General Meeting

Minutes

26 September 2012

Brighton Civic Centre

Green Point Road
Bridgewater

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PROCEDURAL MATTERS.
RULES REGARDING CONDUCT OF MEETINGS

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

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

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

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

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

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

Apologies were received from -

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

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

West Coast Council/Circular Head Council

That the Minutes of the meeting held on 11 July 2012, as circulated, be confirmed.  

Carried

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

2 ITEM: BUSINESS ARISING *

That Members note the information.

Noted

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

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

Noted

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

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

That Members note the following report.

Noted

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

5 ITEM: MONTHLY REPORT TO COUNCILS*

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

Noted

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

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

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

7 ITEM: HERITAGE LEGISLATION *
Contact Officer – Katrena Stephenson

That members note the report.

Noted

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

Representatives from Heritage Tasmania, LGAT and the Planning Commission met to discuss possible ramifications from the timeframes in the draft Bill. These are tight but as discussed at the forum with council officers, they aim to meet community expectations. Heritage Tasmania will need to carefully manage their requirements and they have committed in the first instance to the employment of a Heritage Planner who will be responsible for managing intake of works applications. They also intend to better utilise delegations. They are also prepared to consider further amendments should difficulties arise in practice.

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

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

Budget Impact
Does not apply.

Current Policy
Does not apply.
ITEM: PLANNING SCHEMES (INCLUDING ONLINE PLANNING)
Contact Officer – Katrena Stephenson

That Members note the report.

Background Comment:
There continues to be significant activity in the planning space. This report aims to inform and update members on a range of activity and issues.

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

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

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

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

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

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

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

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

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

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

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

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

**Amendments to the Land Use Planning and Approvals Act**

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

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

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

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

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

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

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

**Regional Planning Initiative**

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

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

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

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

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

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

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

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

**Budget Impact**
Does not apply.

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

That Members note the report.  

Noted

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

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

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

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

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

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

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

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

Current Policy  
Does not apply.
Background comment:
The Association has been working with members on the issue of moving towards more sustainable street lighting. It has been identified that council knowledge of sustainable lighting options, pricing and an understanding of public lighting assets is required to enable councils to develop a business case and options. Once a business case has been completed, it may also be possible for councils to attract funding towards conversion to sustainable public lighting such as the Community Energy Efficiency Program likely to announce another funding round towards the end of 2012.

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

The forum agenda included:

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

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

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

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

The Association continues to keep a watching brief on the State Government’s Energy reforms, with particular regard to retail contestability and what this means for street lighting services.
Budget Impact
Does not apply.

Current Policy
Does not apply.

11 ITEM: ENVIROMENTAL DISPUTE MEDIATION TRIAL
Contact Officer – Kate Hiscock

That Members note the report.

Noted

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

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

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

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

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

Information on the trial including the revised criteria is available on GetYes Solutions’ website: [www.getyes.com.au](http://www.getyes.com.au)

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

Current Policy
Does not apply.

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

That Members note the report.

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

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

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

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

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

Budget Impact
Does not apply.

Current Policy
Does not apply.

13 ITEM:  EMERGENCY MANAGEMENT
Contact Officer – Georgia Palmer

That Members note the report.

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

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

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

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

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

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

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

**Local Government Relief Policy Review**

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

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

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

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

**Tasmanian Emergency Management Plan Review**

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

**Tasmanian State Natural Disaster Risk Assessment**

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

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

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

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

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

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

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

**All Hazards Approach to Land Use Planning**

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

The project aims to develop:

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

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

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

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

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

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

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

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

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

**Budget Impact**
Does not apply.

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

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**14 ITEM: 2012 ANNUAL CONFERENCE**
Contact Officer – Stephanie Watson

That Members note the report.

Noted

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

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

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

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

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

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

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

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

At the conference dinner, the following awards were presented:

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

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

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

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

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

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

**Budget Impact**

With a healthy level of sponsorship and an increase in delegate numbers, it is anticipated that the conference will deliver a reasonable return to LGAT to cover event administration.
That Members note the report.

Background comment:
The Tasmanian Household Hazardous Waste Pilot Collection Program is a joint project between the Tasmanian Department of Environment, Parks, Heritage and the Arts (DEPHA), the Local Government Association of Tasmania (LGAT), and the three regional bodies (Southern Waste Strategy Authority, Cradle Coast Authority and the Northern General Managers’ Group), and is jointly funded by a DEPHA Living Environment Program (LEP) and the 29 councils in Tasmania.

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

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

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

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

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

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

Budget Impact
Does not apply.

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

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

Noted

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

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

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

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

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

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

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

Current Policy
This is a priority project for the Association.

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

Circular Head Council/Northern Midlands Council

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

Carried

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

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

The key points related to the proposal are as follows:

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

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

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

**Current Policy**  
Does not apply.

18 **MOTION: REVIEW OF PLANNING DIRECTIVE 4**

Northern Midlands Council/Launceston City Council
That the LGAT lobby the State Government to review Planning Directive 4 to remove inconsistencies with the objectives of the Resource Management and Planning System of Tasmania.

Carried

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

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

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

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

1. The objectives of the resource management and planning system of Tasmania are –

(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity;

(b) to provide for the fair, orderly and sustainable use and development of air, land and water;

(c) to encourage public involvement in resource management and planning;

(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and

(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.

2. In clause 1(a), sustainable development means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while –

(a) sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations;

(b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and

(c) avoiding, remedying or mitigating any adverse effects of activities on the environment.

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

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

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

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

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

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

Waratah Wynyard Council/George Town Council

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


Amendment Motion

Northern Midlands Council/Launceston Council

That an additional point be included -

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

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


Kingborough Council/Flinders Council

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

Carried

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 MOTION: TERMS OF APPOINTMENT AS PRESIDENT OF LGAT

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<th>Launceston City Council/Break O'Day Council</th>
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<td>That the following criteria be adopted as part of the terms of appointment as President of LGAT:</td>
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1. The maximum term of LGAT President be 2 consecutive terms of 2 years.
2. After that period the incumbent is not eligible to seek an extension and is to stand aside for a period of 4 years.
3. That Clause 27(c) of the LGAT rules be deleted.

Lost

Background comment:

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

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

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

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

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

The Vice President is elected by members of the GMC.

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

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

Sections which would potentially need revision include:

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

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

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

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

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

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

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

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

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

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

22 **ITEM:** WATER AND SEWERAGE

Contact Officer – Allan Garcia

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<th>That Members note progress and the processes associated with implementing this reform.</th>
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At the June 2012 Special Meeting of the Association the following motion was carried-

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

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

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

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

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

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

**Background comment:**

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

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

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

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

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

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

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

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

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

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

That Members note the current status of Constitutional Recognition.

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

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

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

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

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

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

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

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

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

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

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

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

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