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.
## Program

<table>
<thead>
<tr>
<th>Time</th>
<th>Speaker</th>
<th>Topic</th>
</tr>
</thead>
<tbody>
<tr>
<td>11.00</td>
<td></td>
<td>Meeting commences.</td>
</tr>
<tr>
<td>11.45</td>
<td>Daniel Hanna</td>
<td>Chief Executive Officer&lt;br&gt;Tourism Industry Council Tasmania&lt;br&gt;The Role of Local Government in Tourism</td>
</tr>
<tr>
<td>12.45pm</td>
<td>Jessie Byrne</td>
<td>Director Local Government Office</td>
</tr>
<tr>
<td>1.00pm approx</td>
<td></td>
<td>Lunch</td>
</tr>
<tr>
<td>2.00</td>
<td>Roscoe Taylor</td>
<td>Director of Public Health &amp; Director Population Health&lt;br&gt;Update on Local Planning for an Influenza Pandemic&lt;br&gt;Including discussion of the Flu Clinics, their place in protecting the community and a progress report on their implementation.</td>
</tr>
</tbody>
</table>
MOTIONS FOR WHICH NOTICE HAS BEEN GIVEN

1. GOVERNANCE
   1.1 MOTION – COMPULSORY VOTING FOR LOCAL GOVERNMENT ELECTIONS *
   1.2 MOTION – LOCAL GOVERNMENT ELECTIONS
   1.3 MOTION – TIMING OF LOCAL GOVERNMENT ELECTIONS
   1.4 MOTION – AMENDMENT TO ASSOCIATION RULES

2. PUBLIC POLICY - GENERAL
   2.1 NO MOTIONS RECEIVED

3. ADMINISTRATION
   3.1 NO MOTIONS RECEIVED

4. FINANCE
   4.1 MOTION – REVIEW OF TAXES & STAMP DUTY
   4.2 MOTION – DROUGHT ASSISTANCE FUNDING

5. INFRASTRUCTURE AND SERVICES
   5.1 MOTION - WATER LICENSES
   5.2 MOTION – ONE MANAGEMENT STRUCTURE FOR FIRE & AMBULANCE SERVICES

6. PLANNING AND DEVELOPMENT
   6.1 MOTION – PLANNING INFRINGEMENTS *
   6.2 MOTION – LUPAA – PREVENTION OF MULTI PLANNING APPLICATIONS
   6.3 MOTION – LUPAA – REVIEW OF DELEGATION POWERS
   6.4 MOTION – NOTIFICATION OF PLANNING & WORKS APPLICATIONS

7. ENVIRONMENT
   7.1 MOTION – CLOUD SEEDING
   7.2 MOTION – DRY CROP TESTING

8. PUBLIC HEALTH & NUISANCE
   8.1 MOTION – CONTROLLED USE OF GREYWATER *
   8.2 MOTION – ANIMAL WASTE ON ROADS
   8.3 MOTION – RUBBER FROM TRUCK TYRES ON ROADS

9. ANIMAL CONTROL

10. COMMUNITY & SOCIAL DEVELOPMENT
    10.1 MOTION – IMPACTS OF GAMING MACHINES
    10.2 MOTION – PENSIONER RATE REMISSIONS ELIGIBILITY CRITERIA

11. CLOSURE
    * DENOTES ATTACHMENT
The President welcomed Members and declared the meeting open at 11.05am.

The Traditional Owners of the Land, the Leterremairrener People, were acknowledged and Members welcomed.

Apologies were received from

Mr Michael Boyd Flinders Council
Deputy mayor Richard Rockliff Latrobe Council

1 MINUTES *

Central Highlands Council/Glenorchy City Council

That the Minutes of the meeting held on the 12 March 2008, as circulated, be confirmed.  

Carried

The Minutes of the General Meeting held in Hobart on 12 March 2008, as circulated, are submitted for confirmation and are at Attachment to Item 1.

2 CONFIRMATION OF AGENDA & ORDER OF BUSINESS

Dorset Council/Glenorchy City Council

That the agenda and order of business be confirmed.  

Carried

Delegates are invited to confirm the agenda and order of business as presented.

3 BUSINESS ARISING *

Northern Midlands Council/Launceston City Council

That the information be noted.  

Carried

At Attachment to Item 3 is a schedule of business considered at the previous meeting and the status thereof.
4  RATIFICATION OF POLICY
Contact Officer: Allan Garcia

Circular Head Council/Flinders Council
That the General Meeting note that there are no items brought forward from the previous meeting that require ratification as policy of the Association.

Background comment:
Delegates are invited to endorse policy items brought forward from the previous meeting.

5  FOLLOW UP OF MOTIONS *
Contact Officer: Katrena Stephenson

Kingborough Council/Devonport City Council
That the meeting notes the report detailing progress of motions passed at previous meetings and not covered in Business arising.

Follow up on outstanding motions
A matrix indicating progress to date on motions passed at General Meetings, which remained outstanding at the last General Meeting, is at Attachment to Item 5.

6  WATER AND SEWERAGE REFORM
Contact Officer: Allan Garcia

West Tamar Council /Northern Midlands Council
That the meeting note that a detailed briefing is to be provided at the Local Government Conference.

Background comment:
It is intended that the Association Chief Executive Officer provide a comprehensive update on this matter at the upcoming Local Government Conference. By that time the inaugural meeting of the Joint Implementation Committee will have taken place, the transitional funding matters addressed and the governance arrangements associated with transition and establishment of the new entities largely resolved.

The briefing will take the form of a presentation covering the most up to date information available, a project plan and timetable for the remainder of the reform process and some of the key milestones anticipated for the remainder of the calendar year.

Budget Impact
The reform process is drawing significantly on the budgets of the Association and councils in the context of transition and implementation.

Current Policy
The present reform components largely reflect resolutions passed at previous General Meetings of the Association.
That the meeting note the scope and coverage of the proposed major project for the Premier’s Local Government Council for 2008.

Carried

Background
At its December 2007 meeting, the Premier’s Local Government Council (PLGC) approved a new project for 2008. It was proposed that State and Local Government work together to identify and address, in an integrated way, a number of issues that were impacting on the broad sustainability of services and outcomes for local communities.

A project framework has been developed and endorsed by the PLGC which identifies four key areas for cooperation between the State Government and Local Government:

- Project A: Enhancing Council Financial Sustainability
- Project B: Innovation in Service Delivery
- Project C: Good Governance (Governing for the Community)
- Project D: The Future Role of the Local Government Board.

The project will provide the opportunity to address a number of current issues and emerging trends, including:

- changing demographics and the changing service needs of communities in the areas of economic, social and cultural development and including the need to address social inclusion;
- the implementation of measures arising from the financial sustainability report commissioned by LGAT;
- the implementation of the national frameworks for financial sustainability (criteria for assessing financial sustainability, asset management and planning, and financial management and reporting);
- resolution of the future operations and functions of and strategic role for the Local Government Board;
- consideration and support for new models of service delivery, such as resource sharing, bureau models for delivery of services to councils, etc, through pilot projects and funding for innovative approaches; and
- good practice and capacity building, such as financial and asset management, community strengthening, and regional development.

A copy of the Project Framework is at Attachment to Item 7.
Circular Head Council/Waratah/Wynyard Council

That the Meeting note the requirements for broad Local Government support when seeking legislative amendments and the appropriate processes to be followed.

Carried

Background

There is an ongoing tendency for councils to write or make representations to the relevant State Government Minister when an issue arises at their council that could potentially be resolved through the amendment or enactment of legislation or through changes to regulations.

While this can be quite clear and precise in the context of one council resolving its particular problem, it must be remembered that a legislative requirement involving one council will impact on all councils. It is, therefore, very important for councils to consider these impacts not just in the light of their particular issue arising but also in terms of the circumstances of other councils. There have been circumstances in recent times where a cure for one council’s ills creates significant stress for another council(s). It should be noted that the process of putting legislation into place in the first instant generally involves broad based consultation and consideration of the potential impacts and implications on a range of stakeholders. These matters need to be considered by the initiating council when contemplating changes to legislative arrangements.

The very successful Communication and Consultation Agreement between State and Local Government requires that legislative amendments are to be submitted via the Legislation Committee of the Association. The intent of this process is to ensure that there has been adequate consultation and support achieved for a process that effectively impacts on the way all councils operate or undertake their functions. In the event that matters are raised directly with the State Government in a formal capacity, the relevant Minister will generally refer the matter to the Association for comment/action.

The purpose of this item is to remind councils of their obligations to their fellow councils and ensure that requests for legislative amendments are broadly canvassed across Local Government through the appropriate processes.

Budget Impact

Does not apply.

Current Policy

As detailed above proposals to amend/enact legislation are to be processed through the LGAT Legislation Committee.
That the meeting note the report and the funding implications for participants at the proposed Experts Forum.  

Carried

Background
At the March General Meeting, Adrian Beresford-Wylie reported on the ALGA process towards agreeing a Local Government position on Constitutional Recognition.

The culminating event in 2008 will be a Constitutional Forum in December.

Adrian presented the ALGA framework for council and community engagement in the development of a case and will be providing resource material to stimulate discussions.

The President of LGAT distributed the ALGA resource kit to all councils on 18 April 2008. This kit was designed to aid in council conversations and position formation to be undertaken between March and June.

The letter noted that council feedback could be provided directly to ALGA through an online feedback form and that ALGA are also seeking nominations for 10 representatives to attend the National State and Experts Forum to be conducted in Canberra in August 2008. There was also a request for feedback to be shared with LGAT.

LGAT has not made a final decision on the nature of assistance to councils in providing greater input into the constitutional recognition process. The current proposal is as follows:

1) LGAT will collect and analyse feedback from councils;
2) Interest in attending the expert forum in August will be gauged by email with a decision on representation to be made by GMC;
3) After the experts forum, LGAT will host a workshop to a broader audience, allowing opportunity for those who attended the experts forum to provide feedback and for a range of issues to be raised and discussed; and
4) The workshop could be used to run a process to elect the representatives for the December forum.

Elected members who nominate to attend the expert forum in August will have to have support of their councils in relation to expenses as ALGA is not funding attendance.

Airfares and accommodation per participant are likely to be in the order of $1200.00 minimum. Any funding provided by the Association to assist intending participants would require a specific allocation in the LGAT Budget.

The matter will be subject to further discussion at the upcoming ALGA Board Meeting and it is proposed to discuss this issue further on the day of the General Meeting.

The President of ALGA, Paul Bell will be speaking on this issue at the conference in June.

Budget Impact
As above.

Current Policy
This is one of the three pillars of ALGA’s strategic ‘3Fs’ agenda and consequently will be a key issue for LGAT in 2008/09.
1 GOVERNANCE

1.1 Motion – Compulsory Voting For Local Government Elections *

West Tamar Council/Northern Midlands Council

That LGAT request the State Government to change to compulsory voting for Local Government elections.

Lost

FORESHADOWED MOTION

Glenorchy City Council/Kingborough Council

That LGAT formally consult with Local Government on a change to compulsory voting for Local Government elections.

Lost

Background Comment

Compulsory voting for Local Government elections is a change whose time has come.

Compulsory voting reflects the universal duty of all citizens to participate in democratic government, regardless of whether Federal, State or Local. The legitimacy and standing of Local Government will be best supported by the participation of all citizens as voters.

Compulsory voting is accepted by citizens at State and Federal levels and it is appropriate for the same principle to apply at Local Government level. Local Government is a full third tier of government. We are seeking constitutional recognition and we ought to be seeking a voting system that is the same as for the State or Federal levels. The argument is strengthened if considered against a State voting system where the system of voting is the same, Hare Clark.

Why is it important? Because in dealing with Government business bureaucrats and various pressure groups we need to be able to claim the unquestioned authority that direct compulsory voting bestows.

Postal voting is still possible in a compulsory framework. It would be up to full discussion to decide that issue. We should not be unaware of the potential for promoting Local Government that an election provides and for seeking community opinion on other matters.

LGAT Comment

This proposal has been considered on a number of occasions, particularly during the review of the Local Government Act 1993 and was last considered as a motion (LOST) in June 2007.

The following is the position that has been previously taken.

The Association does not support the introduction of compulsory voting for Local Government elections, for a number of reasons:
− The introduction of postal voting resulted in a significant increase in the number of people voting in Local Government elections. This is done on a voluntary basis because people want to vote and to be involved.
− The introduction of compulsory voting might marginally increase the number of people voting but it would also bring with it the responsibility to pursue those who do not vote and the consequent enforcement costs.
− Compulsory voting has the potential for increased informal voting as people are being forced to vote rather than exercising their democratic right by choice.
− The proposal is incompatible with the property-based electoral franchise of Local Government. The General Manager’s roll enables non-resident property owners, companies and other entities owning property in a Council district to claim voting rights. If compulsory voting is introduced, will the company or the company’s nominee be responsible for failure to vote? Will the absentee landlord living outside the state or country be liable to a non-voting penalty?
− In relation of the election of Mayor and Deputy Mayor by popular election, compulsory voting carries even higher risk.

Further, a telephone survey conducted on behalf of the State Government during the review of the Local Government Act indicated that only a small majority (56%) of those surveyed supported compulsory voting.

This position was accepted by the review Steering Committee who recommended against including this matter in the amending legislation and this recommendation was accepted by the State Government.

Tasmanian Government Agency Comment
The electoral provisions of the Local Government Act 1993 were extensively reviewed during development of the Local Government Amendment Bill 2005. This review process was undertaken in a consultative manner with Local Government which strongly opposed the introduction of compulsory voting and ‘all-in, all-out’ elections.

In the spirit of the strong working relationship with Local Government, the State Government decided at that time that it would not proceed with proposals to introduce compulsory voting and ‘all-in, all-out’ elections for Local Government. It is not considered that there has been sufficient movement in sentiment on these issues that would warrant further consideration of these proposals, particularly given the Local Government Association of Tasmania position.

Prior to the introduction of postal voting in 1994, the average response rate was 22 per cent. Since the move to universal postal voting for Local Government elections in Tasmania, we have been consistently achieving an overall response rate of nearly 60 per cent with a few councils achieving over 80 per cent. This is not that far below the levels achieved with compulsory voting in other States. For example, the average turnout at the compulsory 2004 Victorian Local Government elections was 71.1 per cent.

Under the current system electors receive a ballot paper personally addressed in the mail. This means that electors are both made aware of the election and provided with an easy method of voting should they wish to. There is not a need to provide an incentive, or penalty, to encourage people to make the effort to attend a polling place in person. If these elections were to be made compulsory, the issue of the penalty and the method and cost of enforcement would need to be addressed.

A table of response rates in each council by age group and gender is provided at Attachment to Item 1.1. This will be published in the soon to be released Local Government report on the 2007 election.
This table shows that there is a consistent trend that response rates are much lower for younger people and that it may be more appropriate to better educate and inform this group.

The Government is working towards achieving a Tasmania Together target of 65 per cent participation in Local Government elections by 2010 and 75 per cent by 2020. As part of the lead-up to the next Local Government elections in 2009, consideration is to be given to ways to increase participation so this target is met.

1.2 Motion – Local Government Elections

Hobart City Council/King Island Council

That the Local Government Association of Tasmania lobby the State Government to amend the Local Government Act 1993 to include all-in, all-out four-year terms of office for the offices of Mayor, Deputy Mayor and Councillors.

Lost

Hobart City Council/King Island Council

That the Local Government Association of Tasmania lobby the State Government to amend the Local Government Act 1993 to include compulsory voting at the ballot-box.

Lost

Background Comment

(a) It is argued that the arrangement of 4 year terms of office currently being determined via half-in, half-out biennial elections for Aldermen/Councillors and biennial terms of office for Mayor and Deputy Mayor creates undue confusion within Local Government.

By comparison, the voting public is acutely aware of the election processes involved in both federal and state electorates and clearly appreciates the opportunity to undertake a considered review of the electoral performances of federal and state politicians that elections provide for.

However, the current situation within Local Government electorates in Tasmania does not allow for the same opportunity, thereby creating the opportunity for confusion amongst voters in respect to which sitting Aldermen/Councillors are up for election.

(b) Compulsory voting reflects the universal duty of all citizens to participate in democratic government, regardless of whether federal, state or local. The legitimacy and standing of Local Government will be best supported by the participation of all citizens as voters. Compulsory voting is accepted by citizens at state and federal levels and accordingly it is appropriate for the same principle to apply at Local Government level.

The introduction of a standard approach to candidacy and voting responsibilities across the three levels of government, as proposed by these two motions, will lift the profile of Local Government and provide a clearer, more streamlined approach.
LGAT Comment
Proposals for compulsory voting have been considered on a number of occasions, particularly during the review of the Local Government Act 1993 and this issue was last considered as a motion (LOST) in June 2007.

The following is the position that has been previously taken.

The Association does not support the introduction of compulsory voting for Local Government elections, for a number of reasons:

− The introduction of postal voting resulted in a significant increase in the number of people voting in Local Government elections. This is done on a voluntary basis because people want to vote and to be involved.
− The introduction of compulsory voting might marginally increase the number of people voting but it would also bring with it the responsibility to pursue those who do not vote and the consequent enforcement costs.
− Compulsory voting has the potential for increased informal voting as people are being forced to vote rather than exercising their democratic right by choice.
− The proposal is incompatible with the property-based electoral franchise of Local Government. The General Manager’s roll enables non-resident property owners, companies and other entities owning property in a Council district to claim voting rights. If compulsory voting is introduced, will the company or the company’s nominee be responsible for failure to vote? Will the absentee landlord living outside the state or country be liable to a non-voting penalty?
− In relation of the election of Mayor and Deputy Mayor by popular election, compulsory voting carries even higher risk.

Further, a telephone survey conducted on behalf of the State Government during the review of the Local Government Act indicated that only a small majority (56%) of those surveyed supported compulsory voting.

This position was accepted by the review Steering Committee who recommended against including this matter in the amending legislation and this recommendation was accepted by the State Government.

The issue of using ballot boxes was also considered (LOST) in 2007. LGAT’s comment remains unchanged: “This proposal was considered in the early in the review of the Local Government Act 1993. The majority of Councils, the Accountability Working Group and the Review Steering Committee did not support this proposal”.

Information from the Tasmanian Electoral Office at the time demonstrated that since the introduction of universal postal voting resulted in average voter participation in Tasmania increasing from 22% to around 60%.

In the 2005 Local Government elections, voter participation by Council varied from 48.35% to 81.68%, with an average response rate of 58.52%.

The issue of all-in, all-out fixed terms for Local Government elected members was considered within the review of the Local Government Act 1993 undertaken during 2004-05 and at that time there was not widespread support, indeed there was clearly strong opposition.
Tasmanian Government Agency Comment
The electoral provisions of the Local Government Act 1993 were extensively reviewed during development of the Local Government Amendment Bill 2005. This review process was undertaken in a consultative manner with Local Government which strongly opposed the introduction of compulsory voting and ‘all-in, all-out’ elections.

In the spirit of the strong working relationship with Local Government, the State Government decided at that time that it would not proceed with proposals to introduce compulsory voting and ‘all-in, all-out’ elections for Local Government. It is not considered that there has been sufficient movement in sentiment on these issues that would warrant further consideration of these proposals, particularly given the Local Government Association of Tasmania position.

Attendance voting (at polling places) would be more costly for councils. The cost per elector of the 2006 House of Assembly election was $5.56 compared with the cost per elector of the 2007 Local Government elections of $3.39.

Further, it is expected that the 29 council elections would be more expensive than the five House of Assembly elections particularly due to the much greater number of elections (87 with mayors and deputies) and candidates (444 as against 95 for House of Assembly).

It would therefore be reasonable to assume the cost of Local Government attendance elections would be in the order of $6.80 (double the cost of postal elections).

1.3 Motion – Timing Of Local Government Elections

Hobart City Council/

That the Local Government Association of Tasmania lobby the State Government to amend the Local Government Act 1993 to enable future Local Government elections to be held during the month of August or September, so as to prevent any potential timing conflict associated with the possible scheduling of any State or Federal election.

There being no Seconder, the Motion lapsed.

Background Comment
Section 268A of the Local Government Act requires that the day on which the poll closes for an election in respect of all councils is the last Tuesday in October in any uneven year unless the Governor, by an order made under this section or section 214E:

(a) fixes another day in another month or year; or

(b) determines that an election in respect of all or specified councils is to be postponed.

Since 1946 State and Federal elections have been held in October on five occasions and in August twice. The months where State and Federal elections have been held most frequently are March (7), November (7) and December (5).

The above motion is submitted for inclusion on the agenda in an attempt to prevent any potential timing conflict associated with the possible scheduling of future State and Federal elections.

LGAT Comment
Federal Labor committed in pre-election policy statements to four-year fixed terms but there have been no further announcements on timing. The Premier announced, in his Agenda 2008, that the next election date (2010) would be the third Saturday in March and that the Government intended to legislate for fixed-four year terms.
An October Local Government Election date would therefore not clash with State elections in future.

Until the Federal Government progress this issue further there would be no benefit changing the timing of Local Government elections as there is no guarantee that such a change would avoid conflict with a Federal election.

**Tasmanian Government Agency Comment**
Currently Federal and State elections do not have fixed date elections.

The last 10 House of Assembly elections have been held in (from most recent): March, July, August, February, February, May, February, May, July, December, and April.

The last 10 House of Representatives elections were held in (from most recent): November, October, November, October, March, March, March, July, December, and March.

Tasmania is to have fixed four-year terms of Parliament under legislation to be introduced by the State Government this year. The Premier announced in March 2008 that the legislation would set the date for the next State election as 20 March 2010 and, thereafter, as the third Saturday in March every four years. Legislation is being developed.

Simply moving the date of the Local Government elections to August or September does not prevent potential timing conflict associated with the possible scheduling of a Federal election.

### 1.4 Motion – Amendment To Association Rules

**Southern Midlands Council/Launceston City Council**

That the meeting agree ‘in principle’ to amend the Rules of the Association for the Local Government Association of Tasmania to include a limit of two consecutive terms that any member, other than the President or Lord Mayor (or proxy), may serve on the General Management Committee.

That the CEO, in consultation with the General Management Committee, develop a proposal to stage the implementation of the change to ensure continuity of membership during the transition phase.

*Lost*

**Background Comment**

In reference to the Rules of the Association, and in particular Rule 21, there is no limit to the number of terms that a member on the General Management Committee may serve.

The purpose of this Motion is to introduce a limit of two consecutive terms for those members that are elected from the three electoral districts (i.e. excludes the President and Lord Mayor or proxy).

The Southern Midlands Council is of the view that restricting the term of membership would encourage an increase in the number of nominations for membership of the General Management Committee, and provide greater opportunity for broader input.

**LGAT Comment**

The ability for candidates to contest seats for the General Management Committee arises every two years. The councils in each of the three regions are to elect two people to represent them – one from members within the region having a population of over 20,000 and one from members having a population of less than 20,000.
Equal opportunity is provided to all elected members in their region to nominate for a position on the Committee. Candidature is not limited to mayors although there is a greater tendency for mayors to nominate than other elected members. The length of service of members varies but the democratic process of election by peers should of itself resolve issues of suitability and tenure. In the event that a particular representative has not been deemed to serve the region well in the context of their participation on the GMC, then the councils in that region have the capacity to replace that person at the next election.

In most cases, vacancies are contested although there have been some in recent years where the sitting member is returned unopposed. This year sees four seats being contested with the remaining three having candidates elected unopposed.

It is considered that the present arrangements provide every opportunity for participation and turnover.

2 PUBLIC POLICY - GENERAL

2.1 No Motions Received

3 ADMINISTRATION

3.1 No Motions Received
4 FINANCE

4.1 Motion – Review Of Taxes & Stamp Duty

Northern Midlands Council/Southern Midlands Council

That Councils support the motion for the Local Government Association to lobby the State Government to review the application of taxes and stamp duty associated with business transactions, e.g. payroll tax, insurance premium renewals and mortgage dealings.

Background Comment
The need to encourage economic sustainability in Tasmania is critical. The requirement for business enterprises and individuals to pay excessive taxes and stamp duty must be reviewed for our state to flourish and be at a competitive edge.

The situation of taxes being paid on taxes, as is the case in many business transactions, is unacceptable and the process must be examined to ensure that the system is fair and equitable.

LGAT Comment
Within the Federal Budget Framework the Australian Government has announced intent to review the taxation system with consideration of the three tiers of Government. Local Government will likely have opportunity to input into that review and will also, at that time, need to reflect on our own fees and charges and how they impact on economic sustainability.

Tasmanian Government Agency Comment
Tasmania currently has a very competitive taxation and general business environment. The Commonwealth Grants Commission’s 2008 Update Report has assessed Tasmania’s total tax severity in 2006-07 as being the second lowest of all states and territories. In addition, Tasmania collects less tax per capita that any other state or territory.

Also, it is important to note that the competitiveness of Tasmania’s business environment is determined by a number of factors, not just tax. When Tasmania's other strengths, such as lower labour costs and lower land values, are taken into consideration, together with the State’s competitive tax regime, the State continues to have a competitive business environment.

However, it is agreed that continual review and reassessment of the level and design of the State’s taxation system is important. The Government has taken action on both these issues.

Red tape and the regulatory burden on businesses continues to be reduced with the Government announcing it will fully harmonise Tasmania's payroll tax legislation with that of Victoria and New South Wales, effective 1 July 2008 and that it shall continue to work with all states and territories to harmonise payroll tax administration.

In addition, in line with its commitment to a competitive taxation framework, the Government has provided significant taxation relief. From 1 July 2008, the tax reforms undertaken by the State Government since 2001-02 will deliver ongoing tax relief of $170.3 million per annum to Tasmanian businesses and households. These tax cuts provide a direct benefit to Tasmanian businesses and the community and demonstrate commitment to a competitive, sustainable taxation framework that will maintain the State’s strong economic growth into the future.

The Australian Government has recently announced its intention to undertake a comprehensive review of state and territory, Local Government and Commonwealth taxes. While the details are not yet known, the Tasmanian Government is interested in having input into such a review.
However, the sources of taxation revenue available to the State Government are limited and the revenue from taxes and duties imposed on a variety of business transactions are an important source for government funding of essential services and infrastructure to the Tasmanian community. Any consideration to alter the current tax and duty arrangements must be done so in the context of wider budgetary affordability.

4.2 Motion – Drought Assistance Funding

**Southern Midlands Council/Northern Midlands Council**

That the Local Government Association of Tasmania, through the Australian Local Government Association, lobby the Australian Government to amend the guidelines for the ‘Exceptional Circumstances Drought Assistance’ Program to enable Local Government to access fund which would assist with the supply of domestic water to rural towns within drought declared areas.

Carried

That the Local Government Association of Tasmania, through the Australian Local Government Association, lobby the Australian Government to establish a separate fund which would provide subsidies to Local Government in the event that extraordinary expenses are incurred as a result of drought circumstances.

This Motion Was Withdrawn.

**Background Comment**

The Blackman River is the normal source of water for the Tunbridge township. This is supplemented by a bore supply during extended dry periods. Due to the extreme drought circumstances, and despite the introduction of strict water restrictions, for the past two years the Southern Midlands Council has been required to truck water to ensure that a domestic supply can be maintained.

In excess of $40,000 has been expended on transportation costs, which is a substantial cost burden for the Southern Midlands Council and the Tunbridge township.

The Glamorgan Spring Bay Council (GSBC) has also been required to cart water during the dry periods in 2006/2007 and the current dry period and has provided the following information:

- expended $153,512 for the period 14/2/07 – 6/7/07 which amounted to 512 loads @ 27,100 litres per load. There was a total of 13.9ml delivered to the plant which equates to 95,000 litres per day. The average cost is $11.00 per kl.

- expended $155,960 for the period 12/11/07 – 18/2/08 which amounted to 600 loads @ 27,100 litres per load. There was a total of 16.26ml delivered to the plant which equates to 135,918 litres per day. The average cost is $9.59 per kl.
LGAT Comment
In response to the drought currently gripping Tasmania, the Australian Government, in September 2007, upgraded the prima facie ‘Exceptional Circumstances Declaration to a full Exceptional Circumstances Declaration for several municipalities including Southern Midlands and Glamorgan Spring Bay. This applies to farmers and small business operators but of course does not recognise additional costs incurred by Local Government as a direct result of the drought.

The Australia Local Government Association (ALGA) recently made a submission to the Federal Government’s 2020 Summit, advocating for structural adjustment packages where there was evidence that the cost of water had increased significantly. The submission requested the involvement of Local Government as partners in the process to develop such packages.

In recognition of the changing climate, the Australian Government is conducting a comprehensive national review of drought policy through three separate assessments. In particular, the Federal Minister of Agriculture, Fisheries and Forestry, Tony Burke, has requested that the Productivity Commission undertake an economic assessment of drought support measures, and the progress of this will be discussed at the next Primary Industries Ministerial Council in November 2008.

There is likelihood that LGAT will have an opportunity to provide input to an ALGA submission to the Productivity Commission once the terms of reference have been announced.

Tasmanian Government Agency Comment
It is reasonable and appropriate to request the Australian Government to review the exceptional circumstances funding to include support for the supply of domestic water to towns, as it reflects the broader impact on drought on the community. The current exceptional circumstances support package is targeted at businesses impacted by drought, but not communities. Now is a good time to present the issue to the Australian Government as the drought policy is being reviewed by the Primary Industries Ministerial Council over the next 12 months. The Government can support this motion and is willing to take the matter up with the Australian Government, along with LGAT.

The review of the exceptional circumstances funding arrangements will look at the impact on Local Government as well as farmers. The Productivity Commission is being tasked with reviewing the effectiveness and efficiency of funding and support programs. LGAT should be encouraged to put a submission to the Productivity Commission outlining the areas it believes should be included in a future support program. The Productivity Commission will be calling for submissions in the next few months. DPIW will ensure the request for submissions is passed on to LGAT.
5 INFRASTRUCTURE AND SERVICES

5.1 Motion - Water Licenses

Glamorgan Spring Bay Council/Derwent Valley Council

That LGAT lobby the State Government through the DPIW Water Division to make uniform water licenses for both summer and winter conditions.

Carried

Background Comment
There are many different forms of water licenses throughout the State which is very confusing to all concerned including the general community, particularly for those responsible for policing the use of the water from our rivers. Those farmers with winter licenses who can take water from 1st April until 31st October have to go to the expense of providing their own storage where those with a summer license can pump from the rivers until stopped by the authorities because the rivers get so low.

Water taken through the winter months should be cheaper than the summer tariff. This policy would benefit those who have gone to the expense of providing their own storages. This in turn would give the Department better control of town water supplies in times of drought. As rainfall and river flows vary, so tariff policies would need to vary accordingly. The tariff for schemes with infrastructure provided could be adjusted on a user pays basis. Provision of storage should be encouraged.

Water is becoming one of our communities most valued assets and should be controlled in a manner which is fair for all.

LGAT Comment
Underpinning the approval of water licenses in both summer and winter is the equitable allocation of water, the protection of the rights of existing users and protection of the health of the major ecosystems that depend on that water resource.

Water licensing fee structures were introduced in 2000 and are scheduled for review in 2008. Fee structures reflect the management costs incurred by DPIW in regulating the water licensing system. The cost of managing water in winter is less than the cost of managing water in summer and these management costs are reflected in the lower cost of water license in winter than summer.

Given the increased costs associated with the management of water in summer it is unlikely that uniform water licence costs would be introduced.

Tasmanian Government Agency Comment
The water licensing fee structure was initially introduced in January 2000 following the proclamation of the Water Management Act 1999 and has been amended twice following two comprehensive public reviews of water fees in 2003 and 2005. The next review is scheduled for later this year.

The current structure of water licenses and allocations reflects the complexity of the water resources and how they are used and managed. As far as possible, the structure and conditions of water licenses are standardised, but they do need to reflect the particular circumstances of each licensee. There are also some differences between licenses due to historical factors and it would not be possible to eliminate all of these differences without significantly affecting the legal entitlements of the licensees concerned.
The fee structure reflects the actual costs incurred by DPIW in managing and regulating the State’s water licensing system. The costs recouped by the Department through the fees relate only to the private good activities undertaken to manage the State’s water resources. Such activities include the administration of the water licensing system and compliance activities to ensure licensees abide by their license conditions.

Costs are recouped based on the type of DPIW activity undertaken using a two-part fee consisting of a fixed standard administrative fee and a variable field management fee. All licensees pay the same administrative fee. The field management fee varies based on how much, where and when water is taken. This enables fees to be charged in relation to the complexity of field management activities required, for example, the costs associated with regulating water allocations for direct diversions during summer are higher than the field management of takes into storage during winter.

The benefit to Government in establishing such a fee structure is that it provides a mechanism to ensure an appropriate level of service provision occurs across the State. Licensees also benefit from such a fee structure as the charges relate directly to the type of usage and are based on the particular regulatory and monitoring requirements of the water management region. The fee structure also provides an incentive for users to increase the efficiency of their water usage.

License fees for taking water during winter are lower than for licenses to take water during the summer period. This reflects the variability in costs across the State’s eight water management regions as well as the variable costs associated with the regulation of different water taking methods. For example:

- For licenses to take water into dams during winter the field management costs are largely independent of the volume of water taken. The main field management costs are incurred in checking to see that the required flows for the environment and downstream users are being passed through the dam and that only the allowable portion of the flow is being taken into the dam. This involves checking flows above and below the dam or diversion point.

Direct diversion licenses include those that take water from a watercourse or lake by pumping or diversion into a channel for immediate use for irrigation, aquaculture, town water supply, industrial and commercial use. The field management costs are charged on a volumetric basis regardless of surety, taking into account the regulatory costs, water assessment costs and overhead costs for each water management region.

It would not be feasible to have variable tariffs based on rainfall or river flows, as suggested, as this could become extremely complex and would increase the administration costs substantially. As it is, the costs of water management tend to increase as water becomes scarcer because the number of problems and complaints increase and more effort has to be put into resolving problems and in monitoring water flows and water use. However, the fees are based on 'average' conditions as this best allows for the variability in conditions and management effort required.
5.2 Motion – One Management Structure For Fire & Ambulance Services

Amendment Motion

Burnie City Council/Central Coast Council

That the LGAT liaises with the State Government to investigate creating one management structure for the Tasmania Fire Service, the Tasmanian Ambulance Service and the SES, which will allow those services to operate from one control room and provide capacity for State-wide co-location of service; and to add to the Fire Service Levy an Ambulance Service levy, to be collected by the agency.

Amendment Was Lost

Burnie City Council/Central Coast Council

That the LGAT liaises with the State Government to investigate creating one management structure for the Tasmania Fire Service and the Tasmanian Ambulance Service, which will allow those services to operate from one control room and provide capacity for State-wide co-location of service; and to add to the Fire Service Levy an Ambulance Service levy, to be collected by the agency.

Lost

The Motion was lost
Votes for 22
Votes against 26

Background Comment
It is suggested that considerable efficiencies could be achieved by creating one management structure and co location of services and the State Government should be requested to investigate this option for the Tasmania Fire and Ambulance Services.

LGAT Comment
This is a matter that has been considered on several occasions, by several governments, over recent decades. Matters of operational difference and differing strategic directions have resulted in minor structural adjustments from time to time but not a conclusive one-stop shop for emergency services. From an external viewpoint there would appear merit in amalgamating functions but clearly this is a decision for the State Government in terms of relative priorities and the strategic significance it sees in managing its operations.

Tasmanian Government Agency Comment
Few other states have achieved the level of close cooperation between fire and ambulance that has been achieved in Tasmania. However, the ambulance service is first and foremost a health service which deals with a range of medical emergencies and specialised health transports including emergency road ambulance transport and medical retrieval and inter-hospital transfers of critical patients. Ambulance paramedics are highly trained health professionals.

Most states have placed the ambulance service in the health portfolio because of the strong health focus in both ambulance provision and ambulance education and this is the case in New South Wales, Victoria, Western Australia, South Australia and the Northern Territory. The most recent state to review its ambulance structural arrangements was South Australia which also moved the ambulance service in the health portfolio.
Tasmania did have a short period in the early 1990’s when Police, Fire and Ambulance were in the one agency but we moved away from this approach but have continued to work together to achieve cost effective service provisions.

The ambulance service is not a stand alone entity such as the Tasmania Fire Service but rather it is a fully integrated part of the Department of Health and Human Services. The Department provides the Tasmanian Ambulance Service with a range of support services including finance, payroll and other human resource functions and systems, computer and IT support, records management and other support services. There are benefits of economies of scale with infrastructure and support costs through this integration of ambulance into the Department of Health and Human Services. There are much closer links between the fire and ambulance services in Tasmania than in other states and some examples of this are:

- Numerous collated fire and ambulance stations including Devonport, Wynyard, four of Hobart’s response locations (Kingston, Glenorchy, Mornington and Bridgewater) and also shared rural stations at Avoca, Dunalley and Bruny Island.
- The Chief Executive Office of the Tasmanian Ambulance Service has his office base in a Tasmania Fire Service building in Hobart.
- The ambulance service shares a radio and paging network with the fire service which develops and maintains the shared network.
- Tasmania Fire Service provides other support services to the ambulance service including commissioning and decommissioning ambulance vehicles and maintaining some stretchers.
- The fire services’ classrooms are also used for some residential ambulance courses.

The Tasmanian Ambulance Service has adopted a range of co-location strategies (not just with fire) to ensure cost effective services are provided to the community. Apart from the collocated stations shared with the fire service there are many collocated stations with hospitals or health facilities (such as at Latrobe, Campbell Town, Scottsdale, Queenstown, George Town, New Norfolk, Deloraine, Bothwell, Dover and Oatlands) and others collocated with SES (Sheffield, Nubeena, Flinders Island and Swansea) and some with Police. Recently the government opened a joint fire, SES and ambulance facility at Bruny Island. The emergency services have adopted these collocated station options wherever there are benefits in terms of capital or recurrent costs or response effectiveness.

In late 2006 the Tasmanian Ambulance Service also transferred its responsibility for road rescue provision in urban areas to Tasmania Fire Service and this is another example of the two services working together to deliver effective and efficient services to the public.

In the area of communications there is the long term potential of having shared control rooms (but only after considerable capital investment) but in the short and medium term the communications synergies are limited to shared radio and paging dispatch systems. The two services operate on different computer aided dispatch systems with the ambulance system featuring software to determine the various health risks of numerous requests for ambulance response and guide provision of life saving pre-arrival advice while an ambulance is on its way. The fire system has linkage to fire hazards and weather information and building alarm systems while the ambulance system has strong linkages with hospitals, GPs, health facilities and expert advice on drugs, health conditions and other clinical considerations.

Another issue for consideration in future planning for shared communications is the different work load patterns with the Tasmanian Ambulance Service responding to over 60,000 cases each year while the fire service has a considerably lower response volume but it needs a large surge capacity to manage, direct and control a large number of resources for a large scale bush fire.
In terms of future financial arrangements the government is reviewing options to place the ambulance service on a sustainable footing in the face of rising demand for emergency ambulance services. This is also in recognition of the fact that Tasmania is the only jurisdiction where the general public does not make a contribution to the cost of ambulance services by either user charges, subscription schemes or a compulsory levy.

The Government is currently developing terms of reference for a review of the Fire Service Levy collection system and the Tasmanian Fire Service funding model, and arrangements for sustainable funding of the Tasmanian Ambulance will be considered in parallel with this review.

In summary the ambulance and fire services work very closely together (including sharing infrastructure where relevant) where there are demonstrable benefits to the community, but government feels the ambulance services linkages with the health system are the most important for organisational alignment.

6 PLANNING AND DEVELOPMENT

6.1 Motion – Planning Infringements *

**Clarence City Council/Central Highlands Council**

That the State Government be called upon to create the necessary legislative mechanisms to enable planning authorities to issue planning infringements for non compliance with planning schemes and planning permit conditions including a scale of penalties which are commensurate with the seriousness of a breach.

*Carried*

**Background Comment**

In summary LUPAA provides for enforcement of planning schemes and permit provisions via enforcement action to the Resource Planning and Appeals Tribunal.

The Tribunal may issue orders, which if not complied with, only then become an offence which is then actioned through further civil action (instigated by the Planning Authority) in the Magistrates Court.

Unlike the provisions for planning enforcement in other state jurisdictions and the Tasmanian Building Act, LUPAA does not provide for on the spot infringement penalties for non compliance with planning permits.

The current enforcement mechanism (being a 2 stage process) is extremely costly and time consuming given their formalised processes. There are no guarantees that the Magistrates Court will expedite the outcomes of an order (eg in the one recent case Council was obliged to take an offence back on 3 separate occasions before the illegal use ceased).

At **Attachment to Item 6.1** is a copy of information from the Better Planning Outcomes Response Report.
LGAT Comment
Local Government has for a number of years been requesting that enforcement provisions of LUPAA be strengthened. When raised previously with State Government, the response has been that the matter would be dealt with through the Better Planning Outcomes process. This process has been underway a number of years now and so the delay is significant and this is no longer a tenable response.

Councils are aware of their responsibility to enforce planning schemes but are hamstrung by the mechanisms currently available. The issue of infringement notices would greatly increase Councils’ ability to deal with breaches of LUPA as they are more effective in terms of costs and time than the other mechanisms available.

LGAT last provided substantive comment on this issue through the March 2007 submission on the Land Use Planning and Approval Amendments Bill 2007 and through a letter to Minister Kons on 4 May 2007. At that time LGAT commented:

“Local Government considers it unacceptable that the issue of enforcement, which has been raised with the State Government a number of times over recent years, is not being addressed in this Bill.

Given that one specific aspect of law enforcement has been addressed in detail, i.e. illegal signage, and that it has been possible to add new matters to the Bills since LGAT’s original response, it is difficult to understand why this had not been possible. There are provisions in other legislation that could be used as a model. Assurances at the workshop that the issue of enforcement of LUPPA will be addressed in the future are cold comfort.”

In June 2007 LGAT received correspondence from Minister Kons which stated that additional matters would not be considered prior to the Amendment Bill being considered by Parliament. However he flagged that there was intention to initiate further reform involving legislative change including introduction of an improved enforcement regime and that Local Government would be approached for feedback in due course.

It is unclear at this stage what impact a change of Minister, and a number of significant projects requiring Land Use Planning resources, will have on that commitment.

LGAT confirm this remains a high priority for Local Government.

Tasmanian Government Agency Comment
The Department of Justice (DOJ) strongly supports the need for the introduction of a contemporary enforcement regime in the planning system as proposed by the Better Planning Outcomes Steering Committee in its report dated November 2003.

The Department has commenced work on the development of a new enforcement regime, but unfortunately due to reprioritisation of the staff resources into the Regional Planning Initiatives (which are currently being conducted with Local Government), it has not progressed beyond a preliminary outline of legislative provisions.

However, DOJ realises the importance of updated enforcement provisions and this remains a priority. As soon as resources become available, the DOJ will resume the work of the package of enforcement measures which is intended to include provisions that will allow for the issue of infringement notices.
6.2 Motion – LUPAA – Prevention of Multi Planning Applications

Central Coast Council/Central Highlands Council

That the Local Government Association of Tasmania investigate and obtain advice in seeking to review and amend the provisions of the *Land Use Planning and Approvals Act 1993* to prevent multi planning applications being made on the same parcel of land for the same or similar use and development until the first application has been determined by the planning authority.

Lost

**Background Comment**

Planning approval is required if a person proposes to undertake development, or change the use to which they are putting their land. Planning approval is obtained by seeking a planning permit from the local planning authority. A planning permit means any permit, approval or consent required by a planning scheme or special planning order to be issued or given by a planning authority for a use or development.

Any proposed use or development should be checked against the planning scheme to determine whether a planning permit is required.

If a permit is required, the applicant will need to determine which category applies to the proposed development. Division 2 of Part 4 of the *Land Use Planning and Approvals Act 1993* (LUPAA) establishes the process for lodging a planning permit application under an existing planning scheme.

LUPAA is silent on the issue of multiple planning applications being submitted for a property at the same time. It is understood from informal legal advice to this Council that the practice is legally permitted under the Act.

There is merit in the motion as LUPAA is currently silent on the matter and it would be advantageous to have some certainty.

Over the last few years this Council has received concurrent planning applications on various sites within the municipal area on numerous occasions.

The practice of submitting multiple, similar applications at the same time serves only to add confusion and duplication of effort to the land-use planning assessment process. This Council has received and processed multiple concurrent applications on various sites which have severely stretched our planning resources, both physically and financially.

While applications for a permitted use take minimal staff resources to process, discretionary applications take very many hours before coming to the Council. Any subsequent appeal requires additional hours in preparation and tribunal attendance.

This Council fully encourages and supports development and it is not intended that the proposed change be an impediment to development. Rather, it is considered that this change would benefit development as it would ensure that the planning assessment processes of councils are as efficient and effective as possible.

The present system is an impost and flies in the face of the aim of providing for effective land-use planning and control.
LGAT Comment
It is LGAT’s understanding that the practice of submitting multiple applications is common, if not frequent. The benefit sits with the applicant/developer in that it shortens subsequent timeframes if representations are made against the development and the first application is likely to go to appeal.

While it does result in a double up of notifications and some other administrative elements, councils do receive multiple fees which would aid in meeting resourcing costs. Generally only a single assessment is required.

It could be presumed that multiple applications are more easily subsumed within the workloads of larger councils as compared to smaller councils and consequently there may be some merit in the motion. However LGAT feels that such an amendment is unlikely to receive support from State Government who may be lobbied vigorously by developers in relation to this, particularly if this is not an issue for all councils.

Tasmanian Government Agency Comment
While acknowledging the inconvenience and extra workload for planning staff, it is considered that preventing the submission of multiple planning applications for the same site at the same time is inequitable. For example, a development site may be considered by two or more parties, each who wishes to obtain planning approval for their proposal before committing to a lease or purchase agreement.

The extra cost of assessing multiple applications can be recouped by the Council through the imposition of assessment fees.

6.3 Motion – LUPAA – Review Of Delegation Powers

King Island Council/Central Highlands Council

That LGAT request the State Government to review the delegation powers in s6 of the Land Use Planning and Approvals Act 1993, with the aim of the powers, provided to the planning authority, to be consistent with the delegation powers in the Local Government Act 1993.

Carried

Background Comment
The Local Government Act 1993 clearly distinguishes the separation of delegation powers of Council to the General Manager in s22 with the General Manager given delegation powers to employees in s64. This methodology is consistent with the general principles of the Act, in that the Council appoint the General Manager who in turn appoints employees and allocates them duties.

The delegation powers provided to the planning authority (Council) in the Land Use Planning and Approvals Act 1993 is inconsistent with this methodology with s6(3) only allowing the planning authority to delegation to a person employed by the authority. Therefore the only way a planning authority can delegate to an officer is directly to the individual, a principle that is inconsistent with the methodology that has been established in the Local Government Act.
LGAT Comment
LGAT raised this issue with the Department of Justice as part of the consultation for the Land Use Planning and Approvals Amendment Bill 2006, in January 2007 as one of three additions Councils were keen to see progressed. It was further raised in the submission made in March 2007.

LUPPA provides for a planning authority to delegate any functions or powers to a person employed by the authority and many Councils do this. A number of Councils also delegate to council committees by virtue of the Local Government Act 1993 (Sections 22 and 23).

A number of Councils had sought legal advice on the validity of such delegation and conflicting advice was received.

Local Government are keen to ensure that the ability to delegate planning authority functions and powers to a council committee and that planning decisions made by council committees in the past cannot be challenged.

LGAT recently raised this issue again informally with the Land Use Planning Department. Peter Fisher, State Planning Advisor, advised that a decision had been taken not to amend the legislation unless there was a court decision against the power to delegate to committees. There is currently a case before the Full Bench on this issue. If the decision goes against the use of Committees, legislative amendments will be made.

Tasmanian Government Agency Comment
The Department of Justice (DOJ) has received legal advice to the effect that councils have the power to delegate their functions or powers to committees under section 6 of the Land Use Planning and Approvals Act 1993.

The Department is aware however, that this issue is before the full bench of the Supreme Court of Tasmania. If the decision of the Court differs from current legal advice, a decision on what action needs to be taken will be made in consultation with LGAT.
6.4 Motion – Notification Of Planning & Works Applications

Hobart City Council/Clarence City Council

That the Local Government Association of Tasmania request the State Government to amend the Land Use Planning and Approvals Act 1993 and the Historic Cultural Heritage Act 1995 to prohibit public notification of planning and works applications during the Easter period, between the Thursday prior and the Tuesday after, and over the Christmas/New Year period commencing that last working day prior to Christmas, or a sufficient time to allow for a weekend notification date, until January 15, and that the consideration period for both the planning authorities and the Tasmanian Heritage Council be extended to account for this prohibition.

AMENDMENT MOTION

Hobart City Council/Clarence City Council

That the words ‘with a commensurate extension of the maximum 42 day period’ be added.

Carried

Hobart City Council/Clarence City Council

That the Local Government Association of Tasmania request the State Government to amend the Land Use Planning and Approvals Act 1993 and the Historic Cultural Heritage Act 1995 to prohibit public notification of planning and works applications during the Easter period, between the Thursday prior and the Tuesday after, and over the Christmas/New Year period commencing that last working day prior to Christmas, or a sufficient time to allow for a weekend notification date, until January 15, and that the consideration period for both the planning authorities and the Tasmanian Heritage Council be extended to account for this prohibition, with a commensurate extension of the maximum 42 day period.

Carried

Background Comment

The Christmas/New Year and Easter holiday periods are often associated with people taking the opportunity to travel and be away from their normal residence. Residents that do travel during this period will therefore miss any planning applications advertised. The consequence is that people could feel disenfranchised from the assessment process which is clearly contrary to the objectives of the Land Use Planning and Approvals Act 1993.

The outcome sought from this motion is to legislate to prohibit the notification of planning and works applications just prior, during and just after these public holiday periods and for the statutory consideration periods to be extended accordingly. The modest delay in considering planning and works application as a result of this initiative should not be a significant impost and subject to a suitable notification/education campaign, residents and developers can be appropriately informed.
LGAT Comment
In early 2007 LGAT undertook significant consultation in relation to proposed amendments to the Land Use Planning and Approvals Act (LUPAA) which included dialogue on notification periods, particularly in relation to public holidays. In making comment re LUPAA, LGAT stated that for the sake of consistency and simplicity the reckoning of time should be the same for all time periods in LUPAA. If this is not possible, it should at least apply in situations where the occurrence of public holidays affects the public’s rights of a planning authorities ability to meet timeframes.

There was subsequent amendment to LUPAA which allows the following:
- If the time period specified includes any days on which the office of the planning authority is closed during normal business hours in that part of the State where the land subject (to the application for a permit is situated), that period is to be extended by the number of those days.

The issue of Easter and Christmas holiday periods outside public holidays was not raised by Councils in the last consultation and it is LGAT’s view that this would work against the principles of consistency and simplicity. LGAT notes however that there is not consistency between LUPPA and the Historic Cultural Heritage Act 1995 in relation to public holidays and feels there is potential, through the current consultation in relation to review of that Act, to ensure alignment.

Tasmanian Government Agency Comment
The Land Use Planning and Approvals Act 1993 (LUPAA) was amended last year to provide for extra days of public notification where the notification period falls over a public holiday. Large number of residents also travel at other times of the year (such as during school holiday breaks) and the amendments are considered a good balance between allowing the opportunity for public comment, and providing certainty and equity for those wishing to obtain planning approvals throughout the year.

The Department of Environment, Parks, Heritage and the Arts and the Tasmanian Heritage Council support the LUPAA amendment and are prepared to bring the Historic Cultural Heritage Act 1995 into line with LUPAA during 2008 if this is required.
7 ENVIRONMENT

7.1 Motion – Cloud Seeding

Northern Midlands Council/West Coast Council

That Councils support the motion that Hydro Tasmania extend cloud seeding flights over non Hydro catchment areas such as the Meander, Macquarie, South Esk, Clyde, the Derwent and East Coast catchments.

Carried

Northern Midlands Council/West Coast Council

That Councils support the motion that the cloud seeding program be on-going, as an extended period is necessary to obtain any long term benefits.

Carried

Northern Midlands Council/West Coast Council

The Local Government Association of Tasmania request the State Government undertake an independent report on cloud seeding in Tasmania.

Carried

Background Comment

The agricultural industry continues to face extremely difficult periods with drought weather conditions expected to continue. With cloud seeding being targeted in catchment areas, it is essential the Hydro Tasmania provide assistance to the rural industry by extending its cloud seed flights to seed over “non-Hydro catchment areas”.

Cloud seeding enables Hydro Tasmania to increase the amount of rainfall from existing clouds into its catchments thereby boosting the amount of water available to meet the states energy demands.

With an independent study being undertaken on the impact of cloud seeding on the west coast, it is also suggested that in order to gain a statewide perspective, the LGAT and the Tasmanian Government undertake a study on cloud seeding in Tasmania.

LGAT Comment

Cloud seeding is a technique for increasing rainfall or precipitation using naturally occurring clouds.

CSIRO has shown that in Australia cloud seeding is effective only in a limited number of weather conditions. Cloud seeding will never break droughts; cloudless skies will never produce rain. In fact, many types of clouds cannot be successfully seeded. Cloud seeding is most likely to be effective when used on cumulus or stratiform clouds in air forced up over mountains. In Tasmania the cloud seeding season is from the beginning of April until the end of November.

Hydro Tasmania seeds over six catchment areas these are Upper Pieman, Mersey Forth, Great Lake, Upper Derwent, King and Gordon.
Climatological analysis reveals a substantial decline in rainfall over the Southern Midlands and Upper Derwent Valley during the past decade and decline in winter rainfall has resulted in a critical reduction in groundwater and storage dams on farms. Although extended periods of below average rainfall in Tasmanian agricultural district are part of natural climatological cycles there has been a detectable decline in winter rainfall in the parts of the state over the 100 years of record availability.

Hydro Tasmania is unlikely to extend existing cloud seeding programs beyond Hydro catchments and storage lakes without extensive research into the viability of extending their existing programs. Parts of eastern Tasmanian and the midlands including the Meander, Macquarie, South Esk, Clyde and east Coast Catchments (with the exception of the North Esk) are located in a significant “rain shadow” and as such do not reliably produce the climatological conditions conducive to successful cloud seeding.

**Tasmanian Government Agency Comment**
The Hydro has committed to undertake cloud seeding activities over agriculture areas as the plane travels to and from the areas being targeted by the Hydro for generation purposes. Such cloud seeding will occur if the clouds over the areas are suitable for seeding, and the conditions appropriate.

There are no plans to undertake specific cloud seeding activities for agriculture.

The Government has no plans to undertake a review of the likely effectiveness of cloud seeding for agricultural purposes.

### 7.2 Motion – Dry Crop Testing

**Sorell Council/Central Highlands Council**

That the LGAT requests the State Government give additional financial assistance to the University of Tasmania to undertake “dry crop” testing on land in low rainfall areas of Tasmania.

Carried

**Background Comment**
The purpose of this motion is an attempt to overcome the worsening situation facing our farming communities in drought affected areas of the State.

It may now be necessary to deviate from current farming practices in order to keep our fertile farmland viable.

To work with what we have (low rainfall areas) may be the only economical option available in the short to medium term.

There would be farmers willing to participate in “dry crop” testing and the initiative could have the potential to introduce new crops into Tasmania. Crops grown for fuel is but one possible market.

Farmers are increasingly placing pressure on Councils to subdivide what was once productive agricultural land.

We cannot afford to lose our valuable farming properties to residential zoning.
LGAT Comment
Given current climatic variation the examination of alternative agricultural techniques such as dry crop testing on low rainfall areas of Tasmania is valuable. Consideration needs to be given to soil types, changing water regimes, water supply, the size of agricultural holdings and the pressure on these holdings from encroaching urban development.

The Tasmanian Institute of Agricultural Research (TIAR), in collaboration with CSIRO Sustainable Ecosystems and the Birchip Cropping Group (Vic), is currently in the final stages of negotiating with the Grains Research and Development Corporation for a 5-year project that is due to start in July this year. This project will undertake crop trials in four regions of the state, including the Coal River Valley at the University's "Cambridge Farm". The emphasis will be on working with farmers to improve water-use efficiency and management of crops such as cereals, poppies and peas grown under dryland and irrigated conditions.

Additional research needs to be driven by commercial interests. The Tasmanian Farmers & Graziers Association (TFGA) is the leading representation for Tasmanian primary producers. The TFGA is responsible for advancing the development of Tasmanian Primary Industries and as such is the most appropriate body with regard to the influencing funding decisions for the development and growth of profitable agricultural industries.

Tasmanian Government Agency Comment
There is an existing program run by the Tasmanian Institute of Agricultural Research (TIAR) which is looking at developing pasture species that are drought tolerant. TIAR is also developing a climate change adaptation program which should see increased capacity in collaborative projects in these areas. However, the direct extension of this program would require additional funds. These funds are currently not available and hence the Government is not in a position to support the motion.
8 PUBLIC HEALTH & NUISANCE

8.1 Motion – Controlled Use Of Greywater

Glamorgan Spring Bay Council/Central Highlands Council
That LGAT request the State Government, as a matter of urgency, to amend legislation to allow controlled use of greywater especially in regard to the domestic situation.

Amendment Motion

Hobart City Council/Kingborough Council

That the motion include -
To consider the latest research in the reuse of greywater and provide proposals and discussion papers in relation to the establishment of uniform statewide controls for grey water reuse in Tasmania for the consideration of Local Government.

Carried

Glamorgan Spring Bay Council/Central Highlands Council

That LGAT request the State Government, as a matter of urgency, to amend legislation to allow controlled use of greywater especially in regard to the domestic situation and to consider the latest research in the reuse of greywater and provide proposals and discussion papers in relation to the establishment of uniform statewide controls for grey water reuse in Tasmania for the consideration of Local Government.

Carried

Background Comment
(1) There is a general acceptance that climate change is occurring, creating a reduced rainfall in many areas which in turn means there is an increased pressure on available water in those areas. Present legislation does not allow for the use of grey water in sewered areas therefore people need to use potable water to water their gardens and/or when severe water restrictions apply they just have to watch their gardens die, or choose to break the law.

(2) If the use of grey water was permitted it would take the pressure of waterways in times of drought as households could use stored grey water to keep there gardens alive etc., rather than drawing on the town's storage. This would also reduce energy use as the water would be on site.

(3) For many people gardens are important to their well being both physically and mentally and to watch their gardens deteriorate in times of water restrictions effects them greatly.

(4) Even though it is illegal to use grey water, many people use it and will continue to do so, particularly in times of water restrictions, however if it was legal to use grey water the Government could set guidelines/conditions for its use an thus householders would be aware of the health/environmental risks and what measures they must take to alleviate the risks.

Copy of information from ABC Stateline Tasmania is at Attachment to Item 8.1.
LGAT Comment
There would appear merit in seeking from the State Government an investigation into the practicalities, limitations and obstacles of allowing the re-use of grey water. An admission from the Director of the Environment in the attachment indicates an air of inevitability in terms of national consistency and it may be appropriate therefore to precipitate such action at this time.

Tasmanian Government Agency Comment
While a case can be made for grey water recycling, precautions must be taken to ensure that grey water reuse is not causing environmental harm or risks to public health. The smaller lot sizes found in sewered areas introduce an added level of complexity in dealing with these issues. The potential for cross-connection between grey water reuse systems and potable water supplies is also a significant management issue. Widespread grey water recycling may also impact on sewer performance by reducing flows below design levels. Low flows may produce odours from stale sewage or result in pipe blockages and overflows.

The policy position with respect to grey water recycling in Tasmania is shared by three Agencies: the Department of Environment, Parks, Heritage and the Arts (DEPHA); the Department of Health and Human Services and the Department of Justice.

DEPHA has responsibility for the *Environmental Management and Pollution Control Act 1994* and the *Sewers and Drains Act 1954* (the Act). The Department of Health and Human Services has responsibility for the *Public Health Act 1997* and Department of Justice (Workplace Standards) simply specifies the technical requirements to meet the policy position. In particular these are to be found in the *Building Act 2000*, and the Tasmanian Plumbing Code.

Tasmania does not have legislation or codes covering grey water in particular. Grey water is considered to be sewage for the purposes of the Act. While the Act wasn't developed with grey water reuse in mind and does not reflect contemporary recycling standards, it does not make it illegal to use grey water in sewered areas.

Under the Act, councils have the power to require a property to connect to sewer (Part VIII - Drainage of Buildings sections 50, 51 & 51A). Typically councils exercise this power requiring people in sewered areas to divert all household wastewater to sewer.

Any changes to the legislation will need to reflect contemporary society’s move towards an integrated water management approach utilising all sources of water. In addition, changes to the legislation will also need to be consistent with the strategic directions outlined by the current Tasmanian water and sewerage review. New legislation being developed as a consequence of the reform will have a bearing on a future review of the Act.

In un-sewered areas in Tasmania, grey water reuse is permitted providing the water is treated by an accredited on-site wastewater treatment system and a special connection permit is issued by council.

The Department of Environment, Parks, Heritage and the Arts has worked at a national level with other jurisdictions to produce the 2006 document *National Guidelines for Water Recycling: Managing Health and Environmental Risks*. This presents risk-based guidelines for the use of recycled wastewater, including grey water, with the express purpose of increasing the re-use of wastewater.

Currently for householders, water tanks to collect rainfall may be a better method of water conservation without the associated environmental and public health issues.
8.2 Motion – Animal Waste on Roads

**Burnie City Council/Central Coast Council**

That the LGAT requests the State Government to investigate ways of regulating the deposit of animal waste from trucks onto roads.

**Lost**

**Background Comment**

That the LGAT requests the State Government to investigate ways of regulating the deposit of animal waste from trucks onto roads.

**LGAT Comment**

This matter is regulated as explained by DIER. LGAT sees no role for itself in further lobbying given that legal obligations of animal transporters are in place and transport inspectors are monitoring this matter.

**Tasmanian Government Agency Comment**

The loss of animal waste from a vehicle is not specifically mentioned in traffic law but is generically covered as a load. Loads or parts of loads that fall from vehicles are currently dealt with by the *Vehicle and Traffic (Vehicle Operations) Regulations 2001*, regulation 27.

The requirement to clean up anything that falls from a vehicle on to a road is currently dealt with by the *Traffic (Road Rules) Regulations 1999*, regulation 293.

The containment of animal waste in or on a vehicle can be difficult because of the design of the vehicle. Some modern vehicles are fitted with waste catchment tanks. Modifying vehicles to better contain animal waste would come at significant cost to operators.

Complaints are received infrequently however, animal waste complaints with the potential for a significant impact on road safety, are dealt with by transport inspectors under the existing regulations. Operators involved are advised of their legal obligation to contain the load on their vehicles.

The Department of Infrastructure, Energy and Resources considers that the existing regulation makes it illegal for animal waste to be allowed to fall from trucks onto the road and therefore no further regulations are warranted.
8.3 Motion – Rubber From Truck Tyres On Roads

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<tr>
<th>Burnie City Council/Northern Midlands Council</th>
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<tr>
<td>That the LGAT requests the State Government to investigate ways of regulating types of tyres to be used on trucks to limit the deposit of rubber from truck tyres on roads.</td>
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**Tasmanian Comment**
Tasmanian roads, especially the major highways which are the busiest truck routes, are routinely littered by the deposit of rubber from trucks whose tyres have burst. This rubber then lays on the highways and there appears to be no means of ensuring it is removed. It is suggested that the State Government investigate whether there are preferred options for tyre types that can be regulated.

**Tasmanian Government Agency Comment**
There are Australian Design Rules which specify tyre and rim requirements for motor vehicles, and Australian Standards for the retreading of tyres.

These requirements specify such things as size and construction, physical dimensions, resistance to bead unseating, strength, endurance, speed and load rating and labeling. In addition, the Vehicle and Traffic (Vehicle Standards) Regulations 2001 specify wheel and tyre size and capacity, carcass construction, minimum tread depth, maximum operating pressure and manufacturers’ rating. Tyre defects are also prohibited.

Transport inspectors regularly check heavy vehicles for roadworthiness and issue defect notices and traffic infringement notices when a non-compliant tyre is found.

Under DIER’s new maintenance contracts that are due to commence in July 2008, the contractor is required to inspect all major highways at least twice per week and other State roads at least once per week.

Any items that are deemed hazardous to vehicles or pedestrians, whether initially identified by the contractor or brought to its attention through other means, are required to be removed within one to two hours of notification depending on location.

The contractor is allowed three to seven days from time of identification to pick up non-hazardous but obvious and unsightly debris.

Periodic cleanups are also programmed at frequencies of between fortnightly to annually, depending on location, with the major highways and more built-up areas receiving greater attention.

The Department of Infrastructure, Energy and Resources considers that as the types of tyres used on heavy vehicles must already comply with the Australian Design Rules, Australian Standards and the Vehicle and Traffic (Vehicle Standards) Regulations 2001 no further regulations are necessary.
9 **ANIMAL CONTROL**

No Motions Received

10 **COMMUNITY & SOCIAL DEVELOPMENT**

10.1 **Motion – Impacts of Gaming Machines**

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<tr>
<th>Brighton Council/Glenorchy City Council</th>
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<td>1. That the LGAT express to the Commonwealth and State Governments the concern of Local Government about the on-going social and economic impacts of electronic gaming machines in our communities.</td>
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<tr>
<td>2. That the LGAT requests feedback from both levels of Government on programs to mitigate the negative social and economic impacts of electronic gaming machines in our communities.</td>
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</tbody>
</table>

**Carried**

**Background Comment**
At both the 1997 and 1998 Annual General Conferences of the LGAT the Brighton Council successfully received the support of member councils for the LGAT to write to the Premier seeking the same study to be done. The Premier, in response wrote to the LGAT and advised his government intended to commission a study in late 1998, to determine the impact on problem gambling of the introduction of gaming machines into clubs and hotels.

In 1999 Council wrote to all Councils, State Government and LGAT seeking support to directly lobby the State Labour Government to immediately institute, by way of tender, an independent “Social and Economic Impact Study into the effects of the introduction of electronic gaming machines to hotels and clubs”.

Council is now seeking support from LGAT to express to the Commonwealth and State Governments the concern of Local Government about the on-going social and economic impacts of electronic gaming machines in our communities and that we seek feedback from both levels of Government on programs to mitigate the negative social and economic impacts that electronic gaming machines are having on our communities.

**LGAT Comment**
In 2001 LGAT made a submission, on behalf of Councils to the Legislative Council Select Committee on the Impacts of Gaming Machines. That submission summarised a number of successful motions and stated:

> “Local Government has been concerned for some time that the harmful social and economic impacts of gaming machines have not been fully recognised and are likely to become greater as the number of machines and outlets for gaming activities increases. In particular, concerns have been expressed at the effect electronic gaming activities in hotels and clubs is having on families and small business in rural and regional communities”.
The 2005 Anglicare Report “House of Cards” details the substantial increase in spending on gambling and estimates that between 18,000 and 33,000 people in Tasmania are affected by gambling problems. That report, which predated Betfair, stated that “in Tasmania, there are 105 hotels and clubs with gaming facilities; 122 TOTE facilities (31 retail and 91 in hotels) and 14 race tracks with totalisator and sports betting facilities; 16 licensed bookmakers; 2 casinos; and approximately 80 Tattersalls venues (mostly supermarkets and newsagencies) that offer a range of lottery-style games and sports betting that are regulated through their license in Victoria.”.

The Productivity Commission in 1999 found evidence of a concentration of gaming machines in lower socio-economic areas and an inverse relationship between a region’s income and the total amount spent on gaming machines.

By virtue of the Local Government Act 1993, Section 20, Councils are given the function, interalia, of providing for the health, safety and welfare of the community in their municipal area. Councils have to address more and more the social issues within their communities and to put in place programs and initiatives to assist and support the well being of their communities. Undertaking this exercise against the backdrop of increased gaming activity and without the express knowledge of the impacts that this activity is having on the local community makes it more difficult for Councils to respond locally.

Local Government acknowledges that the benefits to the State Government from gambling revenue are considerable and that these in turn are returned to the community. It is also acknowledged that various interest groups such as gambling machine manufacturers, license holders, investors and hotel and club owners are a formidable political influence on governments.

Local Government does not consider that it is appropriate to argue that gaming machines are just one form of gambling and that if they are not there, some other form will be found. Clearly the ease of access and use of these machines is a major reason for their increasing popularity. State Government produced literature raises the issue of the increasing opportunities to gamble and the worrying number of young people with gambling problems.

Tasmanian Government Agency Comment
Under section 151(5) of the Gaming Control Act 1993, the Treasurer is to cause an independent review of the social and economic impacts of gambling in Tasmania. This requirement was introduced on 24 November 2005 as part of the Gaming Control Amendment (Betting Exchanges) Act 2005, with the first study being required to be completed by no later than 24 November 2008.

The terms of reference were finalised after consultation with key stakeholders such as the Australian Hotels Association, TasCOSS and Anglicare and released on 20 December 2007. The terms of reference for the first study are as follows:

- establish a framework and methodology to enable the research to be repeated and used for longitudinal analysis;
- quantify and assess the broad social impacts of gambling in Tasmania;
- analyse the economic impacts of gambling in Tasmania and quantify the financial impacts upon State and Local Government, as well as an assessment of its effect upon tourism, recreation, economic development and employment; and
- identify the incidence of problem gambling in Tasmania and analyse that in comparison with other states and territories.
In completing the study, it is a requirement that:

− consultation with stakeholders, including calling for written submissions, be undertaken during the study;
− the national definition of problem gambling is to be used;
− estimates of gambling prevalence are to be comparable with the previous Tasmanian Gambling Prevalence Study (2005) using the nationally agreed gambling screen, ‘the Canadian Problem Gambling Index’; and
− the draft report is to be subject to independent peer review before it is finalised.

The South Australian Centre for Economic Studies (SACES) is currently undertaking the study. There has been a four-month delay in the release of national gambling data which was released in mid-January. Accordingly, SACES requested an extension of time to complete the study, which is due to be finalised shortly.

While aspects of the report have been delayed, the components of the study which are now complete include:

− the prevalence study component,
− the section on gambling and crime,
− the comparison of Tasmania with other jurisdictions, including structure, legislation, social costs, harm minimisation strategies and literature on social costs, and
− analysis and summary of the public submissions (several stakeholder were asked to provide further information and this has been returned to the centre).

When the study is completed it will provide the basis for an understanding of the qualitative and quantitative social and economic impacts of electronic gaming machines in Tasmania. On the basis of that informed understanding, the Government can then identify the strategies that currently mitigate any negative social and economic impacts from electronic gaming machines as well as identify strategies that need to be established (if any) to mitigate any negative social and economic impacts from electronic gaming machines.

In the meantime, the Tasmanian Gaming Commission (as the regulator of gaming in Tasmania) oversees a number of harm minimisation and player protection measures currently in operation in Tasmania in relation to electronic gaming machines, including:

− a total cap on the number of gaming machines in Tasmania (3680);
− caps on the numbers of electronic gaming machines allowed in venues (2500 total in hotels and clubs; no more than 30 in each hotel and no more than 40 in each club);
− an exclusion scheme exists for problem gamblers;
− no ATMs in or near a gambling venue (there are special provisions for the casinos);
− a return to player on all gaming machines in Tasmania legislated at a minimum 85 per cent
− scrutiny of every item of gaming equipment and all games and approval by Gaming Commission officers; and
− regular inspector visits to venues and enforcing gaming regulations.
10.2 Motion – Pensioner Rate Remissions Eligibility Criteria

Launceston City Council/Circular Head Council

That LGAT lobbies the State Government to make changes to the eligibility criteria for pensioners under the Local Government (Rates & Charges Remissions) Act 1991 so that pensioner residents of retirement villages can still receive a State Government remission from their rates.

Carried

Background Comment
Nationally the tenure structure for many retirement villages is on a loan-for-lease formula; where the residents sell their home and "buy" a villa for full market price. When they leave they get the full amount refunded (interest free) plus capital appreciation, less exit fees.

The residents do not legally own the property as the title is not transferred into their name. As a resident they are also required to pay a share of all expenses such as rates, power, phone, food etc.

In accordance with the Local Government (Rates & Charges Remissions) Act 1991, pensioners living in retirement villages under such a tenure structure are not entitled to receive a remission from the amount of rates that they pay as they do not technically own the property. Given that they were entitled to a remission from their rates when they lived in a private residence it is not equitable that they are now expected to pay full rates and charges.

LGAT Comment
LGAT does not envisage a way that this could be equitably administered. As the pensioners living in retirement villages are not the ratepayers, the discount could only be offered to the owner of the residence. It would be difficult and costly to guarantee that the savings enjoyed by the owner would be passed on to residents. There are undoubtedly other benefits, including savings, that retirees gain from taking up the option to reside in a retirement village, and these would offset the loss of the rates remission.

Tasmanian Government Agency Comment
The pensioner rates remission scheme provides a remission of 30 per cent of council rates (up to a maximum of $353 in 2007-08) to eligible pensioners. To be eligible for a rates remission, a person must, on 1 July in the financial year in which the remission is sought:
- hold a Pensioner Concession Card or a Repatriation Health Card (inscribed with war widow or TPI)
- occupy the property as their principal place of residence
- be legally responsible for the council rates on the property.

It is estimated that in 2007-08, the cost to the State Government of providing pensioner rate remissions will be around $16.3 million.

Pensioner residents of retirement villages generally have a tenure structure on a loan-for-lease basis, where the residents do not legally own the property as the title is not transferred into their name (and are therefore not legally responsible for the council rates). These residents nonetheless pay a share of all expenses, such as rates, power, phone and food.
The requirement to be legally responsible for the council rates, under the pensioner rate remission scheme, is applied equitably. The same applies to a person who rents a private residence as opposed to a retirement home. Amending the eligibility criteria would raise equity issues and also increase the cost of the scheme.

Income support is the responsibility of the Australian Government. Nevertheless, the State Government elects to provide additional significant income support to the community through a range of taxes and charges. As it stands, the cost of the concessions that the State Government currently provides is considerable, worth $294.8 million in 2007-08.

11 CLOSE

There being no further business, the President declared the meeting closed at 3.15pm.