[e.g. Executive / Director]</td>
<td>[4]</td>
<td>[e.g. $3,000]</td>
<td>[e.g. $1,000]</td>
<td>[e.g. N/A]</td>
</tr>
<tr>
<td>[e.g. Procurement/Purchasing Officer, Fleet Manager]</td>
<td>[5]</td>
<td>[e.g. $3,000]</td>
<td>[e.g. $2,000]</td>
<td>[e.g. N/A]</td>
</tr>
<tr>
<td>[e.g. Mayor]</td>
<td>[6]</td>
<td>[e.g. $3,000]</td>
<td>[e.g. $800]</td>
<td>[e.g. $500]</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>TOTAL [6] $22,000</td>
</tr>
</tbody>
</table>

Table 1. Credit Card Allocation Table is authorised by:

Name: ___________________________ Name: ___________________________
Position: General Manager Position: Chief Financial Officer
Signed: __________________________ Signed: ___________________________
Date: ___________________________ Date: ___________________________

\(^3\) Credit Limit means the monthly credit limit and total value of purchases that may be made in a month.

\(^4\) Transaction Limit means the maximum value for any single transaction.

\(^5\) Discretionary Expense Limit means the maximum value per occasion of work-related entertainment expenses that a role is permitted to be purchased before seeking approval from an Authoriser.
Appendix A – Guidelines for Using this Document

How to Use this Document

This document is designed to be model policy for Tasmanian Councils to use to manage credit card use and control. However, each council has its own policies and operational procedures. Some aspects of this model policy may be best suited to an existing policy, such as a Purchasing and Procurement Policy, Financial Management Policy, or Travel Expenses Policy, or require integration with existing Council policies in a customised way.

Therefore, this document has been constructed to allow tailoring to each council’s policy environment and operational needs. Please note the following formatting in constructing your Credit Card Policy:

[Small sections in square brackets and highlight include guidance notes or specific items for Council to decide upon]

All highlighted sections should be edited or deleted as required for your Council. Example text is provided below in this Appendix where your Council does not have a separate policy.

Appendix A – Guidelines for Using this Document should be deleted when producing your council’s Credit Card Policy.

“Credit Card” versus “Purchasing Card” (Section 1.1)

Some Councils prefer the term “purchasing card” to credit card. There is no issue using either term and Councils should amend the policy to reflect their preferred terminology.

Guidelines for Purchasing Principles (Section 1.3)

If your council does not have a policy explicitly dealing with principles of purchasing, the following wording is provided as an example for Council to consider. As a minimum, a purchasing policy should include guidelines around ethical dealings and purchasing risks, but may include council-specific values regarding competition, and buying locally and sustainably.

<table>
<thead>
<tr>
<th>Cardholders must conform to sound principles of purchasing when using a Council credit card. These principles, listed in priority order, are:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Above all else, aim for <strong>fair, ethical and transparent dealings</strong> at every purchase – use an open market, justify and account for each purchase; avoid or declare conflicts of interest. Understand that the convenience of a credit card is appropriate for some purchases, but not others, and at times their convenience can work against this principle.</td>
</tr>
<tr>
<td>(2) Manage <strong>purchasing risks</strong> – including safety, fraud, misuse and conflicts of interest. Purchase only where there is an operational need for the goods and services for an agency acting in the public interest; spend according to budgets; justify and account for each purchase.</td>
</tr>
<tr>
<td>(3) Seek <strong>value for money</strong> – make the most effective use of public funds by balancing price, quality and convenience in each purchase.</td>
</tr>
<tr>
<td>(4) Use <strong>effective competition</strong> – to drive down pricing and deliver services openly and efficiently, such as comparing offers and prices, seeking multiple quotes or advertising and seeking tenders.</td>
</tr>
<tr>
<td>(5) Consider <strong>environmental sustainability</strong> in purchasing decisions – including efficiency, energy use, consumption, waste, pollution and necessity of purchase.</td>
</tr>
</tbody>
</table>
Guidelines for Allocating Credit Cards and Credit Limits (Section 2.3)

Allocation of credit limits should not necessarily be based on hierarchical positions, but on purchasing values for organisational roles.

Setting the Maximum Number of Credit Cards

It is important to maintain centralised control and awareness of the number of credit cards that Council has allocated and active at any one time. Setting a maximum number of credit cards in section 2.3.4(a) provides clarity for management in controlling the number of active cards and allows for allocation and issue of cards according to a broader strategy rather than an individual, ad-hoc basis. It also provides a trigger point for review of the allocation strategy and the Credit Card Allocation Table.

To allow for additional roles to be added to the Credit Card Allocation Table, the maximum number may be set slightly higher than the total number of roles in Table 1.

Setting the Maximum Total Credit Limit

It is important to maintain centralised control and awareness of the total credit available, representing the purchasing risk, that Council has allocated and active at any one time. Setting a maximum total credit limit of all credit cards in section 2.3.4(b) provides clarity for management in controlling the distribution of purchasing risk and allows for a more strategic allocation of purchasing power, rather than incremental creep of the total credit limit by individual, ad-hoc allocation.

To allow for additional roles to be added to the Credit Card Allocation Table, the combined credit limit of all cards may be set slightly higher than the total credit available of active cards in Table 1.

Credit Limit versus Top-Ups

Councils should set credit limits with an understanding of how it intends to use top-ups to monthly credit under section (2.5). Councils may choose to either:

1. Prohibit top-ups and set higher credit limits to compensate; or
2. Set tighter credit limits and facilitate top-ups.

Option 1 is less secure and less flexible and is not recommended as it eliminates the flexibility of top-up approvals and requires a laxer credit limit. Option 2 is a superior strategy and recommended as it allows for more secure setting of credit limits and facilitates flexibility for unusual months when purchases are high by providing an approval mechanism for top-ups to credit.

Setting Limits for Individual Transactions

Setting limits for individual transactions is optional, as they restrict operational flexibility with only marginal benefits for managing purchasing risk. Credit limits are a more effective control of risk. If chosen, transaction limits may be specifically set below the monthly credit limit according to operational requirements.
Guidelines for Travel Expenses (Section 4.2.1)

If your council does not have a policy explicitly dealing with travel expenses, it is recommended to include wording similar to the following. As a minimum, a travel expenses policy should include guidelines around reasonable amounts and/or daily allowances for travel expenses as well as appropriate and inappropriate types of expenses.

Travel expenses are expenses incurred in the course of authorised work-related travel. They include accommodation, transport, meals, and expenses incidental to travel. Credit cards are ideally suited to cater for expenses incurred while travelling.

Travel expenses must not include:
- Any expenses for unauthorised travel, especially flights and accommodation;
- Entertainment, defined below, including alcoholic beverages;
- Expenses for any other person who is not a council employee;
- Membership subscriptions for airline clubs or loyalty programs;
- Minibar purchases, in-room movies and other similar expenses of a private nature.

Travel expenses must be reasonable and an efficient use of public funds. The Australian Taxation Office Tax Determination TD 2017/19 provides guidance on ‘reasonable amounts’ for overnight accommodation, meals and incidental expenses for taxation purposes. Note that the ATO ‘reasonable amounts’ are for taxation purposes and are a guide only for setting reasonable amounts for your Council. This means that while travel expenses of the ATO reasonable amounts and below can be considered reasonable and justified, you must justify travel expenses in excess of these amounts or pay the excess at your personal expense.

It is recommended that you use the following guidelines when arranging your work-related travel and incurring travel expenses:

1. Ensure your travel is approved and budgeted for.
2. Have an officer experienced with applying the ATO reasonable amounts determine your travel budget or book and pay for your travel.
3. Travel expenses:
   (a) below the ATO reasonable amounts are justified for authorised travel and do not need approval;
   (b) in excess of the ATO reasonable amount must be justified by the Cardholder or the excess paid by the Cardholder personally. This means Cardholders can pay extra, at their own expense, for upgrading travel services.
4. Travel should be as economical and efficient as is reasonable. This means preferring cheaper modes of travel, such as economy class, where time and availability allow. It does not necessarily preclude upgraded travel services where it can be justified – for example, business class flights purchased at low price (relative to economy travel), or with reward points, or with the excess cost paid personally or, if they were only available seats for necessary travel.
5. If you are in doubt about any travel purchase, seek guidance or written approval.

Guidelines for Entertainment Expenses (Section 4.3.1)

If your council does not have a policy explicitly dealing with entertainment expenses, it is recommended to include wording similar to the following. As a minimum, an entertainment expenses

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policy should include guidelines around determining the public interest of entertainment expenses and how to apply for approval.

Entertainment means the provision of food, drink or recreation, even if business discussions or transactions occur, but excludes travel expenses, such as meals on overnight, work-related travel. Some examples of entertainment include business lunches and social functions. Entertainment is defined by the *Income Tax Assessment Act 1997*, section 32-10 – Meaning of Entertainment⁷.

Entertainment is typically considered a private expense and must not be purchased using a Council credit card or funds without approval. If you are purchasing food or drink, you are purchasing entertainment, except where for valid work-related entertainment expenses.

There are a range of circumstances where entertainment expenses may be considered to be work-related and may be purchased with your Council credit card. Such work-related entertainment expenses include travel expenses (in accordance with Council’s Travel Expenses Policy), to support approved overtime work, for approved Council events or social functions or within an approved entertainment expenses budget for your role.

Entertainment may be deemed a work-related expense where the public interest of the entertainment clearly and substantially overrides the personal benefit, such as where the provision of entertainment supports a work-related, council-sponsored event or social function. Council should seek to avoid covering the entertainment expenses that would be seen to predominantly direct benefit to specific private individuals, such as contractors and private business representatives, except where incidental to a community-focused event or function.

For entertainment expenses to be approved:
1. Cardholders must apply in writing, justifying the expense;
2. Applications must be approved in writing by:
   - (a) One Authoriser for entertainment purchases below [400]; and
   - (b) Two Authorisers for entertainment purchases of [400] or more;
3. An Authoriser cannot approve their own expenses;
4. The written approval must be provided with transaction receipts.

Cardholders should apply for approval to use a Council credit card for entertainment expenses prior to incurring the expense. Cardholders who do not apply for approval of entertainment expenses prior to incurring the charge carry their own risk that it be considered a private and not a work-related expense and will be liable for the cost.

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