General Meeting

Minutes

Wednesday 18 November 2009

Burnie Arts & Function Centre
(Formerly Burnie Civic Centre)
Wilmot Street
Burnie
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 present at the Meeting or not.
(ii) When a vote is being taken for the Association to sign a protocol, memorandum of understanding or partnership agreement, the resolution must be carried by a majority of votes capable of being cast by Members and by a majority of Members, whether present at the Meeting or not.
(iii) When a vote is being taken to amend the Rules of the Association, the resolution must be carried by at least two-thirds of the votes capable of being cast by Members, whether present at the Meeting or not.
**GENERAL MEETING SCHEDULE**

<table>
<thead>
<tr>
<th>Time</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>10.00am</td>
<td>Coffee on arrival</td>
</tr>
<tr>
<td>10.30am</td>
<td>Meeting commences</td>
</tr>
<tr>
<td>11.00am approx</td>
<td>Council Round Up</td>
</tr>
<tr>
<td></td>
<td>Meander Valley Council</td>
</tr>
<tr>
<td>12.30</td>
<td>Lunch</td>
</tr>
</tbody>
</table>
| 1.30     | Scott Gadd, Executive Director, Parks and Strategic Projects, DPIPWE Pete Smith, Director, Heritage Tasmania

Drafting of the proposed new historic heritage legislation for the State is expected to be finalised before the end of 2009, ahead of its release as an Exposure Bill in 2010. The Department will provide an update on the development of the Bill, based on the input from the Local Government Reference Group. Resourcing matters will also be discussed and an information package on the proposed reforms will be circulated.
Table of Contents

APOLOGIES .............................................................................................................................6

1. Item: Minutes Of General Meeting Held On 12 August 2009 *.................................7

2. Item: Business Arising * ...............................................................................................7

3. Item: Confirmation of Agenda .......................................................................................7

4. Item: Follow Up Of Motions * ....................................................................................7

5. Item: Council Round Ups ..............................................................................................8

6. Item: Asbestos Update .................................................................................................8

7. Item: Asset management/Financial Planning ...............................................................9

8. Item: Constitutional Recognition .................................................................................10

9. Item: Co-operative Relationships For Roads Management .......................................11

10. Item: Climate Change .................................................................................................12

11. Item: Council Certificates .........................................................................................14

12. Item: Leaders Forum ..................................................................................................16

13. Item: Household Hazardous Waste Update ..............................................................17

14. Item: State Budget Overview ....................................................................................18

15. Item: Model Bylaws Working Group .........................................................................19

16. Item: Butt Littering Update .........................................................................................20

17. Item Integrity Commission ..........................................................................................22

18. Item: Electricity Retail Contestability ........................................................................23

19. Item: 2010 Annual Conference Update .....................................................................24

20. Item: Storm Damage ..................................................................................................25

21. Item: Council Careers Project Update - Think big. Work Local *..........................26

22. Item: Local Government Board – Principles For Voluntary Amalgamations .........28
23. Item: Black Spot Funding Update .................................................................................. 28
24. Item: Planning Reform .................................................................................................. 29
25. Item: Waste Management Update ............................................................................... 30
26. Item: Election Of President ....................................................................................... 32
27. Item: Meeting Dates For 2010 ................................................................................... 33
29. Close ............................................................................................................................ 36

* Denotes Attachment
The President, Mayor Barry Easther, welcomed Members and declared the meeting open at 10.25am.

Mayor Martyn Evans, Derwent Valley Council and Mayor Barry Jarvis, Dorset Council were congratulated on their success at the recent Local Government Elections and welcomed to their first meeting.

Mr Michael Boyd, Tasman Council and Mr Mark Pitt are both leaving Tasmania to take up roles on the mainland and the President wished them well.

APologies

Mayor Doug Burt  George Town Council
Mr Stephen Brown  George Town Council
Mayor Kim Polley  Northern Midlands Council
Mayor Carmel Torenius  Sorell Council
Mr Bill Costin  Sorell Costin
Mr Paul West  Kingborough Council
Mayor Don Thwaites  Kentish Council
Mayor Jock Campbell  Clarence City Council
Mr Andrew Paul  Clarence City Council
Mr Nick Heath  Hobart City Council
Mr Glenn Doyle  Huon Valley Council
Mayor Bertrand Cadart  Glamorgan Spring Bay Council
Mayor Deirdre Flint  Central Highlands Council
Ms Lyn Eyles  Central Highlands Council
Mr Frank Dixon  Launceston City Council
Mr Greg Winton  Circular Head/Waratah Wynyard Councils
Mr Tim Kirkwood  Southern Midlands Council
Mayor Mike Gaffney  Latrobe Council
1. **ITEM: MINUTES OF GENERAL MEETING HELD ON 12 AUGUST 2009** *

Central Coast Council/Devonport City Council

That the Minutes of the meeting held on 12 August 2009, as circulated, be confirmed.

Carried

**Background**

To confirm the Minutes of the General Meeting held on 12 August 2009.

See Attachment to Item 1.

2. **ITEM: BUSINESS ARISING** *

That the Meeting note the information.

Noted

**Background**

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

3. **ITEM: CONFIRMATION OF AGENDA**

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

Noted

**Background**:

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

4. **ITEM: FOLLOW UP OF MOTIONS** *

Contact Officer – Katrena Stephenson

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

Noted

A table detailing action taken to date in relation to motions passed at previous meetings is at Attachment to Item 4.
5. ITEM: COUNCIL ROUND UPS

Both Dorset and Burnie City Councils indicated their willingness to present at future Meetings.

Background:
Meander Valley Council have been asked to conduct a brief presentation on matters that are currently important in their municipal area.

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

6. ITEM: ASBESTOS UPDATE
Contact Officer: Kate Hiscock

That Members note the following report.

Background:
LGAT is a member of the Minister for Workplace Relations’ Asbestos Reference Group, Chaired by Workplace Standards Tasmania. The Asbestos Reference Group and Asbestos Steering Committee were formed following a Tasmanian Asbestos Forum held in March 2009. The Asbestos Reference Group has been tasked with providing advice to the Steering Committee on:
- Policy and legislation;
- increasing public awareness; and
- improving education.

The Steering Committee will be required to develop a Whole of Government policy for the future management of environmental in-situ asbestos. Issues to be taken into account include:
- prioritised removal;
- current legal and compensation systems;
- compliance;
- health issues including data collection, reporting and decision making;
- resourcing requirements;
- identification of lines of responsibility;
- mandatory reporting and disclosure; and
- costs to businesses, individuals and government.

Much of the discussion at Reference Group has been focused on the concept of prioritised removal. A proposal has been developed by the Australian Workers Union that includes the creation of a State Government Asbestos Task Force to centrally manage asbestos related issues and a policy of prioritised removal of asbestos across Tasmania by 2030.
LGAT was asked to consult with members to seek an indication of support for a policy of prioritised removal, or maintenance of the current risk management approach. Members strongly indicated a preference for maintenance of the current risk management approach, which for many members also includes a policy of opportunistic removal of asbestos, for example during building renovation or replacement. It was also noted, that by 2030 some councils will be likely to have removed almost all known asbestos under current risk management arrangements. LGAT has advised the Reference Group accordingly.

LGAT was further queried as to whether prioritised removal would be supported by Local Government if it was fully resourced. LGAT advised that members would be more likely to support prioritised removal if it was fully funded. However, LGAT also requested that cost benefit analysis be undertaken to compare prioritised removal to management in situ in accordance with national risk management standards.

The Reference Group is continuing to meet and is currently discussing education and awareness raising. A report to the Steering Committee is due by the end of 2009.

**Budget Implications**

Does not apply.

**Current Policy**

As a member of the Asbestos Reference Group LGAT will continue to inform members with updates and seek comment on relevant issues.

7. **ITEM: ASSET MANAGEMENT/FINANCIAL PLANNING**

Contact Officer: Katrena Stephenson

That Members note the following report.

Noted

**Background:**

Further to the report and presentation made at the August 2009 meeting the following has occurred:

− The consultancy project being delivered by IPWEA/Jeff Roorda and Associates under the *Stronger Councils, Better Services* Program has been completed with the report circulated to General Managers and also now available on the LGAT website.

− The Australian Government has released templates and guidelines in relation to the $25million Local Government Reform Fund which seeks to accelerate the implementation of the nationally consistent frameworks for Local Government asset management and financial management, encourage collaboration in the sector to build capacity and resilience and improve the collection and analysis of nationally consistent data on assets and finances.

− Projects are required to be jointly submitted by the State Government (Local Government Division) and LGAT. A project building on the recommendations of the recently completed consultancy (and the 2007 Access Economics work) is an agreed priority and LGAT is leading development of the application.

− Other projects may be considered to go forward from Tasmania although it is anticipated that the implementation project is likely to require a significant level of the funds on offer.
Councils (through General Managers) have been advised that as applications must be submitted by 30 November 2009 and must first meet the State Government sign off requirements, they will need to be received by no later than 16 November 2009 by the Association and the Local Government Division.

Budget Implications
Within current budget.

Current Policy
This is a priority for the Premier's Local Government Council as indicated in the 2010 work plan.

8. ITEM: CONSTITUTIONAL RECOGNITION
Contact Officer: Katrena Stephenson

That Members note the following report.

Background:
As reported at the last General Meeting, since the Constitutional Summit conducted in Melbourne late last year significant background work has been undertaken by ALGA to progress the many inputs and ideas that came out of that forum. These include:

- Commissioning of a technical briefing paper.
- Engagement of CPR Communications to develop a strategic framework to guide ALGA towards a positive result in a referendum.
- Progression against Phase 1 – starting the conversation with political stakeholders, canvassing issues, research.
- CPR's findings were outlined to Associations in September and included a number of key challenges:
  - Negative perceptions of Local government
  - Confusion and ignorance on the constitution and Local Government
  - Impact on the global financial crisis (in terms of timing).
- ALGA has appeared before the Federal Parliament's Referendum Reform Inquiry and expressed the view that “it (is) vitally important to improve the general public's understanding of both the Australian Constitution and the referendum process. ALGA's own research shows that only 76% of Australians of voting age are aware that Australia has a constitution. A non-partisan nationally funded education campaign prior to any proposals to amend the constitution is essential to engage the general public and to achieve an informed vote”.
- ALGA also asserted that the Federal Government should provide funding for the Yes and No cases, based on the funding formula for federal elections already contained in the legislation, and calculated on the proportion of parliamentarians voting for and against the Bill (referendum proposal).

Budget Implications
Does not apply.

Current Policy
This is one of the three pillars of ALGA’s strategic ‘3Fs’ agenda.
9. ITEM: CO-OPERATIVE RELATIONSHIPS FOR ROADS MANAGEMENT  
Contact Officer: Kate Hiscock

That Members note the following report.

Noted

Background:
In August 2009 LGAT’s General Management Committee endorsed that “LGAT should continue to explore opportunities that might arise through joint State/Local Government approaches to roads maintenance or pooling of funds”, following the positive outcomes of the 2009 Roads Forum.

Members provided supportive and even enthusiastic feedback in response to LGAT’s Roads Forum follow up, where members were asked to confirm their appetite for further work to explore the cooperative relationship between Local Government and the Department of Infrastructure, Energy and Resources (DIER) with regard to roads management, resource allocation and funding leverage for priority activities.

Norm McIlfackrick, Secretary of DIER, has confirmed his department’s willingness and interest to work cooperatively with Local Government. He has flagged possibilities including opportunities for Local Government to access services under DIER’s service and maintenance contracts, potential opportunities for Local Government to provide commercial services for DIER under the maintenance contract and opportunities for equipment sharing between State and Local Government.

At the recent General Managers’ Workshop concerns were raised about a possible move to regional structures for road works and related infrastructure. To put to rest any concerns on this matter, Norm has emphatically confirmed that any regional arrangements would relate only to a cooperative and partnering approach, without a desire to establish new structures. Further, it is intended that any agreement such as Local Government access to services under DIER’s maintenance contract, would be on an ‘opt in’ basis, leaving participation at the discretion of Councils.

To ensure that the needs of both Local Government and DIER are met through the cooperative relationship, it has been agreed that some broad terms of engagement should be drafted. The terms of engagement will agree the desired objectives of the relationship as well as clarify any matters of concern to either party. These terms are currently being developed.

As discussed previously, an initial action to arise from the joint local/state approach is likely to be a workshop on roadside vegetation management. The proposed workshop has drawn considerable interest from members and LGAT is currently working with DIER to confirm a date and arrangements.

Positive budget impacts may flow from improved use and allocation of resources. Any agreements would be on an ‘opt in’ basis, leaving participation at the discretion of Councils.

Budget Implications
Does not apply.

Current Policy
The approach marries with the present policy of the Association in relation to roads/infrastructure management.
10. **ITEM:** CLIMATE CHANGE  
    Contact Officer: Christine Materia

That members note the following report.

**Noted**

**Statewide Partnership on Climate Change**
The Premier’s Local Government Council (PLGC) has agreed, through the state-wide Partnership Agreement on Climate Change, that Local Government and the Tasmanian Government will work together over the long-term to both mitigate against, and adapt to, climate change.

LGAT is currently finalising the content of a revised Memorandum of Understanding between LGAT and the Tasmanian Climate Change Office (TCCO) for 2009 – 2010. The MoU will clarify the expectations and requirements of both LGAT and TCCO in relation to activities identified in the Partnership Agreement.

The TCCO has agreed to provide some funding to the LGAT for the period 2009 – 2010 to contribute towards Year Two of the Local Government Carbon Emission Reduction Program.

**Carbon Emission Reduction Program**

Organisation Footprint Reports for Energy have been completed for the following councils:

1. Break O'Day
2. Brighton
3. Burnie City
4. Central Coast
5. Central Highlands
6. Circular Head
7. Derwent Valley
8. Devonport City
9. Dorset
10. Flinders
11. George Town
12. Glamorgan Spring Bay
13. Glenorchy City
14. Huon Valley
15. Kentish
16. King Island
17. Latrobe
18. Meander Valley
19. Northern Midlands
20. Sorell
21. Southern Midlands
22. Tasman
23. Waratah-Wynyard
24. West Coast
25. West Tamar

These reports provide councils with their stand alone performance over time (2005-6 to 2008-9 financial years) including annual energy mix, energy consumption, total energy charges and energy greenhouse gas emissions. In addition Planet Footprint has provided a Tasmanian State-wide Consumption Report.

Launceston City Council has recently joined the LGAT Program and Planet Footprint has commenced establishing the initial data requirements with their principle point of contact.

Reports including annual energy mix, energy consumption, total energy charges and energy greenhouse gas emissions have also been completed for the Association.

In the coming months Planet Footprint will be:
- continuing to work with property management staff within councils to identify all accounts relating to their nominated two largest facilities and prepare property report and producing ten Property Footprint Reports to each Council;
- assisting councils with utilising the Account Management Toolkit;
− collecting street lighting and fleet data;
− delivering the full Greenhouse Reports and discussing the development of individual and whole of Local Government emission reduction targets;
− identifying opportunities for councils to implement reduction targets on specific properties;
− working with councils to establish Corporate Management Committees/Sustainability Groups; and
− profiling councils and increasing public awareness of councils’ work in reducing emissions.

Regional Workshops
In late August, early September LGAT and Planet Footprint delivered three regional workshops (Launceston 31st August, Burnie, 1st September and Hobart 2nd September).

The workshops targeted senior managers within councils, who will be working with the data and reports, and focused on capacity building within councils. Participants were provided with the tools required to obtain maximum benefit from the reports and data. The workshops were well attended.

The Workshops covered:
− the Statewide Partnership Agreement;
− an overview of the Planet Footprint Service;
− an introduction to the Planet Footprint Reports and Data;
− working with the Reports and Toolkits;
− applying the reports operationally and strategically within council to achieve environmental and financial improvement and savings; and
− ongoing provision of support and next step.

Individual Council Reports were used as case studies to show how the information in the reports can be applied to improve the management of assets from an energy efficiency perspective and help streamline the management of utility accounts resulting in significant financial savings to councils. There was also opportunity to demonstrate how the reports can be applied to environmental reports, greenhouse inventories, environmental action plans, and a large range of other environmental management and sustainability outcomes within a council.

The feedback from the workshops was very positive most notably, just how valuable the data and reports are in terms of identifying anomalies and where significant cost savings can be made to councils and emissions reduced. Participants were also pleased to learn that their councils performance was being benchmarked (organisation and key properties) against other cities, municipalities, counties and shires - regionally, nationally and internationally.

Young Professionals Network Tasmania
LGAT presented on Climate Change and Sustainability Issues for Local Government at the Young Professionals Network Tasmanian Panel Forum in October. Panel Speakers were

Lochlan Gibson  GHD Consulting),
Nick Flittner  TFGA
Christine Materia  LGAT
Andrew Catchpole  Hydro Tasmania
Wendy Spencer  TCCO
The presentation focused on the integration of climate change consideration into Local Government decision-making, particularly in the area of carbon emission reduction and asset and infrastructure management.

**Tasmanian Together**
LGAT has had preliminary discussions with the Tasmania *Together* Progress Board on establishing benchmarks for carbon emissions utilising the data and reporting from the Local Government Carbon Emission Reduction Program.

This will involve agreeing to an emission reduction goal, determining indicators and measuring progress and complements the Statewide Partnership Agreement.

**Budget Implications**
Does not apply.

---

11. ITEM:  COUNCIL CERTIFICATES

**Contact Officer:** Allan Garcia

That members note that LGAT has completed negotiations with the Department of Primary Industry, Parks, Water and Environment regarding a new Service Level Agreement for the continuation of the Section 132 and 337 council certificates service.

**Noted**

**Background:**
In late 2008, concerns were raised by a small number of Councils about the billing and payment process provided by the Department of Primary Industries, Parks, Water and Environment (DPIPWE) in relation to the section 132 and 337 Council Certificates service. These concerns centered on delays in receiving payment.

After consulting Councils for their views about this service, LGAT sought to canvass improvements to the remittance/invoicing process with the Information and Land Services Division of DPIPWE (ILS). ILS subsequently provided its response. It proposed a new draft 2009 Service Level Agreement (SLA) with LGAT.

It is appropriate to briefly go back to the original service level agreement. The 2004 agreement between LGAT and the DPIPWE had the following fees:
- $10,500 Contract Fee for a period of three years (used to maintain and develop the service)
- $6,000 Contract Fee for the provision of financial information and debt recovery.

ILS advised that the following charges proposed in the new 2009 SLA were altered to represent the actual cost in providing the service:
- $10,500 Contract Fee for a period of three years (same as before)
- $13,069 yearly fee for the provision of financial management and debt recovery (this is 0.25 of an FTE to perform the required duty)

ILS advised that this equates to $16,500 pa which is based on last year’s transaction levels and represents a service fee of 0.69 cents. ILS thinks this is an appropriate and legitimate
user payer charge and does not involve the preparation of the invoice nor any debt recovery. ILS says the yearly fee for financial services is necessary and if the proposed option of introducing an administration fee per transaction were to be introduced, this yearly financial fee ($13,069) and the 3 year Contract Fee can be removed.

LGAT again consulted Councils for their views. The majority of councils responded to the issue indicating a willingness to continue the present arrangements so long as participation by councils remained at the approximate levels that now exist. Councils did not express any major concerns about the proposal to proceed to a new charging regime for this service.

The Association pursued these matters with DPIPWE with a view to negotiating the continuation of this service based on an equitable pricing structure for Local Government.

Following numerous discussions and correspondence with representatives from the Information and Land Services Division of DPIPWE, these negotiations have now been completed. In summary, the key features of the new SLA are that:

- The Agreement will be extended for a further 3 years.
- The Department will look to undertake a feasibility study within the first year of the agreement to ascertain if weekly remittances for the Council Certificates may improve the debtor management process during the life of the agreement.
- The Department will re-direct the monthly financial statements currently sent to LGAT to the individual Councils within the first year of this agreement.
- LGAT will fund the service for the first year equating to an up-front payment to DPIPWE of an annual service fee of $13,069 (excluding GST) for 2009-10 plus a pro rata contract fee of $3,500. (You will recall that based on last year’s transaction levels this represents a service fee of approximately 0.69 cents per transaction).
- At the end of the financial year 2009-10, this cost will be recouped from Councils based upon the number of transactions they have processed during that financial year. To this end, the Department will provide LGAT with the total number of Council Certificate transactions for each of the Councils within 30 days of the anniversary date of the agreement.
- LGAT will only pay the Service Fee for the first year of the Agreement. In years 2 and 3 of the agreement, the Department will introduce a transactional Administration fee which will be payable by the LIST subscriber in order to recover the costs associated with delivering the service.

**Budget Implications**

Broadly speaking, costs associated with the continuation of the service will be incurred up-front by the Association for the first year of the proposed new SLA. These costs will then be recovered from Councils at the end of the first financial year based upon advice from DPIPWE regarding the number of transactions each Council has processed during the financial year, with the majority of future costs being sheeted back to the user of the service.

**Current Policy**

The examination of issues associated with the continuation of the council certificates service falls within the remit of the Association.
12. ITEM: LEADERS FORUM  
Contact Officer: Allan Garcia

That the Meeting note the following report.

Noted

Background: 
Following the Leaders’ Debate organised by the TCCI, at which attendees were required to expend significant funds to attend, TasCoss determined that it would like to work with other representative organisations to host a debate between the leaders of the respective political parties, David Bartlett, Will Hodgman and Nick McKim, for the general public on a no cost basis.

The Association was approached to participate in the forum and agreed to join with TasCoss, the Tourism Council, the Property Council, Unions Tasmania, the Environment Centre and the Australian Medical Association to conduct the forum.

To be conducted on 1 December 2009 in the Concert hall at the Hobart Grand Chancellor, the session will run for two hours from 6.00-8.00pm and will be facilitated by Airlie Ward of ABC’s Stateline.

Each leader will commence the process by reflecting on what their government would have achieved by 2014 having been in government for 4 years, highlighting how Tasmania would have changed for the better. This will be a very brief address of no more than 5 minutes each.

Each of the sponsors of the event have had the opportunity to put forward questions to be addressed to each of the leaders with a small sample of questions to be also put by members of the public. These questions have been pre-determined by the organising group following consultation with intending attendees at the forum. In all there will be approximately 12-14 questions with each leader provided with the opportunity to provide a brief response to each. The leaders will not be provided with the questions in advance but will be given an outline of the broad themes – governance, state finances and services, economic development, communities and education.

The Association secured 75 tickets to the event and has distributed these among those councils that have expressed a desire to attend. It is acknowledged that the venue and time of day did not suit all councils.

Budget Implications
The Association has made a minor contribution to the cost of hiring facilities and equipment for the forum.

Current Policy
A range of the matters to be covered in the forum are likely relate to policy positions of the Association.
13. ITEM: HOUSEHOLD HAZARDOUS WASTE UPDATE  
Contact Officer: Ben Mooney

That members note the report

Noted

Background:
The Household Hazardous Waste Collection Program, ChemSafe Homes Tasmania, was officially launched by the Minister for Environment Michelle O’Byrne and LGAT President, Mayor Barry Easther at the Launceston City Council Depot on 20 October 2009. The Chemsafe Homes coordinator was interviewed that day on ABC radio afternoons in the north and south. Further interviews will be conducted as required. The launch received moderate press coverage, with the Mercury, Advocate and Examiner running the story on the 21 October.

An informative brochure detailing the programs’ disposal rules, timetable and sites and acceptable materials was delivered to every household in Tasmania at the end of October. A free call hotline, 1800 857 002, is up and running.

The first 4 disposal days begin in southern Tasmania, at the Derwent Entertainment Centre on 28 November and Kingston 29 November. The following weekend, 5 and 6 December, will service the north, Launceston Council Depot and northwest, Burnie Waste Management Centre.

The coordinator will be present at each disposal day, and will encourage relevant council staff to attend and if applicable be involved with the operations on the day. Activities may include surveying participants, traffic management, observing and learning about logistical operations during a chemical disposal day. A further 6 disposal days will be conducted in March 2010, two each in the south, north and northwest.

The HHW Steering Committee endorsed the findings of the Tender Evaluation Report for the conduct of Household Hazardous Waste Disposal Days and aims to sign the contract with the successful operator early in November.

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

Current Policy
Where possible, the HHW collection program approach is to be aligned with Regional, State and National Controlled Waste Strategies.
Background:
The State Government calls annually for submissions under the Community Consultation Process.

Submissions are due 6 November 2009 and are then reviewed by Treasury and forwarded to the relevant agencies and Budget Committee for consideration.

The State Budget for 2010-11 will be finalised in May 2010.

LGAT contacted councils’ General Managers on 8 October 2009 outlining a number of possible priorities for a submission, based on conversations at the Premier's Local Government Council, General Management Committee, General Managers Workshop and work currently underway.

Councils were asked to identify any other priority issues.

The headline items proposed (as outlined below) were endorsed.

1. Financial Sustainability:
   a. Support for the continued implementation of Long Term Financial Plans and Strategic Asset Management Plans, aligned to a common framework, across all councils.
   b. Further support to develop and promote sustainable resource sharing activities.
   c. Adequate resourcing in relation to LG Reform, for example, to allow full and independent analysis and review in relation to voluntary merger proposals.

2. Climate Change:
   a. Funding to support the introduction of adaptation strategies (as per the Partnership Agreement) across Local Government (including key infrastructure adaptation).

3. Planning:
   a. Pending positive evaluation outcomes from the Electronic Development Assessment Project, support in extending this project to other councils.

4. Roads:
   a. Continued investigation and implementation of State Government/Local Government resource sharing opportunities in relation to road management.
   b. Additional funding for road maintenance related to the impact of the unusually wet winter.

5. Social Inclusion
   a. Support for collaboration in relation to place-based health and human services.
   b. An audit of Local Government social inclusion capability (as recommended by the Social Inclusion Commissioner)
Other items suggested for consideration include:

− Appropriate funding of activities conducted by Local Government on behalf of State/Federal Government (e.g. pandemic response).
− Funding for energy reduction initiatives in the home.
− Continued funding for the Regional Planning process, including ensuring timely provision of data from State departments.
− Expansion of trainee/cadetships in key industry areas.
− Legislated statutory protection against loss or damage related to climate change impacts.
− Delegated responsibility to councils for approving traffic control measures.
− Strategic transport planning with implementable/funded actions.
− State road maintenance.

The submission was in draft at the time of writing this report. By the time of the General Meeting it will be available on the LGAT website.

15. ITEM:  MODEL BYLAWS WORKING GROUP

Contact Officer: Katrena Stephenson

That Members note the following report.

Noted

Background:
Across all councils a large number of by-laws were due to expire this year (approximately 23). Earlier this year, David Pyke from Meander Valley council raised the idea of applying a similar process as undertaken with the Monetary Penalties legislation to update the by-laws collectively through a Governor’s Order, consequently advice was sought from the Local Government Division (LGD).

The Local Government Division advised that it was not possible to simply roll over the by-laws because there doesn’t appear to be a head of power in the Act for such action to be taken. They were also reluctant to do this in any case as the 10-year period was intended to ensure that by-laws were reviewed on a periodic basis, with community input.

There are some by-laws that are very much unique to particular councils and the LGD advises that before working to renew a by-law Councils should consider if there is still a need. It may be that the need has been removed as a consequence of new legislation or that the issue is more a policy matter.

There are some commonalities of by-laws across municipalities and hence discussion shifted to the possibility of developing a model (template) by-law as provided for under Sections 171-174 of the Act provide a process for making model by-laws.

Expressions of interest were sought in relation to participation on a working group and this group convened for the first time on 29 October 2009. The agenda included -
− The role of by-laws
− The provisions in the Act for model by-laws
− The need for model by-laws
− Potential benefits of model by-laws
− Opportunities
− A future work program

An engaging and fruitful conversation resulted. While many factors that were historically dealt with using by-laws are now covered in contemporary legislation, it was agreed that by-laws are useful when there are no alternate tools for enforcing policy. The cost of developing and implementing by-laws (particularly with this increased complexity of the Regulatory Impact Statement process) can be prohibitive for small councils who may also be faced with a lack of expertise, and to this end model by-laws, for common issues, were seen as very beneficial. The working group agreed the following next steps were required:

− Map existing by-laws (intent, currency and consideration as to whether current legislation renders them obsolete)
− Review recent “Parks and Reserves” by-laws as a basis for drafting model
− Consider possible legislative changes, e.g. relaxation of RIS requirements for extension of existing by-laws to Statement of Review.
− Consider other possible legislative changes that may enable councils to address issues currently covered by by-laws

Budget Implications
Does not apply.

Current Policy
Does not apply.

16. ITEM: BUTT LITTERING UPDATE
Contact Officer: Katrena Stephenson

That the following report is noted

Noted

Background:
The Association has been approached by a former convenor of a Tasmanian anti-smoking group, Ms Kathy Barnsley, with concerns about an organisation called the Butt Littering Trust and its Butt Free City campaign.

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

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

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

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

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

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

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

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

LGAT sought comments from the Barwon Regional Waste Management Group (RWMG) which participated in the Geelong Butt Free City 2009 Campaign in Victoria regarding the Butt Littering Trust (BLT) and the campaign.

The Barwon RWMG provided the following comments:

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

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

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

The Association is currently canvassing Councils in Tasmania to gauge the level of interest/support, if any, across Local Government to explore opportunities in light of the positive outcomes generated from the Barwon RWMG’s participation with the Trust programs as a platform to launch other council run programs. LGAT considered it was important to ascertain whether there are any major concerns amongst councils about the proposal before embarking along this path.

**Budget Implications**
Does not apply.

**Current Policy**
The examination of issues associated with the Butt littering Trust and the Butt Free City campaign falls within the remit of present policy of the Association in relation to waste management.

**17. ITEM INTEGRITY COMMISSION**
Contact Officer: Allan Garcia
That the meeting note the implications for Local Government of the Integrity Commission legislation.

**Background**

At the time of writing the Bill for the Integrity Commission had been tabled and was due to be debated. The Bill is largely in keeping with the recommendations pertaining to the terms of reference set for the Select Committee reviewing the need for the establishment of such a body.

The Bill’s overarching purpose is to promote and enhance standards of ethical conduct by public officers. The Commission will have an important education and awareness role in relation to integrity, it will assist public authorities to deal with misconduct, it will deal with allegations of serious misconduct and make recommendations in relation to investigations and inquiries.

In the context of Local Government, the Integrity Commission process does not seek to duplicate any present processes that are already in place. Provisions of the *Local Government Act* that address conduct issues will still be dealt with in the normal way. Codes of Conduct Panels and the Standards Panel will maintain their roles. In terms of registers of interest presently covering Local Government, they remain intact and are not extended under the proposed legislation. It may be that once the Commission is established that through its educative role and establishment of best practice guidelines this area may come under review but it is only speculative at this time.

Elected members and officers are covered by the jurisdiction of the Integrity Commission but this will only extend to those matters where serious breaches are identified. Joint authorities and the newly created water and sewerage corporations will also be covered.

Complaints made to the Integrity Commission will not automatically be considered by the Commission with detailed referral arrangements to be put into effect to ensure that complaints/allegations are dealt with at the appropriate level by the appropriate body. In the case of a matter that has a Local Government context, it would likely be referred to the Director of Local Government in the first instance to advise the means by which the matter should be best addressed. It may be that the allegation represents a relatively minor matter that could or should be addressed through the council complaint process. It may be that it represents a breach under the Local Government Act which should then be dealt with by the Director of Local Government. Alternatively, it may be a matter best referred to a code of