GENERAL MEETING

MINUTES

Held At
Wrest Point Casino
Hobart

Wednesday 10 June 2009
Commencing at 11.30am
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:

       | Population of the Council Area | Number of votes entitled to be exercised by the voting delegate | Colour placard to be raised by the voting delegate when voting |
       |-------------------------------|------------------------------------------------------------|-------------------------------------------------------------|
       | Under 10,000                  | 1                                                          | Red                                                         |
       | 10,000 – 19,999               | 2                                                          | White                                                      |
       | 20,000 – 39,999               | 3                                                          | Blue                                                       |
       | 40,000 and above              | 4                                                          | Green                                                      |

   (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. If there is an equal
       number of votes upon any question, it shall be declared not carried.
   (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.
Schedule

11.30 approx Meeting commences, immediately following the conclusion of the AGM

11.45 approx Council Round Up

12.30pm Tony Hocking
Marketing and research Services Pty Ltd (EMRS)
Tony will be presenting the results of the fourth state wide survey of resident’s satisfaction with Local Government services in Tasmania.

1.00pm Lunch

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* DENOTES ATTACHMENT
The Meeting was opened by Acting President, Mayor Barry Easther at 11.30am.

Apologies were received from –
Clr Frank Knott  Launceston City Council
Clr Richard Bowden  Central Highlands Council
Mr Peter Harder  West Coast Council
Mayor Carol Cox  Flinders Council
Ald Ray Shipp  Launceston City Council
Mayor Tony Nicholson  Derwent Valley Council
Mayor Albert Van Zetten  Launceston City Council

1  MINUTES *

Central Highlands Council/Dorset Council

That the Minutes of the meeting held on the 11 March 2009, as circulated, be confirmed.

Carried

The Minutes of the General Meeting held in Launceston on 11 March 2009, as circulated, are submitted for confirmation and are at Attachment to Item 1.

2  CONFIRMATION OF AGENDA & ORDER OF BUSINESS

Clarence City 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 *

That the information be noted.

Resolved

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

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

Resolved

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

5 FOLLOW UP OF MOTIONS *
Contact Officer: Katrena Stephenson

King Island Council/Hobart City Council

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

Carried

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 COUNCIL ROUND UP

Members noted the presentation by Gerald Monson, General Manager Latrobe Council, on the Dulverton Waste Plant.

Noted

Background comment:
A presentation will be conducted on behalf of Central Coast, Devonport City, Kentish and Latrobe Councils on their combined resource, the Dulverton Waste Management Plant.

The session also allows time for questions and provides an opportunity to briefly share and highlight problems or opportunities facing councils.
Central Coast Council/Hobart City Council

That the Local Government Association Of Tasmania reiterate to the State Government its opposition to any attempt to discontinue the present funding for pensioner rate remissions and the proposal to transfer responsibility for their continued funding of a water and sewerage component to councils via a community service obligation payable to the water and sewerage corporations.

The Association seeks urgent resolution of this matter to ensure budget certainty and to reassure concession recipients of their ongoing entitlements.

Carried Unanimously

Glenorchy City Council/Kingborough Council

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

Carried

Background comment:
This issue continues to progress with increasing complexity and issues arising as the 1 July 2009 deadline grows closer.

The Interim Pricing Order(IPO) for water and sewerage was released by the Treasurer on 15 April 2009. The regulator determined the pricing for water and sewerage for the next two years based on material and data provided as part of the due diligence process and the projected capital program identified by councils for the coming years.

The IPO provides that a maximum allowable revenue will be recoverable by each corporation on a regional basis. There are some constraints to the regional maximum allowable revenue such that revenues recovered in individual municipalities will be capped. These caps reflect the relative differences in the level of current cost recovery and how far revenues in each municipality will ultimately need to increase.

The release of the IPO has caused significant public debate with consumers now becoming aware of the impacts of water and sewerage reform in terms of increased charges. The debate has not been assisted by uninformed remarks about how councils will treat rates with the transfer of water and sewerage to the new corporations.

Both the State Government and the Opposition have accused councils of price gouging while seeking to embarrass each other for their positions on the reform. Significant effort has been put into seeking to inform the media of the impacts on budgets of the transfers as well as the effects of any cash flow deficiencies. While there is a better understanding of these issues, the ability to effectively get these messages broadcast has been difficult.
The release of the Community Service Obligation Bill (CSO) has resulted in another significant setback to the overall reform process with inadequate timeframes being provided for consultation and fundamental flaws in the draft legislation such that up to 30% of pensioners presently receiving a rate rebate would be worse off under the proposed new arrangements.

The four day consultation period was an insult to Local Government and despite an acknowledgement by all of the need to have all the planks in place for the commencement of the new corporations and the new regime by 1 July 2009, the timeframe simply did not allow for considered and broad discussion among councils and councillors.

Besides the major issue with pensioners being disadvantaged the payment by councils of the CSO from their budgets came, for most, as news with most councils and councillors unaware that the CSO would be required to be physically funded by councils rather than being treated as an expense by the corporations prior to the distribution of dividends. This came at a time when councils were in the process of completing budgets having spent significant resources modelling different scenarios and options related to the known changes that would result from water reform.

Councils remain uncertain about the first year cashflow deficiency, in particular, that may eventuate and have faced significant challenges in setting budgets. While tax equivalents and security guarantees are expected to provide some relief, the absence of commitment from either the Corporations or the State Government in relation to actual payment of an interim dividend means that councils are not clear on how to address potential shortfalls.

The CSO issue was taken up directly with the Treasurer who gave a commitment to fix the pensioner problem. The broader impost on councils was placed before the Premier at the PLGC Meeting with some forcefulness demanding a review of the arrangements in relation to this whole issue and the need to assist councils financially through this initial phase and to provide certainty overall on the expected revenues for councils in the transition year(s).

At the operational level, councils are on track with transfer orders with most matters now in hand. Property issues will not be completely overcome by the time of handover but arrangements are in place to allow councils and the corporations to work through these matters in a timely manner post 1 July.

The corporations have a significant number of work streams that they are pursuing to achieve on-time implementation. Senior management positions have mostly been filled and several of those officers are leading the specific projects to achieve the target commencement date. A number of council officers have been seconded to assist with these tasks. All reports indicate that there has been significant goodwill and cooperation between councils and the corporations in achieving the required outcomes.

A verbal report will be provided on the day to further update member councils on developments.
Background comment:
At the 2008 August General Meeting it was reported that work under the Financial Sustainability Project had been subsumed under the new PLGC Stronger Councils, Better Services Project (SCBS) with its four subprojects-

- Project A: Sustainable Business
- Project B: Better Services
- Project C: Good Governance
- Project D: The Future Role of the Local Government Board.

Sustainable Business

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

It is envisioned that this primarily will be conducted as follows:

1) Through guided consultation with all Tasmanian councils determine the benefits and barriers to implementing a common specified framework for long term financial planning and strategic asset management planning in all councils in Tasmania.
   a. Specifically these are:
      - The Enhanced National Frameworks on “Financial Planning and Reporting” and “Asset Planning and Management”
      - The South Australian Long-Term Financial Plan Template
      - The IIMM Asset Management Plan Structure as detailed at A.1
   b. It is envisaged that this could be implemented via three regional one-day sessions (South, North, North-West).

2) To pilot full implementation of the frameworks in a number (no less than 4) of diverse councils and evaluate those frameworks in terms of ease of use, ability to deliver useful information and effectiveness in supporting quality governance with a view to enhanced financial sustainability.
   a. Pilot councils would be identified by LGAT and represent at a minimum a city, smaller urban, and rural council.
   b. Piloting would entail working through the frameworks in a detailed fashion with relevant staff and aiding in developing systems for data identification and transfer.

3) To deliver a written report to LGAT articulating the outcomes of consultation and pilots and making recommendations in relation to ongoing use of the frameworks and related templates, including ongoing or initial training and development requirements.
The focus on these areas is derived from key findings from the Access Economics report into the Financial Sustainability of Tasmanian Councils. That report highlighted the need for councils to move from annual to medium to long-term service and financial planning periods. The report also indicated that quality long-term financial plans needed to be supported by sound asset management plans documenting services to be provided and the funds required to provide the services.

These areas are also a priority for the Federal Government, as indicated by the Prime Minister when making the $300 million infrastructure funding announcement at the inaugural Australian Council of Local Governments meeting in November 2008 and in the enhanced national frameworks that have come out of the Local Government and Planning Minister’s Council.

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

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

Better Services
Funding of $105,000 was available to this program for grants to support up to four demonstration or pilot projects associated with shared services. An assessment panel met on the 26 February which included the LGAT Policy Director and General Manager of Kingborough Council. The number of applications was surprisingly few (six). $96,000 was allocated to four projects. The remaining funds will be carried into the project to develop a short planning course for elected members. At the time of writing, successful proponents had not been formally announced.

Good Governance
It was agreed that the 2009 Elected Member census would provide a good source of information on training needs and issues of importance and so this year some additional questions were added around knowledge, training and communication. The census has now been undertaken and results have been collated and are currently being analysed.

In addition to simple counts LGAT will examine alignment between issues of importance and training requests, barriers to uptake of training, communication preferences by demographic groups and so on.

Once analysis and the report is completed the Association will compile a report highlighting the major findings of the 2009 census which will be available to members on the LGAT website, along with the previous two reports.

The Governance Group will then develop a plan to support identified areas of need.

In parallel funding has been allocated, in recognition that many elected members have little or no background in the planning system or its related processes when first elected to Council. It will be used to fund development of a short course on planning for elected members by the University of Tasmania.
Discussions with the University of Tasmania have resulted in the development of a course outline for a planning short-course for elected members. Feedback to UTAS has required some tweaking of the suggested format and content but it is expected that this will be resolved in the near future. The CEO is awaiting advice from UTAS regarding legal issues and how they wish to progress matters such as intellectual property.

**Local Government Board**
The Local Government (Local Government Board) Amendment Bill has been tabled in Parliament and is scheduled to be debated on 19 May 2009. The Bill relates to the structure and role of the Local Government Board and seeks to give the Board greater flexibility and a more strategic function.

Further to the report made at the last General Meeting (March 2009) the Association previously submitted three nominees for the Local Government Board to Minister Cox. It is understood that the LGMA have also been requested to provide nominees. The Minister will appoint a chair and has been seeking an appropriate community representative. Appointment of the Board is imminent in light of the predicted review of the voluntary merger of Break O'Day and Glamorgan Spring Bay Councils adding some urgency.

**Budget Impact**
LGAT will continue to have strong involvement in this area.

**Current Policy**
These are agreed PLGC priorities.

**9 COUNCIL CAREERS UPDATE**
Contact Officer: Scott Blacklow

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<thead>
<tr>
<th>That Members note the following report.</th>
<th>Resolved</th>
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**Background comment:**
In 2006 the vacancy rate for Tasmanian council jobs was around 8%. By 2008 the rate had peaked at 15.5% in the boom, but when surveyed earlier this year in a period of downturn had only dipped slightly to 14.93%. The number of Local Government vacancies advertised on the LGAT website this month fell for the first time since the careers project started in September 2008. It is expected that the current economic situation will increase retention of current staff but it is also important that the Local Government sector is not unduly cautious about creating new jobs to meet growing needs, in areas of infrastructure and environment for example.

In response to the economic conditions, certain aspects of the Careers Development Strategy (CDS) are being brought forward while others will take a back seat. The recession presents a great opportunity to promote councils as a place to work. An advertising strategy that could boost the profile of Local Government is being currently being developed. The availability of suitable training is also crucial in this period, where students, the under employed and unemployed may wish to transition to stable employment and develop their levels of experience with the Local Government environment. A number of strategic initiatives will be undertaken by the LGAT to help overcome a range of barriers to the provision of training to our sector through late 2009 and beyond as outlined in the CDS.
Background comment:
The Tasmanian Food Safety Forum (FSF) was formed in 2003 and its membership comprises representatives from the Department of Primary Industries and Water (DPIW), the Department of Health and Human Services (DHHS), the Local Government Association of Tasmania, Environmental Health Australia and the Tasmanian Dairy Industry Authority (TDIA).

The FSF’s aims are to help secure coherence and consistency among and between food safety regulators. In particular the FSF aims to develop strategies to ensure that food safety regulatory regimes:

- maintain public health and safety;
- address omissions in high risk areas;
- avoid duplication of effort; and
- are as least burdensome as reasonably possible.

Consequently the FSF agreed to develop a Memorandum of Understanding (MOU) between DPIW, DHHS, LGAT and the TDIA to support the above aims.

A previous draft of this MOU was considered by Councils earlier this year. Some issues were raised by councils. These have been considered by the FSF and further modifications made to the draft, a copy of which is at Attachment to Item 10.

In order for LGAT to sign the MOU, it is necessary to have the support of the majority of member councils.

Budget Impact
Does not apply.

Current Policy
Does not apply.
That the Meeting note the following report.

Resolved

Background comment:
The Association held a two-day Elected Members' Weekend Workshop 2-3 May 2009, at the Tidal Waters Resort, St Helens. Thirty-three elected members from 15 councils registered to attend.

A total of 27 feedback forms were received, representing 82% of the delegates in attendance. The comments reveal that elected members continue to derive many benefits from the weekend workshop. 12% rated the workshop 10 out of 10. 41% rated the workshop 9 out of 10. A further 30% rated the workshop 8 out of 10. Subsequently, 83% gave the workshop a score of 8 or higher. Note: 15% of respondents failed to answer the question.

Remarks about the weekend include:
− It was all good
− Well researched and presented
− As always, an excellent, informative session
− Good interaction and networking
− More meetings required
− Excellent overview of the issues and food for thought
− Extremely informative and valuable
− Very well done

The four presentations that were ranked as the most valuable were: campaigning for re-election; issues under the Local Government Act; council mergers and social inclusion.

Due to the Local Government Elections in October, no further Elected Members' Workshops have been scheduled for 2009.

Budget Impact
The workshop is managed on a cost-recovery basis.

12 PLANNING REFORM
Contact Officer: Allan Garcia

That the Meeting note the following report.

Resolved

Background
At the time of writing, councils and the Association had provided written responses to the consultation draft which covered the topics of the Tasmanian Planning Commission, Projects of Regional Significance(PORS) and Ministerial call in powers.

Following the initial regional workshop session, the President and CEO of the Association met with the Minister for Planning to express concerns at both the short consultation period, the haste with which the reforms were being progressed and the likely major objections that councils would have to a number of the proposals.
The Minister acknowledged that the timing was short and agreed to extend the period for consultation for an additional week. He further agreed to split the legislative package into two, one to address the establishment of the Planning Commissions and deal with some incidental matters, the other to cover PORS and call in powers. In addition, an extended period to review the second Bill was agreed.

The issues raised by councils in both the workshop sessions and written responses were varied and significant. Particular concerns were expressed in relation to the scope of the PORS, the processes associated with assessment, the potential for non-compliance with planning schemes and the lack of appeals. The call in powers proposed were also soundly criticised.

The Bills had not been received at the time of preparing the agenda and the timeframes within which they were to be introduced to Parliament had not been finalised.

13 NATIONAL WASTE STRATEGY
Contact Officer: Sue Bronstein

That the Meeting note the following report.

Resolved

Background comment:
Following an announcement by the Australian Environment Minister, the Hon Peter Garrett AM MP, in November 2008, the Australian Government, with the support of the Environment Protection and Heritage Council (EPHC), is in the process of developing a national waste policy.

National waste policy directions were last agreed in 1992 by the Council of Australian Governments as part of the National Strategy for Ecologically Sustainable Development.

A National Waste Policy Taskforce has been formed within the Commonwealth Department of the Environment, Water, Heritage and the Arts to consult widely and to develop a draft national waste policy for consideration by Australian Governments, initially through the EPHC.

Representatives from the Association and the Local Government Regional Waste Groups attended a meeting with the Taskforce in Hobart on 9 April 2009.

The Taskforce recently released a consultation paper entitled: “A National Waste Policy: Managing Waste to 2020” and is calling for submissions on questions raised in the paper from the community, business and government.

The closing date for submissions on the National Waste Policy Consultation Paper is Wednesday 13 May 2009.

The Association consulted the north western, northern and southern Local Government Regional Waste groups and Councils in formulating a whole of Local Government response to the Consultation Paper.

Budget Impact
Does not apply.

Current Policy
The development of a national waste policy falls within the remit of present policy of the Association in relation to waste management.
That the Meeting note the following report.

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

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

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

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

A number of interstate and local presenters addressed the forum on a wide range of approaches to road management across the country. They included:

<table>
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<th>Name</th>
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<tbody>
<tr>
<td>Adrian Beresford-Wylie</td>
<td>Chief Executive Officer, Australian Local Government Association</td>
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<tr>
<td>Cr Bill Mitchell JP</td>
<td>President of the Western Australian Local Government Association</td>
</tr>
<tr>
<td>Les Dunn</td>
<td>Executive Director, Road System Planning &amp; Performance Division,</td>
</tr>
<tr>
<td></td>
<td>Queensland Department of Main Roads</td>
</tr>
<tr>
<td>Chris Champion</td>
<td>Chief Executive Officer, Institute of Public Works Engineering Australia (IPWEA)</td>
</tr>
<tr>
<td>Norm McIlfatrick</td>
<td>Secretary, Department of Infrastructure, Energy and Resources (DIER)</td>
</tr>
<tr>
<td>Vince Taskunas</td>
<td>General Manager, Public Policy and Communications, RACT Ltd</td>
</tr>
<tr>
<td>Peter Douglas</td>
<td>Regional Manager, Transport Infrastructure (TAS), Pitt &amp; Sherry</td>
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</tbody>
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who sponsored the forum lunch.
Participating in the forum were elected members, Council officers and Association staff, as well as senior representatives of the Department of Infrastructure, Energy and Resources.

Despite a somewhat disappointing level of attendance from the Local Government Sector, initial feedback from participants, including elected members, indicates that the event was well received.

A key outcome of the event, which gained coverage in the Tasmanian media, is that it has provided a valuable opportunity for participants from both spheres of government to work collaboratively to find solutions to common problems and pool ideas and resources to improve the management of road networks in the state.

**Budget Impact**
A fee was set with a view to recovering the majority of the costs as the forum was outside core budget.

**Current Policy**
The general intent of the forum marries with the present policy of the Association in relation to road funding.

The Meeting adjourned for lunch at 1.00pm.

The Meeting resumed at 2.05pm.

15 **DEVELOPMENT IN BUSH FIRE PRONE AREAS**

Contact Officer: Liz Gillam

That the Meeting note the following report.

Resolved

**Background comment:**
On 15 March 2009, the Premier announced that the State Government was to consider changes to planning and construction standards to help protect Tasmanians from the tragedy of bushfire.

Representatives of a number of relevant State Government agencies have been working on documents relating to planning (a draft bushfire schedule) and building (proposed amendments to Building regulations) issues.

In relation to planning issues, the draft standard Planning Schedule will be considered by the Resource Planning and Development Council(RPDC) for introduction by planning directive. Currently about 18 Councils address the issue of bushfire planning in their Planning Schemes but there is no consistency in these provisions.

In relation to building, AS 3959 Construction of buildings in bushfire-prone areas, is called up in the Building Code of Australia in all states except Tasmania, where it will be called up from May 2010. This will require amendment of the Building Regulations to define the term ‘bushfire prone area’. The issue of adequate water supply will also be dealt with by regulation.
This area highlights quite strongly the need for alignment/coordination of planning and building provisions, approvals and enforcement.

An Industry Reference Group has been established for consultation on these documents, with representation from Housing Industry Association (HIA), Master Builders Association (MBA), Property Council, Australian Institute of Building Surveyors and LGAT. At the time of writing this report, the Industry Reference Group had met on two occasions.

On 20 April, Council representatives (planning and building officers) met with representatives of Department of Premier and Cabinet (DPAC), Department of Justice and the Tasmanian Fire Service (TFS) to consider the draft documents. The practical input of these officers was extremely useful, particularly in representing the position of rural councils. However, they also raised a number of concerns and these issues have been raised with the State Government. At the time of preparing this report, no response had been received and a verbal update may be required at the meeting.

It should also be noted that consideration of a proposal by Cabinet will be the first stage and there will be further opportunities for consultation. It is fair to say that it will be difficult to align the position of Councils to that of some of the participants on the Industry Reference Group. It is important that LGAT continues active involvement in the process.

It should also be noted that the proposals being considered relate only to new developments (subdivisions and buildings on existing lots). Dealing with the bushfire risk to existing developments remains a considerable dilemma for all levels of government and the community. It is possible that this matter will be considered further following the outcome of the Royal Commission into the Victorian bushfires.

**Budget Impact**

Does not apply.

**Current Policy**

Does not apply.

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16 **REGIONAL PRE ELECTION WORKSHOPS**

Contact Officer: Allan Garcia

That the Meeting note the conduct of a series of regional workshops for intending candidates at the October 2009 Local Government elections.

Resolved

**Background comment:**
The Association has conducted pre-election workshops for a number of years in collaboration with the Local Government Office and the Tasmanian Electoral Commission.

The Association’s component of the session focuses on Local Government and the legislative framework within which it operates, the functions powers and responsibilities of councils, rewards and benefits of being a councillor, getting elected and the resources available to councillors.

The Local Government Division concentrates on the role of councillor, requirements of the Local Government Act, interest provisions, code of conduct, penalties and meeting procedures. The Electoral Commission presentation provides intending candidates with information on nominating, expenditure limits, advertising and poster display and the actual election process and timing issues.
The sessions are held in the North, North-West and Southern regions. Requests have been made to conduct sessions on each of the Bass Strait islands and the East Coast. Consideration is presently being given to how best to service these areas.

A new resource has been developed for intending candidates this year adapting a document originally developed by the Municipal Association of Victoria.

The workshops were held earlier this year to provide candidates with greater lead time to increase their readiness for the election process.

17 **HOUSEHOLD HAZARDOUS WASTE COLLECTION PROGRAM**

Contact Officer: Ben Mooney

That the appointment of the Household Hazardous Waste Program Coordinator and update on progress be noted.

Noted

**Background**

The Household Hazardous Waste Program Coordinator commenced 3 days per week on 4 March 2009 and the Grant Deed was extended to coincide with the 2 year appointment date. Activities undertaken to date include:

- Networking, information gathering and site visits in Victoria (Sustainability Vic and Darebin CC), South Australia (Zero Waste SA and Dry Creek HHW collection day), and Tasmania (HCC, GCC, Mornington, Dulverton, LCC) proceeded in April.
- Attended the National Waste Policy public consultation meeting in Hobart and the Controlled Waste Management Working Group in April.
- Initiated discussion with the three regional waste management authorities with an intent of addressing these groups at meetings during May/June.

The collection program will proceed late 2009, contingent on a successful tender for collection and disposal of hazardous waste.

A campaign to promote the service will include a letterbox brochure delivered to households across Tasmania.

**Budget Impact**

Fully funded through project funds (50:50 State/Local Government contribution) as per deed.

**Current Policy**

Where possible, align HHW collection program approach with Regional, State and National Controlled Waste Strategies.
That the Meeting note the following report.

Resolved

Background comment:
Following endorsement at the November 2008 General Meeting, the Statewide Partnership Agreement on Climate Change between the State Government and the Local Government Association of Tasmania (LGAT) on behalf of Tasmanian councils was signed on 16 December, 2008.

The Partnership Agreement has four Schedules:
- Schedule 1 Future Planning and Action Committee
- Schedule 2 Carbon Pollution Reductions
- Schedule 3 Community Consultations and Education
- Schedule 4 Planning

LGAT has been working towards implementation of the Schedules of the Agreement. Specifically:

Schedule 1 Future Planning and Action Committee
The Future Planning and Action Committee (FPAC) has been established to:
- monitor the implementation of the partnership agreement;
- make recommendations to the Premier’s Local Government Council (PLGC) on the future direction of the agreement; and
- ensure that action is relevant to changing times and needs.

Member organisations include:
- Local Government Division (Chair)
- Local Government Association of Tasmania
- Department of Justice (Land Use Planning Branch)
- Tasmanian Climate Change Office
- Representatives of other organisations as required.

The inaugural meeting of the Committee was held on Thursday 31 March. The terms of reference for the Committee were finalised.

Continuing priorities for the Partnership Agreement are:
- Future Action Planning Committee
- Continuing the Local Government Carbon Emission Reduction Program in 2009-10 and 2010-11. This will require funding of $114,250 annually.
- Continuation of Community Consultation and Education Initiatives. Funding implications have not yet been considered.
- Provision of specific requirements to guide the development of the three regional planning schemes. No additional funding required.
Future priorities 2010 and beyond were identified and included:

− Identification and implementation of energy efficiency and conservation strategies.
− Regional investigations to inform the development of risk management strategies and to assist councils in managing liability in planning decisions.
− Investigating and planning for impacts of climate change on Tasmanian governments specifically in relation to food and water security, climate refugees, mental and physical health, bushfire and drought.
− Identification of a toolkit(s) best suited to Tasmanian circumstances to assist councils adapt to the impacts of climate change.

Schedule 2 Carbon Pollution Reduction

− Planet Footprint has been engaged to provide baseline monitoring and reporting of council’s carbon emission.
− More detail is provided in a separate report.

Schedule 3 Community Consultations and Education

− LGAT commenced the Climate Connect Program involving community screening of the documentary *Telling the Truth* commenced in December with screening in St Helens and St Marys. Uptake has been slow. As a result the format for the program is being reviewed in consultation with Sustainable Living Tasmania.
− LGAT initiated the Local Government Planning for Communities Conference and has been leading in the coordination of climate change initiatives.
− It is proposed that the Association work in collaboration with the Tasmanian Climate Change Office on developing a community web site.

Schedule 4 Planning

− The Tasmanian Local Government Planning for Communities in a Changing Climate was hosted by LGAT at the Baha’i Centre in Hobart on 25 and 26 March, 2009. Refer to Item 3.10.

Budget Implications

Year 1 of the Program for Schedule Two (Carbon Pollution Reduction) is jointly funded by the Tasmanian Climate Change Office and the Local Government Association of Tasmania. Ongoing funding is required to continue the program into years 2 and 3. Indicative costs: Year 2 (2009-2010) $114,550 + GST, Year 3 (2010 – 2011) $114,550 + GST. $3,950 +GST per Council.

Current Policy
Does not apply
That the Meeting note the following report.

Resolved

Background comment:
At the 2008 Annual General Conference of LGAT, the Brighton and Glenorchy City Councils successfully received the support of member councils for LGAT to express, to the Commonwealth and State Governments, the concern of Local Government about the on-going social and economic benefits of electronic gaming machines (EGMs) and to request feedback on programs to mitigate their negative impacts from both levels of Government.

The supported motions coincided with the 2008 Social and Economic Impact Study (SEIS) into gambling in Tasmania carried out by the South Australian Centre for Economic Studies (SACES). Commissioned by the State Treasurer after consultation with key stakeholders such as the Australian Hotels Association, TasCOSS and Anglicare, the terms of reference of the SEIS included, amongst other things:

- quantifying and assessing the broad social impacts of gambling in Tasmania;
- analysing the economic impacts of gambling in Tasmania and quantifying the financial impacts upon State and Local Government, as well as an assessment of its effect upon tourism, recreation, economic development and employment; and
- identifying the incidence of problem gambling in Tasmania and analysing that in comparison with other states and territories.

Following the release of SEIS report, the State Treasurer asked the Tasmanian Gaming Commission (TGC) to review its findings. The TGC subsequently identified a range of measures to mitigate the negative social and economic impacts from EGMs and the potential timeframes in which these could be implemented. Some would require legislative change or negotiation with other jurisdictions and might take years to achieve.

LGAT wrote to the Treasurer welcoming the TGC’s report and noting the Commission’s views are consistent with, and broadly reflect, the concern of Local Government about the on-going harmful social and economic impacts of EGMs in our communities, as reflected in supported motions. The Association concurred with the TGC’s opinion that EGMs are the most dangerous mode of gaming especially for those individuals most likely to be become problem gamblers and that it is this form of gaming that presents the greatest risk of harm in our communities. LGAT also noted there are implications from the findings of the SEIS report in relation to the association between disadvantage and the regional/ geographic concentration of EGMs. LGAT expressed Local Government’s particular concern about the effect that electronic gaming activities in hotels and clubs is having on families and small business in rural and regional communities and the concentration of EGMs in lower socio-economic areas and an inverse relationship between a region’s income and the total amount spent on gaming machines.

While acknowledging the benefits to the State Government from gambling revenue are considerable and that these, in turn, are returned to the community, LGAT sought early feedback on which of those measures identified by the Commission the State Government intended to implement and by when.
In an initial response, the Treasurer advised the Association that the State Government was considering a package of measures arising from the study together with feedback from peak groups such as LGAT. Subsequently, on 20 March 2009, the Treasurer publicly announced a number of measures to further address problem gambling in Tasmania including:

- enhanced restrictions on access to gambling by minors;
- mandatory codes to improve gaming environments, including a prohibition on attendant service of alcohol and food in public gaming areas between the hours of 9pm and close of gaming operations each day;
- further restrictions on access to cash in gaming venues;
- enhanced training requirements for gaming staff in identifying problem gamblers;
- improved information available to players on game rules and returns;
- restricted inducements, such as free food, drinks or games that may lead to problem gambling behaviour;
- alignment of penalties for gaming with those for liquor licensing;
- strengthening of the gaming exclusions regime for self-excluded gamblers;
- enhanced education for at risk groups;
- reviewing the effectiveness of the gambling support helpline;
- tightening bet limitations on gaming machines from $10 to $5 and strengthening other machine-based interventions;
- imposing a maximum cash payout amount of $1000 for all winnings (Keno and EGM) for all venues; and
- reducing the current cash input limit on EGMs to $500.

Commenting on the State Government's response to the SEIS, Anglicare supported reducing the bet limit from $10 to $5 and a mandatory versus voluntary code but considers the measures do not include ‘bigger ticket items’ such as reducing the number of EGMs; venues with EGMs; hours that the EGMs are available to people and the speed with which people can bet on an EGM.

LGAT has since received advice from the Treasury that it (Treasury) is currently in the process of implementing the measures announced, some of which will require amendments to the *Gaming Control Act 1993* (anticipated in the Spring session of Parliament 2009), while others can be implemented through a direction by the Minister to the Tasmanian Gaming Commission.

LGAT also notes the Treasurer expressed support for the principles behind smart technology and machine intervention strategies and other player pre-commitment measures but will be seeking a national response to this issue, noting the Productivity Commission’s public inquiry into gambling. This inquiry will provide an update on developments since the Commission’s 1999 report, and consider a wide range of issues including:

- the nature and definition of gambling and the range of activities incorporated within this definition;
- the participation profile of gambling, including problem gamblers and those at risk of problem gambling;
- the economic impacts of the gambling industries, including industry size, growth, employment, organisation and interrelationships with other industries, such as tourism, leisure, other entertainment and retailing;
- the social impacts of the gambling industries, the incidence of gambling abuse and the cost and nature of welfare support services necessary to address it;
- the contribution of gambling revenue on community development activity and employment;
- the effects of the regulatory structures (including licensing arrangements, entry and advertising restrictions, application of the mutuality principle and differing taxation arrangements) governing the gambling industries, including the implications of differing approaches for industry development and consumers;
the implications of new technologies (such as the Internet), including the effect on traditional government controls on the gambling industries;
the impact of gambling on Commonwealth, State and Territory budgets;
the impact that the introduction of harm minimisation measures at gambling venues has had on the prevalence of problem gambling and on those at risk; and
evaluate the effectiveness and success of these harm minimisation measures used by the State and Territory Governments.

The Australian Government has recently extended the final reporting date for the Productivity Commission's Gambling Inquiry to 26 February 2010 (instead of 24 November 2009) due to more extensive consultation requirements and the need to give full consideration to some delayed major submissions. As a result, the Commission will produce a draft report around October 2009 and will hold hearings and further consultation prior to Christmas.

Budget Impact
Does not apply.

Current Policy
The issue of gaming machines marries with the present policy of the Association in relation to the social and economic impacts of gambling in our communities.
1 GOVERNANCE

1.1 Motion – Local Government (General) Regulations 2005 Amendment

Central Coast Council/West Coast Council

That the Local Government Association of Tasmania seek amendment to the Local Government (General) Regulations 2005 section 43, Expenses for councillors, which reads:

“A councillor is entitled to be reimbursed for reasonable expenses in accordance with the policy adopted under Schedule 5 to the Act in relation to - …”

Sub-clause (c) to be altered from:

“(c) Care of any child of the councillor” to:

“(c) Care of any person for whom the councillor is responsible.”

Carried

Background Comment
Presently under Regulation 43, no reimbursement is permitted for a councillor requiring care for dependants other than children.

This creates an inequitable situation for current and future councillors and may also act as a deterrent for prospective candidates who are responsible for the day to day care of adults, whether they be parents, spouses or adult children.

LGAT Comment
There is nothing to prevent a council making such a provision in the policy adopted under section 1, schedule 5 of the Local Government Act.

Schedule 5 and regulation 43 were intentionally drafted to provide a minimum level of reimbursement expenses but with flexibility for council to make other provisions to suit their particular needs, circumstances and capacity.

Tasmanian Government Agency Comment
Whilst the principle expressed in this motion is supported, the motion appears to be based on a misconception. Individual councils are currently entitled to make their own decisions on this matter and have the power to reimburse councillors for expenses in addition to those prescribed in Regulation 43.

Schedule 5 of the Local Government Act 1993 requires that each council adopt a policy in respect of payment of expenses incurred by councillors in carrying out the duties of office. That policy must provide for the prescribed expenses, as outlined in the motion. Section 2(b) of Schedule 5 also provides that the policy may provide for reimbursement of “any other expenses the council determines appropriate.” As such, if a council wishes to do so, it can include a provision such as that proposed in this motion in its own expenses policy.

It is therefore not necessary to impose further requirements in this area.
1.2 Motion – Local Government Act Amendment

Glamorgan Spring Bay Council/King Island Council

That LGAT lobby the Government to amend the Act so that all Councillors be referred to as “Alderman” irrespective of which Council they represent.

Lost

Background Comment
All Councillors have an equal responsibility to their ratepayers irrespective of the size or location of the Council.

The work of Councillors in the smaller municipalities is no less onerous than that of the larger City Councils and, in some cases, even more so, with considerable distances to travel in order to conduct their business effectively.

The ongoing use of the two titles is confusing to ratepayers and can also be classified as discriminatory and, as such, could be considered as ‘politically incorrect.’

Tasmanian Government Agency Comment

LGAT Comment
The differentiation of elected members in city councils in Tasmania by the use of the term ‘alderman’ was carried over from the 1962 Local Government Act to the 1993 Act. The use of the term was not raised as an issue in the 2002 - 2005 review of the Act.

The term ‘alderman’ is not used in the Local Government Act of any other Australian state. The capital city websites of other states refer to their elected members as councillors and as far as could be established the term alderman is not used even in a ceremonial way.

Internationally, the use of the term alderman seems to be declining. Where it is used it appears to be either in an honorary/ceremonial sense or applied to a different role from that of a councillor.

The basis of the differentiation between city and other councils in Tasmania is not clear. The Oxford dictionary definition is ‘co-opted member of an English county or borough council, next in dignity to the Mayor.’ The Osborne Law Dictionary defines alderman as ‘a senior member of the governing body of a city, borough or county’. These definitions do not indicate any differentiation between city and other councils.

Rather, the term alderman appears to have been used to differentiate positions or status within a council, rather than between councils.

Given that the word ‘alderman’ derives from ‘elder men’ and the apparent non-use of alderman elsewhere in Australia, it is perhaps more appropriate to consider discontinuing, rather than extending, its use.

Tasmanian Government Agency Comment
It is not clear that the use of the word councillor, as opposed to alderman, creates any impression that the representatives of the smaller councils have fewer responsibilities or a less onerous workload than the representatives of the city councils.

Section 25(2) of the Local Government Act 1993 states that “A person elected to a city council is a councillor but may be known as an alderman.” There is no compulsion that city councillors be referred to as aldermen and, if a city council wished to do so, it could refer to its elected members as councillors rather than aldermen.
1.3 Motion – Communication And Consultation Protocols

Hobart City Council/Central Coast Council

That LGAT request the State Government to adhere to the communications protocol with Local Government in relation to consultation over proposed new legislation, to wit, 5 weeks.

Carried

Background Comment
The Council is concerned that the communication protocol is being breached by the government with respect to important pieces of legislation. A recent example of this is the water and sewerage legislation and, more recently, the changes to LUPA to facilitate projects under the Australian Government’s stimulus package. These Bills involve considerable impact on Local Government and sufficient time should be allowed for councils to consider their implications. The lack of genuine consultation should be a concern to Local Government.

LGAT Comment
A second Statewide Partnership Agreement on Communication and Consultation between the State Government and Tasmanian councils was signed in December 2008. The Agreement is not legally binding but reflects “the parties’ shared desire for effective cooperation, to demonstrate leadership and the maintenance of an open and productive working relationship between the State Government and Local Government in Tasmania”.

Section 7 outlines a grievance process starting at officer level escalating to CEO LGAT/ Director Local Government Division.

In relation to legislation the Agreement states:

“There must be enough time and information for a considered response to be formulated, taking into account council and other meeting schedules. Specifically, wherever possible:

− where there has been prior consultation, eg on draft legislation or through a discussion paper, five weeks should be given for a response
− where there has been no prior consultation, 10 weeks should be given for a response.

Consultation on urgent matters may not always be possible within this timeframe. In such cases, direct contact should be made with the Local Government Association of Tasmania (LGAT) to determine appropriate arrangements”.

While generally State Government Departments work to meet the intent of the Agreement there have been some instances in recent times of policy/legislation with significant impact to Local Government which has not demonstrated best practice in consultation. Where there has been concern that the Agreement is not being considered, the matter has been raised in accordance with Section 7 and beyond, including with the relevant Minister’s and the Premier (through the PLGC).

Tasmanian Government Agency Comment
The Second Statewide Partnership Agreement on Communication and Consultation between the State Government and Tasmanian councils (the agreement) specifies in Appendix 1B that a minimum of five weeks should be allowed for consultation on new legislation. However, it also recognises that “consultation on urgent matters may not always be possible within this timeframe.”
This matter was raised by LGAT at the PLGC Officials Committee meeting on 17 March 2009. The State Government is committed to consultation with Local Government and to complying with its obligations under the recently signed agreement. The agreement was recently circulated to all State Government Heads of Agency and will shortly also be distributed to all Mayors, Ministers and Government backbenchers. The examples raised in the background comment to this motion refer to exceptional circumstances in which the full consultation period would not have been possible.

For example, at the Council of Australian Governments (COAG) meeting on 5 February, Tasmania, along with all other states and territories and the Commonwealth Government, signed a National Partnership Agreement (NPA) on the Nation Building and Jobs Plan. The Plan is designed to rapidly deliver a boost to Australia’s economy by investing in jobs and infrastructure.

Under the NPA, states and territories will receive $21 billion in funding to deliver social housing and schooling infrastructure, provided that a range of conditions is met, including tight commencement and completion timeframes. If states and territories do not meet their obligations under the NPA, their project funding could potentially be withdrawn, along with the reduction of an equivalent amount of untied Commonwealth funding.

Given the extremely tight timeframes specified in the NPA and the critical importance of ensuring Tasmania’s share of the funding flows through to the State, the introduction of new legislation to exempt certain projects from the *Land Use Planning and Approvals Act 1993* and provide an alternative, streamlined planning and consultation process was necessary. Most if not all other jurisdictions have introduced similar significant measures to fast track planning for projects funded under the NPA.

The timeframes imposed by the Australian Government in the NPA made it impossible to comply with the required five-week consultation period in this case. However, the Government held informal discussions with LGAT during the preparation of the Bill, and the Premier convened a special meeting of the PLGC to discuss the proposed legislation.

With respect to the *Water and Sewerage Corporations Act 2008* and *Water and Sewerage Industry Act 2008*, while it is acknowledged that there was limited time for councils to consider the draft legislation, it was explicitly recognised at the PLGC meeting on 4 February 2008 that the introduction of legislation that would give effect to frameworks agreed to by the PLGC would need to occur when it did. In addition, this timing was driven by the desire of local government to ensure assets, liabilities and employees could be transferred by 1 July 2009 in order to ensure that the period of uncertainty for employees and councils was minimised. Introduction of the legislation to Parliament any later would not have allowed sufficient time to implement the governance and regulatory frameworks that would allow transfer to occur on 1 July 2009.

Sufficient time has been allowed for consultation on subsequent water and sewerage legislation.
1.4 Motion – Review of Local Government Act – Codes of Conduct

West Coast Council/Southern Midlands Council

That a review of the following sections of the Local Government Act be undertaken:
   28E – Code of Conduct
   28G – Establishment of Code of Conduct Panel

Carried

AMENDMENT MOTION

George Town Council/Central Highlands Council

That ‘with the exclusion of any sitting councillors on the council involved, from the code of conduct panel’ be added.

Lost

West Coast Council/Southern Midlands Council

That a review of Section 199 – Interpretation of Division 6 – Definition of nuisance, of the Local Government Act be undertaken.

The review to include strengthening provisions under Section 199.

Carried

Background Comment

28E Code of Conduct (b) address any prescribed matters – this needs to be more precise (black & white).

28G (1) A Council must establish a code of conduct panel – West Coast Council has found it very difficult to establish the panel given that it has been unable to appoint a person of good standing in the community as the size of the municipality has made it difficult to appoint someone that has no interest or contact with one or any of the elected members.

The must needs to be removed or replaced.

199 – Interpretation of Division 6 – Definitions of nuisance should be expanded to include buildings or structures that are uninhabitable due to the condition or appearance which is determined by the Valuer General and the reduction in services rates charged by Council. Amendment to (e) unsightly article, rubbish, structure or derelict building. This will give Council's more power to deal with abandoned homes and buildings.
LGAT Comment

Section 28E (2) (b)
When an act refers to a matter being ‘prescribed’, it means it is dealt with in regulations.

The Local Government (General) Regulations 2005 prescribe:

22A. Matters to be addressed by code of conduct
For section 28E(2)(b) of the Act, the following matters are prescribed:
(a) conflicts of interest;
(b) the use of the office of councillor, mayor or deputy mayor;
(c) the use of council resources;
(d) the use of council information;
(e) the giving and receiving of gifts and benefits;
(f) relationships with the community, other councillors and council employees;
(g) the representation of the council.

As all councils have had codes of conduct in place for some time now, and many of these have been refined, a review of other council’s code might provide a model which could be adapted to another council’s use.

Section 28G
There are other issues that have arisen in relation to the establishment and operation of council code of conduct panels. These, and the issue raised above, will be included in a paper being prepared by LGAT. Some potential alternatives will also be proposed.

It is noted that the person of good standing does not necessarily have to be from the municipal area. It is understood that a number of councils have appointed the same person, which has the advantage that the person is more likely to develop experience in this area.

Section 199
The inability of Councils to deal with derelict, dilapidated or unsightly buildings has been of concern for many years and raised with the State Government on numerous occasions, most recently following a similar motion from West Coast Council at the General Meeting in May 2007. Commentary from the West Coast Council’s solicitor suggesting a number of potential solutions was also forwarded to the State Government. The Local Government Division indicated that the matter would be looked at again.

Tasmanian Government Agency Comment
In relation to sections 28E and 28G, the Government is currently awaiting advice from LGAT in relation to a potential review of the code of conduct provisions of the Local Government (General) Regulations 2005. This process will clarify what, if any, changes are needed to the Regulations or the Local Government Act 1993.

In relation to section 199, the Minister for Local Government has agreed to consider the nuisance provisions of the Act as part of a future limited review. However, the issue in relation to derelict buildings and whether they can constitute a nuisance was considered in the most recent review of the Act and at that time it was determined that the Act already contains very broad powers to enable Tasmanian councils to manage nuisance issues. In addition, difficulties in defining the subject matter and determining an appropriate legislative model pose significant obstacles to this reform.
2 PUBLIC POLICY - GENERAL

No Motions Received

3 ADMINISTRATION

No Motions Received

4 FINANCE

No Motions Received

5 INFRASTRUCTURE AND SERVICES

5.1 Motion - Fire Services Funding For Rural Areas

Central Highlands Council/West Coast Council

That the Tasmanian Fire Service increase the number of permanent paid fire fighters stationed in rural areas.

Lost

Background Comment
Due to the drought, declining terms of trade, and a shift in population to bigger centres as governments withdraw services from rural centres (e.g. Ouse School and Hospital), rural fire brigades are finding it hard to replace ageing volunteers with new members.

As a result some brigades no longer exist and the remaining brigades, with lesser numbers have to cover larger areas. The pressure is increased when a fire is turned back to the have to cover larger areas. The pressure is increased when a fire is turned back to the local areas for patrolling and mopping up, quite often covering a large area, with the consequence that a thorough job of mopping up cannot be carried out. This naturally increases the risk of another flare up.

If there were permanent rural fire fighters employed the capacity to fight and later patrol the fire would be greatly enhanced.

LGAT Comment
LGAT notes that whilst the Fire Service Levy is collected by Local Government, this revenue is currently managed at a state level through the Tasmania Fire Service (TFS). LGAT also notes that although the costs associated with employing additional permanent rural firefighters are not currently funded through the levy, support is and has been provided to local firefighters through the deployment by the TFS of taskforces of personnel and equipment when major fires occur and that TFS field staff are made available to assist local brigades with recruitment and retention strategies.
Tasmanian Government Agency Comment

Tasmania, and indeed Australia, has a long and proven history of local volunteers providing fire protection for their communities and surrounding areas.

The Tasmania Fire Service (TFS) supports 230 volunteer brigades across the State including Bruny, King and the Furneaux Islands. While there are sometimes problems in recruiting and retaining volunteers in some areas, volunteer members have remained reasonably static over recent years at about 4,500. When recruitment becomes a problem in some areas, TFS field staff are available to assist local brigades with recruitment and retention strategies.

Furthermore, when major fires occur TFS deploys taskforces of personnel and equipment to assist local brigades and/or to provide relief for local firefighters. Examples of incidents resourced by taskforces from outside of the affected area in recent times include St Marys, Flinders Island, King Island, Central Highlands, Kellie and many more.

Fire levies collected through the Local Government rate process assist in funding fire vehicles, fire stations, fire equipment, protective clothing and operating costs for brigades. No funding is available to fund the costs associated with employing additional permanent rural firefighters as proposed.

5.2 Motion – Funding for Parks and Wildlife Service

Circular Head Council/Waratah/Wynyard Council

That the Local Government Association of Tasmania is asked to lobby the State Government for an increase in operational funding for the Parks and Wildlife Service Tasmania.

Carried

Background Comment

Council over the past months has been in consultation with Parks & Wildlife Service Tasmania, relating to the maintenance of roads within the Arthur Pieman region. Council has been verbally advised that the Department does not have an adequate operational budget to maintain these roads, or bring the roads to a standard that could be maintained by the Council under a Memorandum of Understanding arrangement with annual funding towards the ongoing maintenance.

LGAT Comment

In 2004 the following motion was carried:

“That the State Government be requested to adequately fund agencies such as Parks & Wildlife and Marine and Safety Tasmania to enable them to maintain and develop infrastructure to avoid the burden falling on to Local Government”.

The issue of inadequate operational funding leading a decline in infrastructure standards in National Parks seems to be broad spread beyond Arthur Piemann with concerns raised about a number of popular parks in recent times.

The announcement by the Premier, in his State of the State address, about the creation of the Bay of Fires National Park, means there is likely to be a further drain on Parks and Wildlife resources.
The recently released issues paper on the Review of the Crown Lands Act acknowledges that “in the context of increasing demand on a range of Government services, it is clear that to carry out appropriate on-ground management of both Parks and Crown land...is an issue”.

**Tasmanian Government Agency Comment**

In principle the concept of the council taking on the maintenance of roads within the Arthur-Pieman Conservation Area (APCA) via an MOU would be a sound and rational outcome having mutual benefit for both the Council and the Parks and Wildlife Service (PWS).

Within the northwest there are other instances where councils would be willing to undertake maintenance on roads within reserves on the understanding that the roads were brought up to the appropriate standard before handover and then an annual fee was payable to the council. Although in principle it would be cost-effective for organisations such as councils which have the equipment and expertise to undertake these works, at present the PWS Northwest Region does not have the necessary funding to bring the roads up to standard nor to pay an annual maintenance fee to the council.

An increase in operational budget to cover these arrangements and MOUs with councils to ensure the PWS met its obligations and responsibilities with regard to road maintenance would be a rational approach to these issues. However, it is difficult for the PWS to legitimately enter into any negotiations without the required funding.

Failing an increase in the PWS operational budget, another option would be for road maintenance by councils to be factored into negotiations of partnership agreements.
6 PLANNING AND DEVELOPMENT

6.1 Motion – Tree Planting Within Town Boundaries

Northern Midlands Council/Central Highlands Council

That the Local Government Association of Tasmania request the State Government to legislate, so that Local Government is empowered to ensure that the planting of trees within town boundaries are species that are appropriate in relation to both fire and general safety.

That LGAT lobby State Government

i) to reassess the state planning template; and

ii) to manage road verges, rail corridors and or cycle ways

in regard to fire management.

Carried

Item 6.2 was included with Item 6.1.

Background Comment

The purpose of this motion is to increase Local Government’s effectiveness in the area of the vegetation control within town boundaries and to ensure that vegetation does not become a safety issue to either property or persons.

Generally, under the provisions of the *Northern Midlands Planning Scheme 1995*, the removal of trees having a height of approximately 10m or more generally requires a permit, however, exemptions may apply (refer Part 14 – General Provisions, 14.7 – Vegetation and Tree Removal Protection), in particular Section 14.7.1 relates to this issue:

“The clearing of land or destruction of any trees or natural understorey in any zone shall require a permit pursuant to Clause 2.6 unless it is for the purpose of:

a) …

b) damage prevention purposes or the tree removal requirements for maintenance purposes by Council or Public Authorities;”

There is also strong argument to review the tree-clearing exemptions to include exemptions for fire prevention purposes and achieve consistency across the State in this regard.

LGAT Comment

Local Government is involved in a number of current projects that are relevant to these motions, including the development of the Standard Bushfire Schedule and the Vegetation Management schedule. It is essential that issues relating to the potential effectiveness of these schedules, in particular the powers and resources needed by councils for implementation, are raised through the development process.

Tasmanian Government Agency Comment

It is expected that issues related to vegetation management and planning issues will be considered as part of the Royal Commission into the recent Victorian bushfires. As such, it is appropriate to await the outcomes of the Royal Commission before considering whether a new approach is required in Tasmania.
6.2 *Motion – Planning Requirements For Bush Fire Protection*

**That LGAT lobby State Government**

i) to reassess the state planning template; and

ii) to manage road verges

in regard to fire management.

Motion included with Item 6.1 and Carried

**Background Comment**

The purpose of this motion is to increase Local Government’s effectiveness in the area of the planning requirements relevant to bushfire protection under the current planning scheme and the State Model Template.

**Current Planning Scheme Northern Midlands**

Generally, a discretionary planning permit is required for the removal of trees over 10m in height and for the clearing of natural understorey. With regard to fire prevention, a planning permit is not required for:

- Damage prevention purposes or the tree removal requirements for maintenance purposes by Council or Public Authorities;
- Fire hazard reduction purposes as agreed by a Forest Officer (a forest officer is an employee of the Forestry corporation established under section 6 of the *Forestry Act 1920* a person appointed as a forest officer by that corporation)
- The purpose of construction or maintenance provided that the tree is within 10m of an existing building, or shown as within 10m of the site of a proposed building on a plan approved by Council
- Houses in rural areas are required to provide an on-site storage tank, of which a minimum quantity of 20,000 litres is to be exclusively reserved and accessible for fire-suppression purposes and containing couplings as approved by the Tasmanian Fire Service.

**New Planning Schemes Templates**

The Common Key Elements Template is the format required by the State Government for all new planning schemes. It contains draft Vegetation Management provisions, which say in relation to fire prevention, that a permit is not required under the planning scheme for the clearing or modification of vegetation for:

- building or bushfire management within a building envelope or bushfire management area shown on an approved plan of subdivision;
- fire hazard reduction in accordance with an abatement notice under the *Local Government Act 1993* or the *Fire Services Act 1979*;
- fire hazard reduction carried out by the Tasmanian Fire Service, Council or any public authority or their authorised agent;
- fire management purposes in accordance with a fire management plan prepared by the Tasmanian Fire Service.

It contains a note that a permit may still be required from State and Commonwealth regulators in some cases e.g. under the *Threatened Species Protection Act 1995* for fire hazard.

Local Authorities may wish to amend the current planning scheme to include the Standard Bushfire Schedule of the Template as well as to support greater controls for tree and vegetation management within town areas as well as State controlled road verges.

**LGAT Comment**
Local Government is involved in a number of current projects that are relevant to these motions, including the development of the Standard Bushfire Schedule and the Vegetation Management schedule. It is essential that issues relating to the potential effectiveness of these schedules, in particular the powers and resources needed by councils for implementation, are raised through the development process.

**Tasmanian Government Agency Comment**
It is expected that issues related to vegetation management and planning issues will be considered as part of the Royal Commission into the recent Victorian bushfires. As such, it is appropriate to await the outcomes of the Royal Commission before considering whether a new approach is required in Tasmania.

### 7 ENVIRONMENT

#### 7.1 Motion – Burning Of Fossil Fuels

**Northern Midlands Council/Kingborough Council**

That the Local Government Association of Tasmania continue to investigate and promote initiatives to reduce the use of fossil fuels.

Carried

**Background Comment**

Fossil fuels are natural substances made deep within the earth from the remains of ancient plants and animals. Over time, heat and pressure turned decomposed remains into fuels, which release energy when burned. Fossil fuels are a primary source and are made by the breaking down and compression of plant over thousands of years.

Coal, oil and natural gas are the three main fossil fuels. They all contain hydro carbons. Hydro carbons are used in electricity generation because they release tremendous energy when released.

The burning of fossil fuels is the largest source of carbon dioxide which is one of the green house gases that contribute to global warming. Per person, Australia is the world’s worst emitter of greenhouse gases. This is because most of our electricity comes from burning coal. Electricity generation accounts for one third of Australia’s total greenhouse gas emissions.

**LGAT Comment**

Reduction in the use of fossil fuels is a local, national and international priority. While Local Government in committed to reducing the carbon emissions of the sector, there is a joint role to play with the Commonwealth and State Government in assisting the community to reduce their emissions.

The Commonwealth Government has committed to reduce Australia’s carbon pollution by 25 percent below 2000 levels by 2020 on the proviso that an equivalent global target is agreed at the United National Climate Change Conference in Copenhagen later this year.
If it is passed by the Senate, the Australian Government’s Carbon Pollution Reduction Scheme (CPRS) will:

− Set a cap on the total amount of carbon pollution allowed;
− Issue permits up to the cap amount;
− Require carbon emissions to be monitored and verified; and
− Allow market competition for trade in carbon permits.

The Scheme will come into effect on 1 July 2011.

The Australian Government is working towards establishing the Australian Carbon Trust. The Trust will be established to assist Australians to reduce Australia’s carbon pollution and reduce their dependency on fossil fuels. It is likely that Local Government will play a role in facilitating the uptake of the program by the community.

Reduction in the use of fossil fuels can be met through:

− Conservation of fossil fuels through a reduction in use;
− Improving energy efficiency;
− Investment in clean, renewable energy or alternative energies; and
− Strategic investment in carbon capture and storage.

There are opportunities for Local Government to reduce their fossil fuel use in all of these areas. LGAT has a role to play in the facilitation and communication of Government policy and programs to councils to assist them with reducing their use of fossil fuel. The State and Federal Governments have a role to play not only in providing the policy and programs but assisting Local Government with resourcing their dissemination into the community.

The Local Government Association on behalf of Tasmanian councils signed the Statewide Partnership Agreement on Climate Change between the State Government and the Local Government Association of Tasmania on December 16th, 2008.

Schedule 2 of the Partnership Agreement Carbon Emission Reduction sets actions for reducing local government carbon emissions through:

− the determination of a carbon emission baseline for the local government sector
− agreement on a carbon emission reduction target, and
− the development and implementation of emission reduction strategies in each local government areas.

The Tasmanian Local Government Carbon Pollution Reduction Program was officially launched on Wednesday 25th March. Planet Footprint has been engaged to provide baseline monitoring and reporting of council’s carbon emission. The program commenced on 1 April 2009. The Program specifically relates to the 23 councils who are not part of the Cities for Climate Protection Program.

Cities for Climate Protection Councils (Glenorchy, Hobart, Launceston, Kingborough, Clarence and Brighton) are able to participate in the program if desired at an additional cost to those councils of $1,950 plus GST.

Year 1 of the Program has been jointly funded by the Tasmanian Climate Change Office and the Local Government Association of Tasmania on the premise that the program would continue to be funded over three years. Years two and three comprise:

− ongoing monitoring benchmarking and reporting;
− council action to reduce carbon emissions;
− publicity and promotion; and
− trialling of a council revolving energy fund for financing of future sustainability initiatives.
It was expected that the Tasmanian Climate Change Office would continue to provide financial support through a joint funding arrangement with the Local Government Association of Tasmania to continue the program into Years 2 and 3. However this is now uncertain with the changed global economic climate and the State Government looking to identify budget savings.

Indicative future costs:

**Tasmanian Government Agency Comment**

It is now widely agreed that increasing greenhouse gas emissions can lead to severe and rapid climate change effects and that this risk is too great to be ignored. Slowing down and then reducing the rate of greenhouse gas emissions will require unprecedented global cooperation and the combined efforts of governments, communities, individuals and businesses over many decades.

Burning fossil fuels releases carbon dioxide into the atmosphere and carbon dioxide is the main greenhouse gas of concern, though methane is also significant. Coal is worse than petroleum and gas products in terms of the carbon dioxide released per unit of useful energy obtained. It is also worse in terms of absolute emissions on a global scale.

Whilst Tasmania does not use coal for electricity generation, a significant amount of coal is used by a few heavy industries within the State. However, since Tasmania is now connected to the national electricity grid by Basslink, reductions in Tasmania’s use of electricity can also lead to lower emissions, either by reducing the need for supplementary power supply from fossil-fuel powered generators or by enabling exports of clean Tasmanian electricity to the mainland.

Actions to reduce emissions from the use of fossil fuels fall into several categories:
1. use energy more efficiently
2. switch to cleaner energy alternatives
3. reduce the need to consume the energy in the first place (conservation)
4. offset the emissions.

**Examples of Initiatives in These Categories**

1. More energy-efficient vehicles, buildings and appliances. Unfortunately, improvements in technology are often undermined by changes in usage. For example, appliances are more efficient but we have more of them. Houses are becoming better insulated, but floor space per person is increasing rapidly. Efficiency improvements work best when accompanied by price signals; this is why Europeans use less transport fuel than North Americans. Not all energy efficiency improvements need to be technological. Simple behavioural improvements such as car sharing, turning off unneeded lights and air drying clothes can make big contributions to lowering personal carbon footprints.

2. Over time, fossil fuels can be replaced by clean renewable energy sources such as wind, solar, wave, geothermal and biomass. Stationary uses (eg power generation) are easier than mobile applications (eg aviation).

3. Energy conservation is often overlooked, but involves reducing the basic energy intensity of the way we live, work and travel. It is related to the choices that people make about how they live and how far they need to travel for their daily activities. Town designs that encourage local community living and the use of light vehicles, shared and public transport, and cycling and walking lead to lower use of fossil fuels than sprawling settlements with extensive or congested commuting.
4. Offsets involve biological or geological sequestration of carbon dioxide from the atmosphere or reductions in emissions from sources such as land use, forestry, farming and wastes.

**Role of Local Government**

The Statewide Partnership Agreement on Climate Change requires that all Tasmanian councils complete an audit of their greenhouse gas emissions in 2009. It is likely that the largest contributors to the direct “carbon footprint” of councils are their use of petroleum products and their responsibilities in relation to waste management.

The audit under the agreement will be followed up with the development of plans to help councils reduce their greenhouse gas emissions. This process will inevitably involve looking at fossil fuel emissions of individual councils and investigating ways to reduce the use of fossil fuels.

The Australian Government’s Carbon Pollution Reduction Scheme is Australia’s centerpiece strategy, setting both an emissions cap and a carbon price signal. There has been some comment that there is little point in local and individual abatement action, on the grounds that this just makes life easier for the “big polluters”. However, unless organisations and individuals respond to the price signals across the board, the scheme will not succeed. Carbon pricing will inevitably push up the cost of energy. Through energy efficiency, conservation and cleaner alternatives people can save themselves money, and in doing so reduce energy and emissions.

Local governments have a role to play in this, both in their own activities and by helping their communities and businesses. The benefits are also social and financial.

The range of potential measures is enormous – better planning, higher standards, new technologies, fostering behavioural changes and so on. Faced with such a wide range of choices, a sensible strategy might be to develop a better appreciation for where local government initiatives can have the best return for effort in reducing fossil fuel use and dependency. Since the answers will be similar for many local governments, there is merit in continuing to develop this strategy collectively through the Tasmanian Office of Climate Change and the statewide partnership agreement.
8 PUBLIC HEALTH & NUISANCE

8.1 Motion – Fire Insurance Legislation

Launceston City Council/Kingborough Council

That LGAT approaches the State Government to request consideration of the introduction of legislation to make it mandatory for owners of buildings including temporary dwellings, to have a minimum level of fire insurance on their premises.

Lost

Background Comment
The motion amounts to a query of the State Government as whether or not it would be prepared to legislate to address an issue of equity.

The concern relates to situations arising from the bushfire events in Victoria and the unprecedented levels of public donations to assist the victims, whereby a number of owners who weren’t previously insured have been compensated to fully cover or partially cover their losses.

Comments from the Insurance Industry suggest that this may be sending the wrong message to some property owners who may choose in the future to not insure in the belief that in the event of future fires, their losses may still be compensated from government/public resources.

Public comments through the media also suggest that there is potential for a future backlash from the public’s generosity if there is a view that people will take the risk to not insure if there is an expectation that compensation will be available from the public purse.

LGAT Comment
There has previously been no formal position on the issue reflected in this motion nor were any motions raised on the issue subsequent to the East Coast bushfires of 2006.

Justice Bernard Teague has stated that the Royal Commission will focus on four key areas:

− The causes of the bushfires
− Ways to help victims
− Communication of the bushfire warning
− The emergency response to the disaster

Insurance is not specifically identified within the Royal Commission terms of reference.

Consideration of the issue by State Government may need to include equity and socio-economically disadvantaged groups and other possible high damage events such as severe flooding, winds or storms.

Tasmanian Government Agency Comment
It is expected that issues related to fire insurance will be considered as part of the Royal Commission into the recent Victorian bushfires. However, Tasmania’s previous experience with the running of a public appeal following the East Coast bushfires of December 2006 has been that any assistance provided has not amounted to compensation for losses incurred, but rather represented immediate emergency assistance to those people most in need.
10 COMMUNITY & SOCIAL DEVELOPMENT

10.1 Motion - Homeowners & Bank Protection Bill 2008 *

Latrobe Council/Tasman Council

That the Local Government Association of Tasmania calls for the Australian Federal Parliament to enact the Homeowners and Bank Protection Bill 2008.

Lost

Background Comment
At Latrobe Council’s Ordinary Meeting held on June 10th, 2008 Council agreed to a motion calling on the Australian Federal Parliament to enact the Homeowners and Bank Protection Bill 2008 as proposed by the Citizens Electoral Council of Australia (CEC).

The issue was again highlighted at Council’s Special Meeting on March 30th, 2009 where Council agreed to forward the above motion to the Local Government Association of Tasmania for inclusion into the June 10th, 2009 General Meeting Agenda.

Council’s reports dated June 3rd, 2008 along with the Homeowners and Bank Protection Bill 2008 are at Attachment to Item 10.1.

The Citizens Electoral Council (CEC) considers that Australia is at the centre of a global debt meltdown triggered by the wave of defaults on sub-prime mortgages in the U.S.
A publication by the CEC dated October 2007 states, “The U.S. Federal Reserve’s desperate attempt to bail out the bankrupt U.S. banking system by slashing interest rates has only served to collapse the U.S. dollar, which in turn undermines the entire U.S. dollar-denominated, world monetary system.

Despite claims of unprecedented prosperity, Australians are being swamped by the rising cost of living because Australia is more vulnerable to this debt crisis than most other countries. Australia's household debt to annual income ratio of 175 percent is the highest in the world; even more terrifying is that it has risen three times faster than in the U.S.

The CEC believe that the Homeowners and Bank Protection Bill will solve the crisis by erecting a firewall, protecting the people while the financial system is completely reorganised and hundreds of trillions of debt written off.

LGAT Comment
The Australian Government has recently brokered an arrangement with the four leading banks in the country to provide mortgage relief to those that find themselves unemployed. This amounts to a conversion of the loan to an interest only arrangement for up to 12 months and is aimed at providing short term relief for persons who find themselves in financial distress.

Tasmanian Government Comment
This motion calls for action within the Australian Government’s area of responsibility
21 CLOSE

Mayor Tony Bisdee and Deputy Mayor Maurice Hill were congratulated on their recent Order of Australian awards.

There being no further business, the Acting President Mayor Barry Easther, declared the meeting closed at 3.35pm.