General Meeting

Minutes

Wednesday 12 August 2009

Brighton Civic Centre
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Bridgewater

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PROCEDURAL MATTERS.
RULES REGARDING CONDUCT OF MEETINGS

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

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

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

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

<table>
<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.
GENERAL MEETING SCHEDULE

9.30am    Coffee on arrival

10.00am   Meeting commences

10.15am   Council Round Up
           Launceston City Council

11.00am   **Jeff Roorda**
           Jeff Roorda and Associates
           Long Term Financial and Asset Management Planning for all Tasmanian Councils.

12.00     **Adrienne Picone**
           Volunteering Tasmania Inc
           Volunteering Tasmania (VT) is the peak statewide volunteering body for Tasmania
           and is committed to strengthening communities through volunteering. In Tasmania,
           volunteering is in decline and VT is working with the State Government to develop a
           series of Volunteer Access Points (VAP). VAP provide opportunities for prospective
           volunteers to access volunteering opportunities in their local communities. They also
           give offer local organisations an alternative way of recruiting volunteers.

12.30     Lunch

1.30      **Jane Hudson**
           The Smith Family
           Jane is State Coordinator for Let's Read, the program chosen by the Premier as the
           Birth to 4 component of Read for Life, the Government’s literacy initiative for
           Tasmanians. Let’s Read resources and support are being delivered to all families with
           children under school age through interagency Steering Groups located in each Local
           Government Area. She will talk about The Smith Family in Tasmania, Let’s Read and
           the benefits to Councils from being involved in the Birth to 4 sector in Tasmania
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* Denotes Attachment
The President, Mayor Barry Easther, welcomed Members and declared the meeting open at 10.10am.

The Traditional Owners of the Land were acknowledged.

Apologies were received from -

- Mr Nick Heath, Hobart City Council
- Mayor Van Zetten, Launceston City Council
- Mayor Tony Nicholson, Derwent Valley Council
- Alderman Frank Nott, Launceston City Council
- Mayor Bertrand Cadart, Glamorgan Spring Bay Council
- Mr David Metcalf, Glamorgan Spring Bay Council
- Mayor Daryl Quilliam, Circular Head Council
- Mayor Kevin Hyland, Waratah Wynyard Council
- Mr Paul West, Kingborough Council
- Mr Tim Kirkwood, Southern Midlands Council
- Mayor Lynn Laycock, Devonport City Council
- Mayor Tony Foster, Brighton Council

Raoul Harper, the new General Manager of Flinders Council and Mr Glenn Doyle, Acting General Manager of Huon Valley Council, were welcomed.

Mayor Easther thanked Members for their support and confidence in electing him to the President's position and congratulated Mayor Kevin Highland on becoming the Vice President of the Association.

1. **ITEM: MINUTES OF GENERAL MEETING HELD ON 10 JUNE 2009**

   **Southern Midlands Council/Central Highlands Council**

   That the Minutes of the meeting held on 10 June 2009, as circulated, be confirmed.

   **Carried**

   **Background**

   To confirm the Minutes of the General Meeting held on 10 June, 2009.

   **See Attachment to Item 1.**

2. **ITEM: BUSINESS ARISING**

   That the Meeting note the information.

   **Resolved**

   **Background**

   At **Attachment to Item 2** is a schedule of business considered at the previous meeting and its status.

3. **ITEM: CONFIRMATION OF AGENDA**
Consideration was given to the Agenda items and the order of business and it was determined that Item 8 be brought forward for discussion to allow all Members present to be in attendance for the discussion.

**Resolved**

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

**Noted**

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

5. **ITEM:** COUNCIL ROUND UPS

That the Meander Valley Council present at the meeting scheduled for 10 November 2009.

**Noted**

**Background:**
Launceston City Council has offered to conduct a brief presentation on a matter that is of interest in their municipal area.

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

The Meeting moved to Item 8 following the presentation from Launceston City Council
Following discussion of Item 8 the meeting returned to Item 6.

6. ITEM: CONSTITUTIONAL RECOGNITION
    Contact Officer: Allan Garcia

That the Meeting note the following report.

Resolved

Background:
Since the Constitutional Summit conducted in Melbourne late last year significant
background work has been undertaken by ALGA to progress the many inputs and ideas that
came out of that forum.

A technical briefing paper was commissioned from Professor George Williams on the
development of the technical case for constitutional reform, including the development of
possible wording for constitutional change. It provides a robust assessment of the
arguments for constitutional reform and also provides some drafting proposals for each of the
three options identified in the Declaration which emerged from the ALGA Constitutional
Summit.

The paper provides a “warts and all” discussion which is not suitable for broad release at this
time. However, the paper provides an excellent resource for developing a shorter paper
setting out in plain language the arguments for reform and the proposed drafting for
constitutional amendments.

On another front, CPR Communications was engaged to develop a Strategic Framework to
guide ALGA towards a positive result in a referendum on Local Government constitutional
reform.

The CPR Framework makes some important assumptions and sets out some key factors.

− The best possible window of opportunity for a referendum is between November 2011
and November 2012
− The preferred pathway is a Constitutional Commission and then a Joint Select
Committee of Parliament
− The campaign should draw on the work of Professor George Williams regarding
options and wording

The campaign would be based around three phases, with the focus being to align public
relations with government relations activities and overlay these activities on a strong media
relations and council communications platform.

Phase 1 – July 2009 – December 2009
Government relations – starting the conversation.
This would involve meetings with all major political stakeholders in order to canvas the issues
and identify the political obstacles.
Target audience - government Ministers, Parliamentary Committees, the Opposition, minor
parties, media, academics and think tanks.
Phase 2 – January 2010 – November 2010
Government relations – seeking support for particular plan.
This would be aimed at educating and informing political stakeholders about the details of ALGA’s preferred pathway to reform.
Target audience - federal government and Opposition and minor parties, state and territory governments, political parties.

Phase 3 – December 2010 – Constitutional Commission
Stakeholder and Community Engagement
This would involve engaging ALGA’s stakeholders and the broader community to create a groundswell of support for the reforms.
Target audience – mayors and councillors, community and resident groups.

The ALGA Board considered the CPR Strategic Framework at its June meeting and has approved the engagement of CPR to undertake phase 1 of the campaign at this time. Following completion of this phase consideration will be given to the results and findings and an assessment will be made on moving to phase 2, the associated costs and how to fund the ongoing activity.

7. ITEM: CAT LEGISLATION
Katrena Stephenson

That the Meeting note the following report.

Resolved

Background:
In August 2008, the State Government released a discussion paper on Cat Management. In a report to the General Management Committee the State Government reaffirmed their commitment to developing a State-wide approach to the management of cats in Tasmania, including a regime to manage domestic cats and to allow for the humane removal of stray and feral cats.

The Local Government Association of Tasmania made a submission with input from councils, one of 171 received.

The State Government found there was strong support for the main strategies outlined and have commenced the development of legislation, which they intend to introduce late this year (possibly late October).

This month, officers from DPIWE met with LGAT to discuss an early draft Bill and seek input on some areas. LGAT contacted all those who had provided input to the discussion paper submission. Comments have been fed back to the Department to support the development of a draft Bill for consultation.

The legislation as currently proposed, has the following main elements-
- A requirement that cats aged over 6 months be micro chipped with an approved microchip in an approved manner (except if a veterinary certificate is provided to say there would be adverse affect on the cat).
- There is a penalty attached to interfering with a microchip.
- Cats over 6 months of age must be desexed by a vet (except if a veterinary certificate is provided to say there would be adverse affect on the cat).
- Registered breeders do not need to desex cats and breeders may sell cats which are not desexed to other breeders.
- Desexed cats must have an ear tattoo.
- Cats can’t be sold if less than 8 weeks, not micro chipped, not desexed (noting exceptions), not tattooed, not wormed and vaccinated and disease free.
- With respect to seized, unclaimed and surrendered cats this act overrides impounding provisions of Local Government Act.
- Cats are prohibited from certain areas (detailed below).
- Authorised officers can be appointed by the Secretary or are as defined under the Dog Control Act. Currently vets are not listed as authorised officers.
- Authorised officers may trap, seize, detain or humanely destroy cats found in prohibited areas. Owners of prohibited areas also have this right.
- Cats seized under the Act are required to be desexed or micro chipped before return to owner or sale.
- Owners have to be advised of how to reclaim cats, what might happen if timeframes are not met ie rehoused, sold, destroyed and, that they may be responsible for costs including holding costs. If costs are borne by a council, animal welfare shelter or authorised officer they may recover costs through courts.
- Cats not micro chipped can be rehoused, sold or destroyed after 3 days.
- Cats which are micro chipped can be rehoused, sold or destroyed after 5 days.
- Cats which are clearly feral or very aggressive may be destroyed without the waiting period.
- Cat Breeders have to register or be a member of a cat organization (which will be Gazetted).
- Councils can still make by-laws in relation to cat management.
- The intent is to transition in the requirements to microchip and desex over 4 years but that sections pertaining to sale, breeding and prohibited areas will apply upon Royal Assent.

Some areas still being developed include:

1) Defining prohibited areas:
   - It appears to be quite difficult to clearly define prohibited areas – currently it is suggested prohibited areas would be:
     - Public land managed by a public authority and which is reserved land (where reserved land is “any land declared, or taken to have been declared, to be a reserve (or part of an agreement to conserve natural values) under any of the following Acts: Crown Lands, EMPCA, Forest Practices Act, Forestry Act, LUPPA, Nature Conservation Act.
     - Private reserved land.
     - Any area more than 1km from a residence.
     - A rural property where pigs, sheep or goats are ordinarily kept, except with permission of the resident or owner of the property.

2) Cost Recovery
   - Currently there is some alignment to the Local Government Act but it does not go as far in terms of allowing animals to be destroyed if fees aren’t paid.

3) Holding vs Handling
   - Currently the draft legislation provides powers to animal holding organisations (defined rather broadly as any area at which animals may be housed including a council pound). It may be that there are some instances when the animal holding place might not be the place that then deals with notifying owners, rehousing, selling or destroying them.
4) Practical implications/education
   - It is not clear how this legislation might work in practice, particularly at a Local Government level. Much of the powers provided to authorised officers are discretionary (may rather than will).
   - It is not certain how implementation will be resourced, there is not currently any identified budget, refer Budget Implications.

Issues Raised
A number of issues were raised in response to my preliminary contact this month, not necessarily all well aligned. Broadly they are as follows:
   - Some councils want to be able to dispose of any unidentified cats not contained within private property (not just prohibited areas). This is not being proposed by State Government.
   - It is not clear what the procedure is for a cat which is caught in a bushland or urban reserve which is not a prohibited area.
   - In relation to the prohibited areas a number of councils would not own land that would fit within the definition supplied and consequently council officers would not have authority to attend upon and deal with cats in those areas.
   - Holding of cats will create a direct cost burden on councils. There appears to be an assumption that councils will have holding facilities and that costs are recoverable but this is unlikely in practice.
   - Some councils clearly do not see a role for themselves in holding/handling cats as opposed to specialist centres like the RSPCA or Hobart Cat Centre.
   - The purpose of limiting a rural property to those that keep pigs, sheep or goats appears not to have any basis.
   - Some councils want clear powers to deal with known feral cat populations through, for example, a trapping or shooting program.

Resourcing, education and promotion are clear roles of the State Government. Cat Control legislation is very different to Dog Control legislation due to the impact on the environment associated particularly with feral cats. This requires a state wide approach which allows Council to deal with matters which it faces in its own area to assist the process but not placing the cost burden or legislative obligations on a Council.

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

The transition period is of particular concern as this is likely to be the time of greatest impost for all stakeholders, including Local Government, with increased questions and cat complaints, increased dumping of cats, a likely requirement to hold cats during the transition period or to contact owners identified through tags etc, high level of education for cultural change, the need to establish centres for transporting/holding/disposing of cats across the State, microchip scanning equipment costs and so on. Cost recovery for holding and related actions in not likely to be achieved in practice. If the cost is too high councils may opt out of playing a role in cat control.
Current Policy
Local Government is supportive, in principle, of the four fundamental elements of the Government’s proposed approach, namely, mandatory desexing and microchipping of domestic cats, phased in over four years; a register of cat breeders; legislation to underpin this approach and clarify the status of individuals and organisations that trap or control feral cats on private and/or public land; and promoting responsible cat ownership, including advice on what to do with unwanted cats.

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

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

This was not the first time Local Government in Tasmania had considered cat control issues with other successful motions in June 2000, December 2003 and June 2006. In August 2007 LGAT developed a position paper on Cats. Unlike the 2007 motion the earlier motions did not support legislative control. The change in 2007 from previous positions was on the basis that Local Government does not have responsibility for administration of the legislation.

In early 2006, Latrobe Council introduced a Cat Management By-law which established a voluntary registration system and a number of other management measures. There has been some interest by other Councils in developing a similar by-law but to date they have not done so.

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

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

The interest by, and support of councils in tackling cat management issues is evidenced not only by the longstanding discussions but also the active involvement by many councils in cat education programs or cat management programs for their community.
Discussion of Item 8 was undertaken following Item 5 to allow for all Members present to be in attendance for discussion.

8. **ITEM: WATER AND SEWERAGE**

   Allan Garcia

Glenorchy City Council/Central Coast Council

That LGAT inform the treasurer that -

   Local Government strongly supports the Government’s intention to provide remissions on pensioner water and sewerage charges at least equivalent to those applying before the State Governments water and sewerage reforms; but

   Under no circumstances will Local Government agree to the cost shift of pensioner remissions or meeting the increased funding for concessions for water and sewerage charges from the State Government to Local Government; and

   That LGAT lobby members of the legislative council accordingly

   Carried Unanimously

The point was also made that the motion passed at the 10 June 2009 General Meeting in relation to fluoridisation be reindorsed -

   “That the Association is strongly opposed to the proposition that the State Government discontinue funding for fluoridisation services and seeks a commitment to on going funds for this activity.”

**Overall Reform Status**

The reform of the water and sewerage sector has met the 1 July 2009 milestone for transfer of service delivery responsibility to the three regional corporations: Southern Water; Ben Lomond Water; and Cradle Mountain Water.

This is a significant achievement that has involved a proactive contribution from Local Government over a sustained period with support from the new corporations and the State Government.

Approximately 660 staff transferred from councils and bulk water authorities to the new water and sewerage corporations on 1 July 2009.

The key day-one legislative and regulatory arrangements for the sector are in place to support the new structural arrangements.

There are a discrete number of outstanding issues to be dealt with including resolving the community service obligation, finalising detailed pricing arrangements for the sector, establishing further layers of the service standards framework and completing a number of second round transfers.

These issues will be managed by the Treasurer in his capacity as Chair of the Water and Sewerage Taskforce.
Community Service Obligation and Returns to Owners – Issues Status
The community service obligation legislation has stalled in the Legislative Council. There are two key issues to resolve from a Local Government and State Government perspective.

In the face of the price rises required in the sector over the coming years, the State Government remains of the view that a CSO is required to support disadvantaged customers and that it should be paid for by councils (as the beneficiaries of the returns from the corporations they own). Councils consider that the CSO is essentially a welfare payment provided by the State Government and that its desire to have Local Government fund it represents a significant cost shift.

Without the CSO legislation being passed, water and sewerage customers are unlikely to be able to access concessional assistance.

However, the timing and quantum of the returns paid by the corporations to their owners in the first few years of operations remains a significant issue for a number of councils that have historically made significant and positive returns from water and sewerage activities. The issue is also relevant to councils generally with respect to their willingness to accept CSO costs.

An offer has previously been put to councils to guarantee the cost of providing the CSO and maintaining pre-transfer sustainable returns from water and sewerage provision, in exchange for the State Government receiving any returns from the corporations for a period of five years. The offer was made on an opt-in basis. However, the offer was withdrawn after debate on the CSO was suspended. This impasse has resulted in an unsatisfactory outcome for some disadvantaged customers of the new corporations which must be resolved.

Further discussion between Treasury and LGAT on the CSO and returns issues are underway and it is hoped that an outcome that recognises the needs and constraints of both Local and State Government can be agreed in the coming weeks or months.

9. ITEM: FINANCIAL PLANNING/ASSET MANAGEMENT
Katrena Stephenson

That the Meeting note the following report in conjunction with the presentation from Mr Jeff Roorda.

Resolved

Background:
Of the $200,000 available to the Stronger Councils, Better Services Project, LGAT received $70,000 to progress a consultancy project to assess the benefits of and barriers to implementing a common specified framework for long term financial planning and strategic asset management planning in all councils in Tasmania.

On the 13 May, eight organisations were requested to quote on the consultancy based on their experience in the sector.

Three quotations were received (including two partnership approaches) and were evaluated by a panel comprising the CEO and Policy Director of LGAT and Director Partnerships and Policy Analyst of the Local Government Division on 4 June 2009.
While all three proposals were all strong, IPWEA/Jeff Roorda and Associations (JRA) achieved the highest ranking based on experience in both asset planning and financial planning and on cost.

The Request for Quotation (RFQ) documentation outlined an expectation that the successful consultants would:

1) Through guided consultation with all Tasmanian councils (via three regional one-day sessions) determine the benefits and barriers to implementing a common specified framework for long term financial planning and strategic asset management planning in all councils in Tasmania. Specifically these are:
   - The Enhanced National Frameworks on “Financial Planning and Reporting” and “Asset Planning and Management”
   - The South Australian Long-Term Financial Plan Template
   - The IIMM Asset Management Plan Structure

2) Pilot full implementation of the frameworks in a number (no less than four) of diverse councils and evaluate those frameworks in terms of ease of use, ability to deliver useful information and effectiveness in supporting quality governance with a view to enhanced financial sustainability.

3) Deliver a written report to LGAT articulating the outcomes of consultation and pilots and making recommendations in relation to ongoing use of the frameworks and related templates, including ongoing or initial training and development requirements.

As per the RFQ documentation issued by LGAT the consultants conducted three regional forums (30 June -2 July) and commenced working with pilot councils. The pilot councils, selected after a nomination process with all councils, were Devonport, Central Coast, Waratah Wynyard/Circular Head, Kentish and Latrobe.

Better financial planning and strategic asset management by councils is a priority for the Federal Government, as indicated by the Prime Minister when making the $300 million infrastructure funding announcement at the inaugural Australian Council of Local Governments meeting in November 2008 and in the enhanced national frameworks that have come out of the Local Government and Planning Minister’s Council (LGPMC).

At the Australian Council of Local Government meeting held on 25 June 2009 in Canberra the Prime Minister, the Hon Kevin Rudd MP, announced that the Australian Government would provide $25 million to establish a Local Government Reform Fund with two purposes -

1. To assist councils in implementing financial and asset planning and management in accordance with the enhanced financial planning and reporting and asset management and planning frameworks agreed to by LGPMC.

2. To support reforms to council operations through greater regional cooperation and collaboration.

At this stage the quantum of funding for each of these purposes has not been decided, nor has an inter-jurisdictional allocation of the funds been determined.
Consequently the timing of this work may be very beneficial for Tasmania. The consultants, in working with the pilot councils, have identified a methodology for measuring the core capability gap of councils in relation to using the frameworks and at the time of writing were exploring how to estimate the cost of addressing that gap. This means Tasmania will be in a strong position to present an evidence based funding case and/or present a whole of jurisdiction pilot opportunity.

It is certainly fairly clear, in discussions through the network of Associations, that it is likely that a prescribed format for asset management planning will be a pre-cursor to major funding rounds in the future. It has not been codified at this time but other jurisdictions are moving quickly to have in place a framework that accords with the enhanced national frameworks coming from the Local Government and Planning Joint Committee.

Further, as previously stated, it is likely that the outcomes from the proposed consultancy process will result in a bias for a legislated requirement for councils to have such documents, plans and processes in place in much the same way as they are required to fulfil obligations around strategic plans. From this perspective, the Association is anxious to ensure that the framework is robust without being exceedingly onerous to allow all councils to participate and comply readily. The Association is also keen to obtain funding to support councils with implementing the relevant processes.

10. ITEM: Elected Member Census *
Contact Officer: Katrena Stephenson

That the Meeting note the following report.

Resolved

Background:
At Attachment to Item 10 is the draft report on findings from the 2009 elected member census. At time the of writing this report was being proof read ready for publication on the LGAT website. A hard copy of the final report will also be distributed to councils.

Participation was slightly down on previous years which was disappointing given there had been reminders through numerous forums.

Some findings outlined in the report include:
- The majority (67.1%) of respondents were male (2006: 77%)
- The most common age range of respondents was 56-65, 39% (2006: 56-65, 43%). Male respondents tended to be older than female respondents.
- The majority of respondents were married or lived in a de facto relationship, 90% (2006: 88%)
- The majority of respondents had no dependents, 68% (2006: 59%)
- The majority of respondents were born in Australia, 87% (2006: 81%)
- 3% of respondents identified as an aboriginal or Torres Strait Islander (2006: 0.55%).
- English is the first language of 95% of respondents (2006: 97%). The percentage of culturally and linguistically diverse respondents has increased slightly over each census (2004: 1%, 2006 3%, 2009 5%).
10% of respondents reported having a disability (2006: 9%), of those, 76% believe that Council adequately accommodates any disability-related support needs. This represents a continual decrease in satisfaction in this area since 2004.

For 29.3% of respondents, the highest level of education reached was secondary education (2006: 31%)

19.5% of respondents were in full-time paid employment; 31.7% were self-employed; 15.9% were engaged in part-time work and 23.8% were retired. This is a very similar distribution to 2006.

The majority of respondents were employed in the private sector (2006: 68%) and most employed respondents were small business proprietors or in managerial/executive roles.

55.5% of respondents reported a gross annual income of less than $56,000, with 8% indicating incomes over $116,000 – a similar distribution to 2006.

88.4% of respondents belonged to an organisation other than Council. Of those, 37.8% belonged to a service club, 36% to a sporting organisation, and 32.9% to a special interest organisation.

20.7% of respondents have served on council 7-9 years, 12.8% of respondents have served as an elected member for a period of 4-6 years, 17.1% have served 10-15 years, 17.7% have served more than 16 years and 12.8% were elected for the first time in 2007.

The majority (28.6%) of respondents spent 11-20 hours on their campaign, with 14.3% spending 41-60 hours. Most respondent’s campaigns ran for between 1 and 4 weeks (52.4%).

28% of respondents reported spending over 15 hours on Council activities per week and more than 40% spend 11-20 hours a month on public contact.

Respondents rated planning and development, rates and roads as the issues considered to be of most concern to the public.

They also rated these issues, after financial sustainability, as the issues of most importance to Local Government as well.

62.8% of respondents have undertaken some training since being elected to Local Government but a significant proportion (55%) of respondents experienced difficulties in undertaking training.

Governance, planning and development, budget and finances were most commonly nominated training priorities.

The 2009 survey followed a similar format to the 2006 census with some small changes made in the aim of building a broader and more detailed picture of elected membership in Tasmania.

In particular, there are some additional questions in the 2009 census which will be used to inform the Governance Working Group under the Premier’s Local Government Council’s Stronger Councils, Better Services Project. These questions identify knowledge, training and communication experiences, skills and needs of elected members.

It is LGAT’s intent to run a short follow-up survey before the end of the year, to capture the broad demographic information on elected members, following the October Local Government elections. We sincerely hope that all members will complete this brief form to give us a complete, if broad, profile of our Local Government representatives.
The broad areas of coverage for this follow up survey will be:
  − Age
  − Gender
  − Marital status
  − Dependents
  − Ethnicity
  − Disability
  − Education level
  − Employment status

**Budget Implications**
Does not apply.

**Current Policy**
This is the third elected member census. Census data is used in the KPI reports and there is a national push to establishing core data sets including broad demographic information on elected members.

11. **MOTION: COMMUNITY ASSET CHARGES**

<table>
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<tr>
<th>Kingborough Council/Central Coast Council</th>
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<td>That LGAT investigate the formulation of a state-wide policy and legislation that may enable councils to legitimately charge developer contributions for both hard and soft infrastructure in the future.</td>
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Carried

**Background:**
Up until 30 June 2009 Kingborough Council charged Community Asset Charges (CACs) in relation to all new subdivisions for water and sewerage on the basis of a predetermined formula. During the 2008/09 financial year the CACs applied were based on equivalent tenements in accordance with the Council’s policy at the rate of $2,700 for water and $3,800 for sewerage.

The CACs were imposed on developers for future costs incurred by the Council in upgrading water and sewerage infrastructure particularly water trunk mains and sewerage plants.

To impose a CAC it is imperative that the calculations can be defended. CACs on water and sewerage were readily justifiable on the basis that with every new connection there was a flow on effect and impact on the infrastructure (ie waste water treatment plants, water trunk mains, etc). Council believe that a similar argument could be mounted in relation to the impacts development can have on other infrastructure, both hard and soft.

Similar issues may be being considered by other councils therefore it would be appropriate for the Association to investigate the issue on statewide basis.

**LGAT Comment**
The matter of developer charges has previously been canvassed by the Association in terms of seeking to achieve uniform application across the state. Admittedly this was undertaken at a time prior to water and sewerage being transferred and while its focus was on the provision of hard infrastructure, the issue of soft infrastructure was also raised. At that time it was not possible to achieve agreement among members that a common approach to headworks was necessary or that it should be mandatory.
One of the concerns raised by councils previously in relation to such charges was the perceived limitations imposed by current legislation in terms of the certainty with which councils could actually effect developer charges and the possibility that they may be subject to legal challenge. To the extent that this concern was held for physical assets, it is anticipated that soft infrastructure may be more problematic.

There are a range of approaches across other jurisdictions in the country with significant variations between them. While water and sewerage have been the mainstays for developer contributions in Tasmania, other types of infrastructure in other jurisdictions include

- the construction of drainage works;
- land forming and landscaping of public open space;
- the construction and installation of lighting, street furniture, seating, signage, fencing and playground equipment;
- the construction and landscaping of roads, footpaths and bike paths;
- the construction of traffic management devices;
- the construction of public transport infrastructure, including fixed rail, bus and tram stops and station;
- the acquisition of land for roads, public transport corridors, drainage purposes, public open space and community facilities; and
- buildings and works for or, associated with, the construction of maternal and child care health care centres, child care centres, kindergartens, or any centre which provides these facilities in combination.

In some cases the development infrastructure definition has been broadened to include the construction of essential family and children community facilities to overcome the lag in the provision of facilities which often occurs in green field areas. The emphasis is on capital (land acquisition, construction and works) and not recurrent expenditure.

If this matter is to be progressed it will require enabling legislation, the support of the state Government and consultation with those organisations representing developers.

12. **ITEM:** **CONFERENCE ROUND UP**

Contact Officer: Stephanie Watson

That the following report be noted.

**Resolved**

**Background:**
Delegates, trade exhibitors and sponsors reported that a high level of enjoyment and value was derived from their involvement with the 2009 Local Government Conference, held at Wrest Point from 10-12 June 2009. Feedback in relation to the speakers’ presentations was particularly pleasing.

This year, there was a marginal fall in the number of delegates in attendance, and in the level of sponsor and trade funding secured for the event. The decrease in sponsorship dollars was offset to a certain extent, however, by an increase in the level of in-kind services provided by supporters of the event.

Just six days prior to the conference dinner, the event had to be relocated from the Hobart City Hall to the Derwent Entertainment Centre when it was announced unexpectedly that the
City Hall would be converted to a swine flu clinic. While the move did not detract in any way from guests’ enjoyment of the evening, it resulted in a marked increase in costs associated with the staging of the event at the new venue.

The winners of the 2009 Local Government Awards for Excellence were announced at the conference dinner on 11 July by the Hon Jim Cox MP. The winners were:

- **Delivering Excellence for our Communities Award:**
  Brighton Council - Brighton Alive

- **Delivering Excellence in Natural and Built Environments:**
  Clarence City Council - Climate Change Impacts on Clarence Coastal Areas Report

- **Demonstrating Operational Excellence:**
  Kingborough Council - Paperless Building Application Processing

No eligible entries were received for the **Delivering Excellence for our People** category.

During conference, funds were raised for the Salvation Army Blanket Appeal through raffle ticket sales and gold coin donations made at the Coffee Corner. In addition, delegate contributions were topped up with a donation from LGAT in lieu of purchasing speaker gifts. A total of $2,000 was raised - sufficient to purchase 100 single, woollen blankets for needy Tasmanians. The cheque will be presented to the Salvation Army at the upcoming sponsor appreciation event.

**Budget Implications**
The conference was set to deliver a modest return to cover event administration however, as a consequence of the enforced change of dinner venue, it is likely that the conference will run at a loss this year.

The account from the Derwent Entertainment Centre is currently under dispute. The LGAT has disputed various aspects of the account with the DEC, with no success. The Association has subsequently put forward a written proposal to the DEC and is currently awaiting a reply.

### 13. ITEM: CLIMATE CHANGE UPDATE

Christine Materia

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<th>That the Meeting note the following report.</th>
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**Background:**
On the 1 July 2009 the Climate Change position with LGAT was reduced to two days per week, Tuesdays and Wednesdays. The position will focus on the implementation of the Statewide Partnership Agreement on Climate Change and assisting councils with developing and accessing tools and resources for their climate change programs.

**Carbon Emission Reduction Program**
Organisation Footprint Reports have been prepared and distributed to 16 councils. These reports provide councils with their stand alone performance over time (2005-6 to 2008-9 financial years) including annual energy mix, energy consumption, total energy charges and energy greenhouse gas emissions.

In some cases, where sufficient data was obtainable, comparisons with other Australian councils using the same climate and primary and secondary indicators (i.e. energy consumption per resident per day) are also provided. Comparisons could only be made when a council’s data met a sufficient standard of completeness.
Planet Footprint and LGAT will be conducting regional workshops in August to help councils better understand how to use the report.

The Local Challenge – Surviving the Storm

Michael vividly highlighted the many advantages of community economic development – showing how Tasmania can support viable businesses that are locally owned and operated and that provide our communities with the essential goods and services needed for a comfortable life.

14. ITEM: CARBON POLLUTION REDUCTION PROGRAM
Contact Officer: Christine Materia

That the Meeting note the following report.

Resolved

Background:
The Statewide Partnership Agreement on Climate Change was signed on 16th December, 2008 by Mayor Mike Gaffney and Premier David Bartlett at the Premier’s Local Government Council (PLGC) meeting in Hobart.

Under Schedule 2 – Carbon Emission Reduction Scheme of the Agreement, Tasmanian councils have agreed to determine a carbon emission baseline from which an emission reduction target can be set.

Planet Footprint has been engaged to undertake this work. The services delivered by Planet Footprint will provide energy and greenhouse monitoring, reporting and benchmarking.

This Program will see Tasmanian Councils lead the way as the first State/Territory in Australia to have 100% coverage of councils undertaking baseline monitoring benchmarking and reporting of carbon emissions.
Organisation Footprint Reports have been prepared and distributed to the following Councils:

- Glamorgan Spring Bay
- Central Coast
- Break O’Day
- Central highlands
- Derwent Valley
- Flinders
- Meander Valley
- Dorset
- Burnie City
- Waratah/Wynyard
- King Island

Reports are outstanding for Circular Head, Huon Valley.

The Organisational Footprint energy reports provide councils with their stand alone performance over time (2005-6 to 2008-9 financial years) including annual energy mix, energy consumption, total energy charges and energy greenhouse gas emissions.

In some cases where sufficient data was obtainable comparisons with other Australian councils with the same climate and primary and secondary indicators (i.e. energy consumption per resident per day) are also provided. Comparisons could only be made when a council’s data met a sufficient standard of completeness.

Planet Footprint and LGAT will be conducting regional workshops in the coming months to help councils better understand how to use the report.

**Budget Implications**

At the June AGM, councils were asked to consider future funding in relation to subscriptions, given that the expected financial support from the Tasmanian Climate Change Office (TCCO) has not eventuated. There was not support for incorporation within subscriptions. Discussions continue with the TCCO and should future funding eventuate LGAT will put a further proposal to councils regarding Years 2 and 3.

Year 2 of the program would provide councils with:
- Ongoing monitoring, benchmarking and reporting of all councils.
- Council action – all councils.
- Publicity and promotion – all councils.
- Trialing of council revolving energy funds for financing of future sustainability initiatives.

Year 3 of the program would provide councils with:
- Ongoing monitoring, benchmarking and reporting of all councils
- Council action – all councils
- Publicity and promotion – all councils
- Implementation of council based revolving energy funds for financing of future sustainability initiatives

Indicative future funding costs:
- Year 2 (2009 – 2010) $114,550 + GST, $3,950 per Council
- Year 3 (2010 – 2011) $114,550 + GST, $3,950 per Council

**15. ITEM: CULTURAL HERITAGE ACT**  
**Contact Officer: Katrena Stephenson**
That the Meeting note the following report.

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

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

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

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

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

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

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

- cost of heritage surveys;
- staffing to implement heritage surveys (and update heritage schedules); and
- ongoing management costs resulting from more extensive heritage lists (heritage, planning and administration staff)
Although a much improved and effective system of heritage management is likely to result from these proposed arrangements, no firm assurance on the level of State assistance that will be provided for resourcing has been forthcoming. The prospect of a new system with onerous resourcing implications on councils without assurances of assistance from the State Government is likely to result in highly diminished support for the reform.

In March the State Government have provided the following report on progress:

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

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

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

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

For this meeting they have provided the following update:

- State Cabinet has approved the drafting of new legislation (*Historic Environment Bill 2009*) and the Office of Parliamentary Counsel has begun this important task. The State Government has based its drafting instructions on the ongoing consultation process used with key stakeholders and is continuing to work through the detail of legislative reform proposed for the more integrated management of the historic environment in Tasmania, in conjunction with these stakeholders, including Government branches.

- While it is expected that a Bill will be tabled later this year, the drafting of this legislation needs to fit in with the wider legislative program of Government and competing priorities.
− There has already been considerable consultation with LGAT and some planning authorities through discussions with a Local Government Reference Group and the holding of a series of ‘Testing the Water’ forums. It is anticipated that two more forums will be held with representatives from planning authorities as well as a separate forum for heritage professionals. These sessions will help provide additional assistance in ensuring guidelines and regulations that may sit alongside new legislation are also considered ahead of any formal proclamation.

− Heritage Tasmania’s website provides regular updates on the reform process, including those reforms undertaken that do not require legislative change. These changes include the introduction of pre-statutory consultation with heritage owners ahead of the formal listing process, which is gaining support for heritage listing and also helping to reduce conflict; development of a standardised heritage schedule template as part of regional land use planning efforts, which will introduce a more consistent approach to local heritage listing; creation of an on-line ‘Heritage Services Directory’ that lists a wide range of builders, tradespeople and professionals who work in the heritage sector, to support owners, operators and businesses to better access these services; and the proposed introduction of classes of works for places on the Tasmanian Heritage Register during 2009, which will generate greater predictability in the system for owners, developers and Local Government.

− If interested in obtaining regular updates on this reform process it is recommended you subscribe to the monthly e-newsletter produced by Heritage Tasmania by emailing: Robyn Shaw Communications Coordinator on robyn.shaw@heritage.tas.gov.au

In addition, LGAT advises that the “Testing the Water” stakeholder group, which includes representatives from Local Government will meet again on 12 August 2009.

In relation to the Bill development the following has also occurred.

− A Classes of Works process for State places has been developed.
− A standardised Heritage Schedule template has been developed.
− A series of non-legislative reforms have started to be implemented.

The next steps in this important process include the following:

− Work is to commence on Classes of Works for local heritage places.
− Work to finalise the State Government position on criteria, thresholds and assessment.
− An Exposure Bill is to be released seeking key stakeholder feedback.

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

Current Policy
As stated, LGAT has been participating in the consultative processes around reform of the Historic Cultural Heritage Act.
16. ITEM:  TASMANIAN ROADS FORUM UPDATE
Contact Officer: Sue Bronstein

Dorset Council/Southern Midlands Council

That Members agree that LGAT should continue to explore opportunities that might arise through joint State/Local Government approaches to roads maintenance or pooling of funds and other objectives and priorities that were identified at the roads forum.

Carried

Background:
In November 2008 LGAT’s General Management Committee endorsed a proposal to conduct a Roads Forum to canvass an array of issues impacting the local road network and its interface with the remainder of the State’s transport networks. The endorsement of this forum process stemmed from long standing issues and concerns in the Local Government Sector and agreement that change is needed. The key points underlying the proposal were to:

- assess the best means by which to address ongoing freight and transport infrastructure deficiencies in the state;
- focus on and showcase cooperative arrangements that are in place in other states and review options that could be considered by Local Government, in partnership with other spheres of government;
- learn from representatives from other jurisdictions such as Queensland and Western Australia as to the particular initiatives in their state that are addressing some of the challenges facing Tasmanian councils; and
- receive input from road users such as the RACT and peak organisations such as the Institute of Public Works Engineering Australia (IPWEA).

The Forum was held on Wednesday 22 April, 2009 at the Launceston Tram Shed Function Centre and Auditorium. In welcoming the Minister for Infrastructure, Graeme Sturges to open the forum, LGAT’s President, Mike Gaffney, acknowledged that the involvement of the State Government is key to any change in the status quo. He also stressed the need for both spheres of government to work together to maximise the roading experience for all Tasmanians.

Opening the Forum, Minister Sturges said that transport infrastructure represented a significant cost to the State and for this reason it must be planned for the long term and directed towards strategic policy objectives to ensure best value for the taxpayer and ratepayer dollar. However, he expressed confidence that the continuing co-operation by government at all levels would help the State realise shared goals.

A number of interstate and local presenters addressed the forum on a wide range of approaches to road management across the country. They included:
- Adrian Beresford-Wylie - Chief Executive Officer, Australian Local Government Association
- Cr William (Bill) Mitchell JP – President of the Western Australian Local Government Association
- Les Dunn – Executive Director, Road System Planning & Performance Division, Queensland Department of Main Roads
- Chris Champion – Chief Executive Officer, Institute of Public Works Engineering Australia (IPWEA)
- Norm McIlfatrick - Secretary, Department of Infrastructure, Energy and Resources (DIER)
Vince Taskunas - General Manager, Public Policy and Communications, RACT Ltd

Peter Douglas – Regional Manager, Transport Infrastructure (TAS), Pitt & Sherry who sponsored the forum lunch.

Participating in the forum were elected members, Council officers and Association staff, as well as senior representatives of the Department of Infrastructure, Energy and Resources.

A key theme from the forum was a desire to develop a closer working relationship between State and Local Governments, particularly at a regional level, to allow for improved use and allocation of resources and to leverage greater funding for priority activities. In order to capitalise on the positive outcomes generated by the forum, the Association recently convened a meeting with Mr Norm McIlfatrick, Secretary of the Department of Infrastructure, Energy and Resources (DIER). The purpose of the discussion was to follow up on key priorities for Local Government with a view to gaining sustainable transport outcomes from a regional perspective in the future. Norm McIlfatrick has indicated a willingness to look at the present maintenance contracts managed by his agency to ascertain whether there could be possibilities for councils to either gain benefit from the arrangements within them or to assess the possibility of councils working with the contactors to undertake specific tasks in their area. An obvious area for early consideration is vegetation management but there may be possibilities for other activities.

There is also a willingness to discuss the pooling of funds to attract contributions from other sources as a means to speed up priority works. It is acknowledged that this may have local sensitivities but in the same way that Queensland State and Local Governments have developed protocols and decision making tools, then there is merit in at least exploring the opportunities.

As a first step in the process it is considered worthwhile to ascertain the appetite of councils to participate in these types of discussions. The Roads Forum did not attract participation from all councils and while those that attended were enthusiastic about exploring new opportunities, it is important that there is broad support across Local Government before embarking along this path.

**Budget Implications**

Does not apply.

**Current Policy**

This falls within the remit of present policy of the Association in relation to roads/infrastructure management.
17. MOTION: RATINGS *

Latrobe Council/Meander Valley Council

That the Local Government Association of Tasmania be requested to appoint a Working Group or an independent consultant with power to co-opt the Valuer General to review the rating provisions within the Local Government Act 1993 and the Valuation of Land Act 2001 including:

1. The costs/benefits of requiring the Valuer General to provide assessed annual values of all lands within each valuation district under Section 11 of the Valuation of Land Act 2001.

2. The success of the bi-annual assessed annual adjustment factors.

Carried

Background:
The December 2003 discussion paper on Strategic Review of Municipal Revaluations provided the following background information on the system:

*Municipal valuations are used primarily by Councils to set rates and by State Government for the purposes of Land Tax.

A State valuation authority was established in 1950 in order to rationalise municipal rating and land tax assessments and to provide governments with a reliable and independent valuation authority.

The Office of the Valuer-General commenced conducting municipal re-valuations in 1951.

In the mid 1990s two significant reviews were undertaken:

- The State Government commissioned a review into the Office of the Valuer General to improve its efficiency and effectiveness.
- As a consequence of that Review, LGAT commissioned a further review of the delivery of property valuation services provided by the Office of the Valuer General.

Local Government had long expressed concerns about the delivery of municipal revaluation services through the Office of the Valuer General. The issues of most concern to Local Government at the time were:

- That Local Government was not provided with a choice of valuers;
- The lack of choice was a cost impost upon the Tasmanian community;
- The lack of accountability regarding the timeliness of the valuation and the cost of valuations, and
- Cross subsidisation by Local Government to the State Government of the apportionment of valuation costs.

As part of Tasmania’s reform obligations under the National Competition Policy and as a consequence of the recommendations coming out of both reviews, a number of reforms were implemented.
The major reforms were:

− The removal of Government’s monopoly in the provision of statutory valuations and its replacement by a system of competitive tenders for all valuation work, under the management of the Office of the Valuer General and in consultation with relevant stakeholders;
− The removal of any responsibility of the Valuer General for the operation of the Government’s valuation services;
− The establishment of a separate Government Valuation Services Unit subject to full cost attribution to be operated on a commercial basis, and
− The maintenance of a central database by the Valuer General to ensure that the quality and completeness of the data is protected.

One of the most significant changes was the separation of the Office of the Valuer General (OVG) as the regulator, from the Government Valuation Services being the service provider. This separation confined the core business of the OVG, concerning rating valuations, to:

− Monitoring valuation quality and standards;
− Co-ordinating a new open tendering system for municipal revaluations;
− Administering, processing and supplying valuation notices and data to owners and stakeholders.

Further reforms enabled local Councils to have representation on the Municipal Valuation Tender Committee, to endorse tenders prior to Ministerial approval.

The first public tenders were advertised and let in May 1998 and since then all municipal valuations have been let on a competitive tendering basis.”

At the August 2007 Local Government Association of Tasmania (LGAT) General Meeting, the following motion was carried:

“That Local Government establish a high level Working Group to investigate all other alternate options in relation to this matter and in the event a change is supported, the LGAT then make representation to the State Government”.

This motion was proposed following the loss of a motion which sought the repeal of section 11 (3)(e) with the Valuation of Land Act which requires the Assessed Annual Value (AAV) of land to be not less than 4% of the capital value of the land.

At the November 2008 LGAT General Meeting a paper detailing the Working Group’s findings and a number of proposals relating to amendment of the rating provisions of the Local Government Act were discussed.

The Working Group considered that amendments could be made to the Local Government Act 1993;

a) To address concerns with the impact of the 4% minimum rule;

b) To provide transition arrangements when large changes in valuations occur; and

c) Which are in line with current practices of some Councils,

Creating flexibility for Council rating strategies and removing uncertainty around the application of particular legislative provisions.

It was agreed at the General Meeting that the proposals be forwarded to the State Government for consideration.

Section 11 of the Valuation of Land Act 2001 provides that “the Valuer General must, subject to this section, make valuations of the land values, capital values and assessed annual
values of all lands within each valuation district, including any Crown Lands that are liable to be rated in accordance with part 9 of the Local Government Act 1993.

The main determinant of the AAV is the rental value of the property. However, because it is difficult to assign a market rental to some properties, eg churches, halls, and some properties have a very low rental value compared to their capital value eg, rural properties, section 11 (1)(e) of the Act provides that the AAV is not to be less than 4% of the capital value of the land (the 4% minimum rule).

At a time when low capital values resulted in very low AAVs for a large number of properties, this was a significant provision for Councils because it provided some certainty as to the level of rates income that would be forthcoming from these properties.

However, the 4% minimum rule has been a continuing source of angst to Councils because of its impact on certain sectors. Initially the majority of concern was from primary producers. More recently, the impact of 4% minimum on the residential sector, where capital values have (in some areas) increased dramatically without a corresponding increase in rental values beyond an upper limit.

The number of residential properties on 4% minimum has reached over 70% in some municipal areas (Latrobe Council 69%). A similar effect has not occurred in the commercial sector due to the differing nature of that sector’s rental market.

With the application of the 4% minimum rule some properties have a ‘calculated’ AAV that is significantly greater than the potential market rental. For example, a residential property with a capital value of $500,000 may have a current market rental value in the order of $300 per week. The application of 4% minimum i.e. AAV of $20,000 equates to a rental value of $380 per week.

It is important to note that no owner occupied residential property actually generates rental income and so AAV is about notional values not actual returns.

A further issue with application of the 4% minimum rule to residential property is that when a property has a very high land value in comparison to its improved value.

The concerns relating to the 4% minimum rule have been the subject of previous detailed consideration. When the matter was considered approximately six years ago the majority of Councils indicated that the rule should remain in place because the use of a rating system based on AAV must have a minimum and notwithstanding the drawbacks of the 4% minimum, no better alternative was identified. Rather, the alternatives considered appeared to unacceptably shift the rating burden to other sectors.

At that time, the introduction of AAV adjustment factors was agreed to and it was considered that this would partially address the problems being experienced as the change in valuations would not be so extreme over a shorter period. This does not appear to have been the outcome to date in some municipal areas where the application of adjustment factors still has produced some considerable changes in valuation.

The recent Latrobe experience has highlighted inconsistencies with the current system. The Adjustment Factor for AAV is determined every two years and has been applied as a single factor across all property types and all locations, therefore changes in market sectors have not been smoothed. This, coupled with the increase of properties now on the “4% rule” has created substantial variation in AAVs. As Latrobe has such a high proportion of residential properties, the ability to apply differential rating to overcome the variations is limited.
Several Councils in Tasmania have attempted to alleviate the shift in rating burdens following a Council revaluation by implementing differential rating systems. For many years there was a very limited use of differential rating by Councils for the following reasons:

1. The onus of setting the differential rate was on the Council and this was not as politically acceptable as using the AAV figures supplied by the Valuer General.
2. The AAV system has a built in differential rate with different percentages of the capital value applied to residential, commercial and industrial lands.

The AAV system is time consuming for valuers and it is likely that substantial savings could be made if the requirement for the Valuer General to supply AAVs for all lands within each municipal district was deleted from the Act and Councils were left with the choice to use land values or capital values to set their rates and charges. This system is used successfully in Queensland, New South Wales and Northern Territory. In South Australia Councils are able to use site value (land excluding structural improvements), capital value (land including improvements), or annual value (rental value) for rating purposes. Most Councils use capital value.

The recent revaluation of properties in the Latrobe Council area highlighted current problems of using the AAV of properties with a minimum 4% AAV calculation to set rates and charges. 69% of all properties in the Latrobe Council area are now rated at 4% of the capital value compared to 20% prior to the revaluation. This has resulted in a major shift in the rate burden and cast doubt on the equity of the current system.

The Council has the legislative framework to calculate rates and charges on either the land value on the capital value instead of using the AAV calculation. However, if Council chose this course of action it would still be required to pay the Valuer General for the expensive AAV calculation.

A major change may result in a substantial redistribution of the rates burden in the Council area. On a revenue neutral basis, every property will pay a different amount of rates than paid in the current financial year. It would be preferable if the Local Government Industry supported proposed changes as a whole and it was not left to individual Councils to move to a new rating system.

The proposal to request that the rating provisions within the Local Government Act 1993 and the Valuation of Land Act 2001 be reviewed is supported to ensure that Council’s have access to the most cost effective and easily understood valuation system upon which to set rates and charges. It is recommended that the Valuer General, Mr Warrick Coverdale, who has extensive experience with the Queensland Valuation System, be co-opted to a Local Government Association of Tasmania Working Party to review the current Tasmanian system.

**LGAT Comment**
The Association has undertaken and guided a number of rating reviews in recent years with the overwhelming result on each occasion largely to retain the status quo. Issues that have been investigated include the elimination or reduction of the 4% minimum, changing the basis of rating away from AAV and allowing more flexible arrangements to deal with significant rating shifts that arise out of the valuation process.

As a result of the most recent review a series of proposals have been forwarded to the Local Government Office. The Local Government Office has indicated that it is awaiting the outcome of a review into rating by the Auditor General regarding rating compliance prior to considering the matters that have been forwarded.
To date Tasmanian Councils have chosen Assessed Annual Value (AAV) as the basis for rate setting although in most cases Councils have also set minimum charges and some fixed charges for specific services, thus moving somewhat away from a direct AAV relationship. A number of Councils have sought to move even further away from rating based directly on property values.

The main determinant in AAV is the rental value of the property. However, because it is difficult to assign a market rental to some properties eg churches, halls or alternatively, some properties have a very low rental value compared to their capital value eg rural properties, the Section 11 (3) of the Valuation of Land Act 2001 provides that the AAV is not to be less than 4% of the capital value of the land (the 4% minimum rule).

At a time when low Capital Values resulted in very low AAV’s for a large number of properties, this was significant provision for Councils because it provided some certainty as to the level of rates income that would be forthcoming from these properties.

However, the 4% minimum rule has been a continuing source of difficulty to Councils because of its impact on certain sectors. Initially the majority of concern was from primary producers. More recently, the impact of 4% minimum on the residential sector has been the concern, where Capital Values have (in some areas) increased dramatically without a corresponding increase in rental values beyond an upper limit. For example, a residential property with a capital value of $500,000 may have a current market rental value in the order of $300 per week. The application of the 4% minimum ie AAV of $20,000 equates to a rental value of $380 per week.

The concerns relating to the 4% minimum rule have been examined by LGAT with Councils on more than one occasion. The introduction of assessed annual value adjustment factors was one response that has partially addressed the problems being experienced as the change in valuations are not as extreme over the shorter period.

However, last year a Working Group established by LGAT re-examined this issue and reported on its findings to the last General Meeting. In very broad terms, rather than seeking to amend the Valuation of Land Act 2001, it was recommended that amendments be sought to the rating provisions of the Local Government Act 1993. Councils agreed that the State Government should be asked to consider a number of proposals. Refer to Attachment to Item 17.
18. ITEM: FARM DAIRY PREMISES EFFLUENT MOU **  
Contact Officer: Katrena Stephenson

Central Coast Council/Kentish Council  
That Members support the signing of the Memorandum of Understanding by the Association.  

Carried

Background:
The Memorandum Of Understanding (MOU) between the Tasmanian Dairy Industry Authority (TDIA), LGAT and the Environment Protection Authority (EPA) for the Assessment and Reporting of Suspected Breaches of the Environmental Management and Pollution Control Act (EMPCA) 1994 by Dairy Premises has been under development for some time and should be considered in parallel to the recently approved Farm Dairy Premises Effluent Management Code of Practice.

The TDIA is responsible for the food safety licensing, inspection and auditing of dairy processors and dairy farms.

A few years ago, following the suggestion that TDIA should play a stronger role in the management of effluent from the dairy industry a Code of Practice was developed but it had no legal standing and could not be enforced.

The Industry could see that poor effluent management would have an impact on the market but despite funding to stakeholders to improve effluent management there were not significant improvements in practice.

It was felt that the TDIA could take on a stronger regulatory role. Subsequently the State Government developed a mandatory code of practice which could, through Ministerial agreement, be enforced by TDIA, refer the Code of Practice at Attachment to Item 18A. The Code is administered by TDIA under the Dairy Industry Act 1994 and is part of the licence conditions and requirements to operate for dairy farms in Tasmania.

The development of the Code and regulation by TDIA was not intended to replace the role of Local Government and the EPA regarding effluent management. It allows a more proactive focus by TDIA with the intent of reducing the number of pollution events which must be followed up by Local Government/EPA.

The MOU is intended to clarify the interrelationships between and expectations of the various parties. A copy of the MOU is at Attachment to Item 18B.

Under the MOU, TDIA will audit dairy farms and require corrective actions. TDIA will not take on the regulator role under EMPCA, this will continue to be fulfilled by Local Government and the EPA.

The Code and the MOU have both been subject to Local Government comment previously.

Budget Implications
Does not apply.

Current Policy
Aligned to previous feedback.

19. ITEM: EDAIS  
Contact Officer: Katrena Stephenson
That the Meeting note the following report.

Resolved

Background:
The Commonwealth Government has available to Tasmania, $500,000 through the Housing Affordability Fund (HAF) to roll out eDA processes. The purpose of this funding is to improve development application and assessment processes, consequently reducing delays in planning approvals and reducing costs for builders and developers and ultimately home buyers.

Tasmania, through the Local Government Association of Tasmania (LGAT), submitted a project business case in December 2008 and signed a funding agreement in February 2009. The Project Business Plan was accepted by the Commonwealth in March 2009.

Following broad promotion of the funding and concept and invitation to participate, LGAT confirmed that two councils in Tasmania wished to participate in the pilot project (Hobart City and Northern Midlands).

Tasmanian councils are relatively efficient in processing development applications. Furthermore, a significant proportion of applications are permitted. However councils report that the most significant barrier to faster assessment times is incomplete applications, often requiring multiple dialogues with applicants in order to obtain all the necessary information. On average, 70 per cent of applications received by councils are incomplete or incorrect. Information on development applications is primarily only available from the front counter or over the phone. It can be difficult for individual applicants to deal with the complexities of the planning system and easily find out what information and documentation is needed.

It is for this reason that the Tasmanian project will have a greater emphasis on improving efficiency through improved communication with, and guidance for applicants, using electronic tools, linked to the ability to communicate to applicants on how their application is progressing electronically (i.e. internal tracking) and improved ability to assess compliance. Introduction of a pre-lodgement information system would dramatically improve the number of completed and correct applications and self assessment for complying development could remove a high percentage of low risk applications from the process. Electronic lodgement improves the ability to report and track development applications for council and applicant use.

The relatively small scale of this project and the close working relationship between the Association, member councils and the State Government allows for a unique collegial approach to this project and fairly constant project oversight. The Project Steering Committee comprises Dr Katrena Stephenson, Policy Director at LGAT, who is also the overall Project Manager, a representative from the Land Use Planning Branch of State Government, Bruce Churchill and the two Project Managers from the participating councils, Ian Stanley from Hobart City Council and Duncan Payton from Northern Midlands Council.
Ian Stanley as Hobart City Council’s eDA Project Manager and Steering Committee Member, is also our representative on the National Steering Committee and working groups with Duncan as proxy. This will ensure there is a sound understanding of national directions and learnings brought to the Steering Committee and the ability to work with the National Community on an ongoing basis. We would certainly use this to our advantage in sourcing other consultants should the tender process fail to deliver an appropriate response or should the successful proponent fail to deliver in order to meet project outcomes.

Project timeframes are tight with the Commonwealth requiring full implementation and evaluation by March 2010.

A request for tender commenced with advertising in the three regional Tasmanian newspapers and the Australian newspaper, on 16 May 2009. Some proponents who had previously made contact were also mailed the tender documents directly.

An independent probity advisor, Mike Nermut, was engaged to support formulation of the documents and selection process. The Steering Committee sought someone with strong skills in IT (recognizing a gap in the Steering Committee’s skills base) but who would not be a likely proponent.

Mike Nermut is Chairman of the Board of The Learning Edge International, where he was formerly the Managing Director. He was co-founder of Dytech Solutions and has over 10 years of experience in the development and delivery of enterprise solutions. Mike is a board member of NetAlert, member of the Intelligent Island Board and Chairman of the Tasmanian IT Council.

It was decided to run parallel but separate tenders relating to A) implementation and B) evaluation.

Tenders were evaluated by the Steering Committee plus probity advisor on 16 June 2009. The successful tenderer for Project A: Implementation was Infomaster. The successful tenderer for Project B: Evaluation was Stenning and Associates. Contracts have been negotiated and signed. On 7 July 2009 Infomaster met with the Steering Committee to commence the project. There are some technical issues that need to be worked through in relation to interfacing with Hobart City Council’s systems and this work is underway.

In the end we had three very close proponents, with equal weighting on a number of the evaluation categories. For Project A, Infomaster were seen to have the most extensive experience in rolling out to Local Government of the three shortlisted candidates and were competitive on price and other evaluation factors.

**Budget Implications**
This project is fully funded by the Australian Government, with funding released in stages conditional on provision of project reports. At the time of writing, LGAT has just submitted the second project report, linked to the release of a further $150,000.

**Current Policy**
Actions to improve housing affordability have been identified as a priority by PLGC. The eDA project is part of the COAG agenda.
20. **ITEM:** HOUSEHOLD HAZARDOUS WASTE UPDATE  
Contact Officer: Ben Mooney

That the Meeting note the following report.

**Background:**
Since the last report, the Household Hazardous Waste (HHW) coordinator has introduced the Household Hazardous Waste Program (HHW) to the regional waste management groups (Southern Waste Strategy Authority, Northern Tasmanian Regional Waste Management Group and Cradle Coast Waste Management Group) and received positive support from councils.

The coordinator has attended a number of relevant meetings, including the State Government Controlled Waste Strategy Working Group meeting, the launch of the Tasmanian Waste and Resource Management Strategy, and the Waste Management Association of Australia “Policy and Practice” seminars.

Potential HHW drop-off sites at Burnie, Sorell and Brighton Councils were inspected and assessed for suitability.

The HHW Steering Committee agreed to engage an experienced HHW consultant, AsterixOne, to assist in preparation of documents for the tender for conduct of Household Hazardous Waste days in Tasmania. AsterixOne will also assist in the evaluation of tender applications. The tender was advertised 4 July 2009 and closes 31 July 2009.

The HHW program will be promoted using an informative brochure to be delivered to every household in Tasmania. The brochure will contain background information, how to identify and pack materials, and outline the collection date and location for the coming year. The program will be advertised on the LGAT website, on council websites, offices and newsletters. Regional radio interviews will be conducted in the weeks preceding drop-off days. The coordinator is investigating the use of a free-call hotline (1800) for providing information and details on HHW materials, dates and locations for drop-off days.

**Budget Implications**
The HHW Program is fully funded through project funds (50:50 State:Local government contribution) as per the project deed.

**Current Policy**
Where possible, the HHW collection program approach is to be aligned with Regional, State and National Controlled Waste Strategies.
21. ITEM: PLANNING LEGISLATION UPDATE
Contact Officer: Allan Garcia

Hobart City Council/Central Coast Council

That the Meeting noted the report and requested that their concerns with the Planning Reform be raised with the Legislative Council.

Carried

Background:
While the Association succeeded in achieving extended timeframes for the consideration of planning reforms, it has not been able to stop the present process from proceeding.

Discussions took place with the Minister for Planning to split the relevant Bills into component parts to allow greater scrutiny and reasonable timeframes in which to consider the issues but despite concerns about the fundamental policy principles underpinning the proposed reforms the State Government is committed to achieving its preferred outcomes. The matter was also strongly taken up with the Premier at the Premier’s Local Government Council but the position was made clear that the State Government wanted to engage Local Government and other stakeholders on the proposals but it was intended to keep the general reform package intact.

The first tranche of reforms related to the establishment of the Tasmanian Planning Commission. Councils and the Association provided detailed comments on this proposal. The positions of councils varied but by virtue of the Bill passing through the Parliament the Commission now exists, it has an ability to draw Commissioners from the State Government and the resources of the former RPDC and planning employees of the Department of Justice will be pooled to support the new Commission.

The second Bill related to Projects of Regional Significance; the formal establishment of the regional planning framework, interim planning schemes and consistent provisions and improvements to some enforcement provisions.

Again, views of councils were wide and varied with some councils providing direct inputs to the State Government, others providing comments for inclusion in the LGAT response and others doing both. The Association response was supportive of the provisions relating to the regional planning frameworks and consistent planning schemes and while supportive of some of the measures relating to Section 59 of LUPAA, highlighted that the amendments did not go far enough.

The response echoed the concerns of councils in relation to Projects of Regional Significance (PORS). It conveyed that the present structure of planning authorities coupled with the existence of the Tasmanian Planning Commission and the Tribunal provides an adequate, robust and transparent structure to deal with such projects. With the establishment of regional planning arrangements it suggested that it was unnecessary to establish an additional, more complex process which may not necessarily deliver improved or speedier planning decisions.

The submission highlighted that the responses from State Government in relation to the nature of projects that may constitute a PORS has been less than satisfactory. Providing a supply side solution to a demand that does not exist or cannot be explained is considered to be extremely poor policy. Arrangements exist under present legislation to deal with the nature of the project described as a PORS and to the extent that those provisions limit the full capacity to deal with these projects adequately it is felt that it would be more reasonable and less complex than setting up an alternative and inconsistent approach to assessment. The submission indicated that the level of complexity built into the amendment was staggering. Concerns were expressed that many provisions of the Bill revert back to
processes that have failed in the past and that rather than addressing the range of present problems that exist in the current legislation, the amendments entrench and replicate present inadequate provisions.

The Association has sought an indication of the nature of changes that are proposed as a result of the broad consultation prior to the Bill being submitted to Parliament. It was highlighted that the changes represent a significant shift away from current arrangements with enormous impacts and it will be important to have a thorough knowledge of the final document in a timely manner to better understand any fundamental changes to the present Bill.

It is understood that a third Bill is contemplated that relates to call in powers of the Minister. It is not yet known to what extent these provisions will take account of previous concerns expressed. The proposals for call in previously canvassed related to bias (where council or councillors had publicly stated a position on a particular development) and conflict of interest (where council was the developer and the approval authority). The Association has previously responded to these matters in the broad, the contents of which are detailed below:

The suggestion has been made that there are perceptions that planning matters are being politicized and that councils are blurring their responsibilities as planning authority and advocate for the community. At the same time it is suggested there is no evidence to support these claims. In order to address these perceptions the State Government is proposing to expand the call in powers of the Planning Minister to take planning powers away from councils. It is very disconcerting that State Government planning policy appears to be driven by perception and not by fact and that in responding in the way proposed potentially increases the politicization of the process rather than decreasing it.

There appears to be an over emphasis of the conflict of interest issue within the paper. It is contended that councils are able to effectively manage the separation of roles between operating as a planning authority and fulfilling the wishes of the community.

The assumption that whenever a council is the applicant or owns or has an interest in the affected land means that it has a “conflict of interest” and cannot make an independent and objective decision, is strongly refuted. Any such council decision is based upon the application of the planning scheme and the current proposals to change the legislation assume that council may (or will) determine matters contrary to the scheme. This is clearly not the case. It should also be noted that councils are required to obtain qualified advice on all matters requiring a formal decision of council.

The independent and respected RPDC and RMPAT serve as final decision makers in instances where individuals perceive councils have politicized the planning assessment process. It should also be noted that the Judicial Review Act and the Local Government Act are designed to cover such an eventuality and it is difficult to understand why it is considered that an additional process is necessary to deal with this issue. If existing provisions are considered inadequate then they should be strengthened.

It is unlikely that the position of the Association will change once the detailed Bill is provided for consideration.
22. ITEM:  COMMUNITY SATISFACTION SURVEY  
Contact Officer:  Katrena Stephenson

Meander Valley Council/Clarence City Council

1) That the Meeting note the issues related to undertaking this year's Community Satisfaction Survey.

2) That the meeting agree to fund future surveys (to be undertaken biannually) through increased subscriptions from councils.

Carried Unanimously

Background:
LGAT has previously conducted 3 state-wide community surveys about Local Government services in Tasmania. The last was in 2006 and early this year the Association sought expressions of interest (EOI) in conducting a similar survey.

Two EOIs were received and EMRS were the successful proponent based on cost, capacity and experience.

The survey was to involve 1240 residents across Tasmania, with age and regional quotas, with the sample drawn randomly from residents living in each Council area. The survey was conducted by phone, using a similar questionnaire to that used previously, although some minor changes to the questions are currently being considered.

The Association provided per council price information to every council and sought advice about participation. Unfortunately five councils decided to opt out affecting the numbers which can be surveyed. This raises an issue for the future as it is not viable to run such a survey when councils can opt out. The cost is relatively small but not currently within the LGAT budget. On a per council basis the break down of payments for 2009 if all councils had taken part would have been –

<table>
<thead>
<tr>
<th>Councils Participating</th>
<th>Cost</th>
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<tbody>
<tr>
<td>19</td>
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<tr>
<td>4</td>
<td>$748</td>
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It is proposed that for future years (biannual surveys) an in-principle agreement for biannual or tri annual state-wide satisfaction surveys is sought through a motion to a general meeting with the costs then factored into the general LGAT budget.

There seems to have been a lack of recognition of the potential from positive survey results, particularly when currently the media is focussed on the deficits of councils and amalgamation. All surveys, including this year’s, have shown the community are generally very positive about the role of, and services provided by councils.

Budget Implications
State-wide surveys need to be factored into future LGAT budgets in order to ensure full participation. A per annum cost based on this year’s initial quote is $12,500. The normal subscription formula would apply.

Current Policy
There is currently no formal policy position.
23. ITEM: CONTAINER DEPOSIT SYSTEMS FOR TASMANIA
Contact Officer: Sue Bronstein

That the Meeting note the following report.

Resolved

Background:
Northern Midlands Council has expressed to LGAT its concern about the increasing quantities of beverage container litter being left on council reserves and roadside reservations. It has requested that consideration be given to issues associated with the introduction of container deposit legislation including measures to address the reduction of litter from packaging related to beverage containers and mitigate their serious environmental impacts.

This request coincides with the State Government’s commissioning of environmental consulting firm, Hyder Consulting Pty Ltd, in December 2008 to conduct a Feasibility Study of a Container Deposit System (CDS) for Tasmania. Hyder Consulting has now released its Final Report. Outlined in the report is the scope of the study which is described as follows:

“Simple in principle, CDS involves placing a deposit on certain non-refillable beverage containers that motivates consumers to return the containers for recycling in order to have the deposit refunded, alternatively, for consumers to forego that deposit, councils can redeem the deposit through kerbside collections and individuals can pick up littered beverage containers to return them for the deposit.

By placing a value on certain containers, CDS can result in increased beverage container recovery and decreased beverage container litter. However, considerable debate exists over the social, economic and environmental costs and benefits of introducing CDS, and the merits of doing so compared to alternative approaches. Through analysis, literature and stakeholder consultations, this project aimed to develop the most feasible CDS for Tasmania should CDS be implemented on either a state or a national basis.”

The report concludes that a possible ‘hybrid’ CDS built around the most effective elements of existing interstate and overseas systems has the potential to significantly improve recovery of beverage containers in Tasmania.

However, the report also demonstrates that establishing and operating a CDS would be a complex and challenging process requiring very careful consideration by the community and the state Government.

In relation to the issue of legislative arrangements, the report concludes that:

“A broad range of legislative arrangements and their respective costs would need to be considered prior to any introduction of CDS. Chief among these are: need for national consistency to minimise likelihood of Constitutional challenges; applicability of GST; objectives the program is intended to accomplish; robust exploration of options, specifically including an option with an advance disposal/recycling fee and a glass levy; analysis of social, economic and environmental costs and benefits; and evaluation of the Trade Practices Act and Mutual Recognition Act implications.

The report also concludes that as with legislative arrangements, a broad range of administrative and governance issues and their respective costs have been identified that would need to be considered prior to any introduction of CDS.
The Environment Division of the Department of Primary Industry, Parks, Water and environment has advised that it has made the Hyder Report available to the Environment Protection and Heritage Council to assist its ongoing investigations into national measures to address resource efficient, environmental impacts and the reduction of litter from packaging, including beverage containers.

The Department has also advised LGAT that any proposals to change the way beverage containers are managed will be fully discussed with Local Government, industry and other stakeholders to ensure all relevant issues are examined, and the changes complement existing recycling systems.

LGAT, in collaboration with the north western, northern and southern Local Government Regional Waste groups, is currently considering a whole of Local Government response to the Study.

**Budget Implications**
Does not apply.

**Current Policy**
The examination of issues associated with the development of a possible CDS in Tasmania falls within the remit of present policy of the Association in relation to waste management.

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### 24. ITEM: COUNCIL CAREERS UPDATE
Contact Officer: Scott Blacklow

**That the Meeting note the following report.**

**Resolved**

**Background:**
The Council Careers project commenced in September 2008. The project is funded for two years and is approaching its half way point.

This report summarises some of the work that has been completed or has been substantially progressed since the last meeting.

Awareness of councils as employers is low. A television advertisement is being produced by the agency Red Jelly, to the specifications of our Creative Brief. The advertisement will showcase the careers that can be had and the work that is done by Local Government. The advertisement will screen on all commercial networks across Tasmania, with screening in a number of prime time slots. The advertisement will also promote a new website which contains further information that job seekers need to access training and apply for council jobs.
Poor access to training is a major contributor to skills shortages and a number of initiatives have been undertaken to support training delivery. Applications for funding of training providers to develop and deliver nationally accredited training for town planning assistants, and corporate administration are being made. LGAT made a submission to Skills Tasmania to expand the range of Local Government Training Package courses eligible for funding, and continues to have input to the development of training system policy at the state and federal levels.

Workforce planning is crucial to reducing the effect of skills shortages as the Tasmanian population ages. Council human resources departments have agreed to work with LGAT to create an annual survey of staff job titles, linked to data on age, sex and other important parameters. This information will help predict when and where shortages are likely, as well as help address shortages through strategic recruitment decisions and developing training. LGAT is testing the collection of data and its analysis, by conducting a small number of workforce planning audits on sections of council’s workforce.

A consortium of university and local government representatives recently won the job to run the virtual Local Government Centre of Excellence. The Centre should assist councils by raising public awareness, contributing to data gathering and providing information on best practice from around the country. LGAT will be following the centre’s development and looking for opportunities for Tasmania.

**Budget Implications**
Activities conducted as part of the Council Careers project so far have all been funded from the allocated project budget.

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### 25. ITEM: BUTT LITTERING TRUST
Contact Officer: Sue Bronstein

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<th>That the following report be noted.</th>
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**Background:**
The Association has been approached by a former convenor of a Tasmanian anti-smoking group, Ms Kathy Barnsley, with concerns about an organisation called the Butt Littering Trust and its Butt Free City campaign.

The Butt Littering Trust’s principal source of funding is British American Tobacco. The ‘Butt Free City’ campaign is the Trust’s annual national campaign aimed at reducing cigarette butt litter. The Trust’s Butt Free City 2009 campaign involved twenty capital and major regional councils which participated in sixteen campaigns across all states and territories, including Tasmania.

Noting the involvement of Tasmanian Local Government in the 2009 campaign, Ms Barnsley acknowledged that cigarette butt litter is a major problem for councils and the community, particularly as they pollute waterways. However, she argues that Tasmanian councils should be encouraged to prohibit smoking in public spaces to reduce smoking, improve health and reduce cigarette butt litter and pollution. In addition, she believes Tasmanian councils should resist financial incentives offered by the Trust through the Butt Free City campaign and instead lobby the Federal Government for an allocation of funds from tobacco taxes to tackle smoking and butt pollution in their jurisdictions. She referred to concerns expressed in 2006 by the Western Australia Local Government Association (WALGA) about the Trust and its...
Butt Free City Campaign. In a letter to member councils in April 2006, WALGA said it believed that all Local Government Authorities should be aware of these activities and the possible implications arising from any involvement with them.

Four southern Tasmanian councils participated in the Butt Free City 2009 campaign. This campaign was a joint initiative of the Butt Littering Trust in partnership with the Derwent Estuary Program. The Derwent Estuary Program (DEP) is a regional partnership between local governments, the Tasmanian state government, commercial and industrial enterprises, and community-based groups to restore and promote the Derwent estuary.

The DEP had identified the Derwent River region’s worst cigarette butt littering hotspots as mostly open air shopping malls, transport hubs and office building entrances across the partner Council’s territories. It then partnered widely with Glenorchy, Kingborough, Brighton and Clarence Councils, the Tasmanian Government Environment Division and LGAT. The DEP designed a unique ‘Butt Free City’ campaign appropriate to the regions littering hotspots. The campaign was designed to provide infrastructure such as butt bins and litter traps, increase understanding and awareness of the seriousness of the butt littering problem and change people’s behavior.

The campaign ran from 23 to 27 March 2009 and received local media coverage. In a media release accompanying the campaign launch, the DEP stated that cigarette butt litter was being targeted across southern Tasmanian in a new campaign to reduce litter in creeks, beaches and the Derwent estuary and local butt litter hotspots where permanent butt bins and stormwater litter traps would be installed to address the issue year round. Shoppers, tourists and visitors, commuters and office workers were determined as the target audience for the 2009 campaign. Sixteen butt bins were purchased and installed in time for the campaign. Nine stormwater litter traps were installed at Rosny park Transit mall.

Eight educators were employed to approach people (smokers and non-smokers) in hotspot areas to educate them about the social, economic and environmental impacts of butt littering. Pocket ashtrays were offered in exchange for either a written or verbal pledge to the campaign's slogan: ‘Please butt it, then bin it.’ Over 200 verbal pledges and 1,311 written pledges were gained. Cigarette butt litter disposal behaviour was monitored by the DEP over a three week period in which a 10% reduction in butt littering was observed coinciding directly with the ‘Butt Free City 2009’ campaign. The last day of the campaign was “Butt Litter? FINE!” day. DEP chose to participate in the enforcement component of the campaign. A total of 15 hours were contributed by Council rangers who issued 30 mock fines.

It is apparent from its publicly available statements that the Butt Littering Trust understands the difficult ethical dilemma posed by the funding from tobacco companies from the health perspective. However, it maintains that efforts have been made to put in place safeguards that are about independence, accountability and transparency.

In response to LGAT’s enquiries regarding concerns about the Trust and the Butt Free City 2009 campaign, the DEP advised that in discussions with Ms Wendy Jones the Trust’s Executive Director, she reiterated that the Trust understands the ethical issues and dilemma that stem from their source of funding for some people. However she highlighted they are separate and the trust operates independently from British American Tobacco (Australia) despite their funding arrangement. She also said the trust addresses extended producer responsibility for the tobacco product – litter, not health – and is independently managed by a board of Trustees with expertise in litter and waste management, the pubs and clubs industry, corporate social responsibility and Local Government. DEP says Ms Jones also highlighted that the Trust is proud to have acquired the support of a tobacco company as they believe it is their responsibility in part to meet the costs of reducing and managing butt littering. The Trust also believes that is inappropriate to leave these costs to Councils and others.
LGAT sought comments from the Barwon Regional Waste Management Group which participated in the Geelong Butt Free City 2009 Campaign in Victoria regarding the Butt Littering Trust and the campaign.

The Barwon RWMG provided the following comments:

“The Barwon RWMG has participated in a number of BLT funded projects including butt free city week and butt free beaches. The BLT have been very generous with funds and have supported our butt litter prevention activities. The BLT has always been very open and transparent about who they are and what they do, they are funded by the tobacco industry and their agenda has always been clearly about supporting and encouraging smokers to dispose of their butts responsibly.

Their programs are very strongly branded, and as with most other programs funded via a strong brand, this means they are quite proscriptive and set in how the program can be run. They general run to a formula of education and giveaways, specifically branded and worded promotions, with little to no enforcement.

Whilst at times this can be restrictive and allows little flexibility, it has provided much opportunity in our region as their programs have provided a platform for other council run programs to launch from, an example of this is that this year’s BLT Butt Free City Week was followed by a butt litter blitz coordinated by the local laws and waste unit. It enabled a flow from a softer educational program to a more thorough enforcement campaign. One supported by the BLT and the other supported by council.”

In light of the positive opportunities and outcomes generated from the Barwon RWMG’s participation with the Trust programs as a platform to launch other council run programs, the Association proposes canvassing councils in Tasmania to ascertain if there is a willingness to work more closely with the Barwon RWMG to explore these opportunities. As a first step in the process it is considered worthwhile to ascertain the appetite of councils to participate in these types of discussions. It is important that there is broad support across Local Government before embarking along this path.

**Budget Implications**

Does not apply.

**Current Policy**

The examination of issues associated with the Butt littering Trust and the Butt Free City campaign falls within the remit of present policy of the Association in relation to waste management.
Background:
In May 2009, the Tasmanian Ombudsman sent a letter to all councils in relation to the Freedom of Information Provision in Local Government (Meeting Procedures) Regulations 2005 (the Regulations) advising that regulations 9(6) and 34(5) are invalid and that the Ombudsman will decline to apply them when determining an application for review under section 48 of the Freedom of Information Act 1991 (the FOI Act).

In response to council concerns on this issue, LGAT met with officers from the Local Government Division and Department of Justice (working on the new Right to Information Bill).

Subsequent to that meeting a letter was sent by the Director of Local Government, Alistair Scott and to all general managers.

Key points in that letter included:

- That the Right to Information (RTI) legislation under development will replace the current Freedom of Information Act.
- The RTI legislation will likely exempt documents specifically prepared for a closed meeting but NOT documents prepared for other purposes and subsequently used in a closed meeting.
- The proposed exemption for closed council documents is similar to the exemption currently applied to Cabinet documents (this is a preliminary position subject to consultation and amendment).
- It is not practical to amend the Regulations ahead of the introduction of the Right to Information legislation and so currently regulations 9(6) and 34(5) are being treated as invalid.
- While the Solicitor-General does not have power to invalidate a regulation, the Ombudsman is entitled to take and follow legal advice on the correct application of the law.
- It is likely that a significant majority of closed council documents would be covered by one of the exemptions that currently exists within the FOI Act and would therefore remain confidential.
- It is important, particularly in light of the Ombudsman’s correspondence, to ensure that only issues falling under regulation 15(2) are discussed in closed council meetings.

Wide consultation has been undertaken up to this point in relation to the development of the new legislation. It is anticipated the Bill will go to Parliament in late October with consultation on the draft Bill in September, including a presentation to General Managers at their workshop. The Act will be proclaimed on 1 March 2010.

For more information go to www.justice.tas.gov.au/legislationreview/foi_act_1991

Budget Implications
Does not apply.

Current Policy
Does not apply.
27. Item: Staffing Update
Contact Officer: Katrena Stephenson

That the Meeting note the report.

Resolved

Background:
You will be aware that Liz Gillam left the Association in July. We will all miss Liz on both a personal and professional level. Not only does she have unmatched knowledge of Local Government issues, legislation and history; she is a terrific colleague, extremely easy to work with.

Taking up the position of Senior Policy Officer from 4 August 2009 is Kate Hiscock.

Kate has most recently worked at GHD as a consultant on the Social Sustainability Team. She has considerable experience in community engagement, policy development and research. As well as senior policy and project management roles in State Government, she also worked as an advisor in the office of the Minister for Infrastructure.

One significant project Kate managed was the development and implementation of the Tasmania Road Safety Strategy 2007-2016 and, related to that, the first Action Plan.

At interview Kate demonstrated a sound understanding of the key issues Facing Local Government and she obtained excellent referees reports.

We look forward to having Kate join the policy team.

Budget Implications
Within current budget.

Current Policy
Once Kate has commenced, we will be reviewing the areas of responsibility for each member of the Policy Team and will provide advice on that, through General Managers, in due course.

28. Closure

The CEO, Mr Allan Garcia, advised Members that the Federal Minister for Health could be making an announcement in the coming week to advise that flu vaccinations would be available. While there was no further information or details as yet, councils should be aware of the likelihood that they may be contacted to assist with the roll out process.

There being no further business, the Meeting was declared closed at 2.48pm.