General Meeting

MINUTES

23 July 2010

Tram Shed Function Centre

4 Invermay Road
Invermay

34 Patrick Street, GPO Box 1521, Hobart, Tas 7000
Phone: (03) 6233 5966
Fax: (03) 6233 5986
Email: admin@lgat.tas.gov.au
Home Page: http://www.lgat.tas.gov.au
PROCEDURAL MATTERS.
RULES REGARDING CONDUCT OF MEETINGS

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

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

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

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

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

9.30am  Coffee on arrival

10.00am  Meeting commences

12.30pm  Approximately, lunch will be provided
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* Denotes Attachments
The President, Mayor Barry Easther, welcomed Members and declared the Meeting open at 10.05am.

Apologies were received from –

Mayor Mike Gaffney Latrobe Council
Mayor Darryl Gerrity West Coast Council
Mayor Tony Foster Brighton Council
Mr Ron Sanderson Brighton Council
Deputy Mayor Robert Walsh Waratah Wynyard Council
Mayor Carmel Torenius Sorell Council
Mayor Carol Cox Flinders Island Council
Mr Raoul Harper Flinders Island Council
Mayor Jock Campbell Clarence City Council
Mr Andrew Paul Clarence City Council
Paul Arnold Burnie City Council
Clr David Downie Northern Midlands Councils
Mr Robert Dobrzynski Launceston City Council
Dr Wendy Hunter Tasman Council
Ms Lyn Eyles Central Highlands Council
Mr Greg Preece Meander Valley Council
Mayor Graham Bury Kingborough Council
Mr David Metcalf Glamorgan Spring Bay Council
Mayor Mike Downie Central Coast Council

1 ITEM: MINUTES OF GENERAL MEETING HELD ON 12 MAY 2010 *

Hobart City Council/Central Highlands Council

That the Minutes of the meeting held on 12 May 2010, as circulated, be confirmed.  

Carried

Background :
To confirm the Minutes of the General Meeting held on 12 May 2010.

See Attachment to Item 1.
2 ITEM: BUSINESS ARISING *

That Members note the following information.

Resolved

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

3 ITEM: CONFIRMATION OF AGENDA

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

Resolved

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

4 ITEM: FOLLOW UP OF MOTIONS *

Contact Officer – Katrena Stephenson

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

Resolved

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

5 ITEM: COUNCIL ROUND-UPS

That Members note Derwent Valley and Devonport City Councils will present at the meeting scheduled for 17 November 2010.

Background comment:
The session also allows time for questions and provides an opportunity to briefly share and highlight problems or opportunities facing councils.
ITEM: GLENORCHY CITY COUNCIL WITHDRAWAL FROM THE LOCAL
GOVERNMENT ASSOCIATION OF TASMANIA
Contact Officer – Allan Garcia

That the Meeting note the contents of this item.

Resolved

Background comment:
A number of Association members have sought details on the circumstances regarding the
withdrawal of Glenorchy City Council from the Association. This summary seeks to provide
details of the circumstances associated with the withdrawal, commencing with the initial
notification through to the formal withdrawal.

The matter was recently considered by the General management Committee which
considered that the broader membership should be advised of the situation. The Association
was initially notified of Council’s intention to withdraw on the day of a council meeting in June
2009. The matter had been listed on the agenda of a Council meeting and the General
Manager forwarded a copy of the agenda item in the event that the matter was raised in the
media the following day. The CEO responded to the General Manager expressing
disappointment at not having had the opportunity to input or assist in the development of the
agenda item but provided some details of the importance and worth of the Association to
Council and some major recent achievements. An offer of support to Council was provided
in terms of further information, explanation or other assistance that Council might require of
the Association.

A formal notification was received from Glenorczy Council on 24 June 2009 advising their
intention to withdraw as at 30 June 2010 but that the matter would be considered in more
detail at the time of budget deliberations for 2010/11.

The General Manager had indicated that the critical issue with Glenorczy was associated
with finances. Their financial situation resulted from pressures imposed by the withdrawal of
water and sewerage activities. Unlike the majority of councils in the State, Glenorczy had an
extremely high charging regime for water and sewerage services. While GPOC had long
advised councils that they should seek to increase prices for these services, Glenorczy was
one of the few councils that progressed their pricing structure with any vigour. In taking this
action, it tended to either maintain or reduce in real terms its revenue from general rating.
Its relative general rate was far lower than the many larger councils across the state. In
essence, their water and sewerage charging was cross subsidizing their normal rating
revenue. The reform decision left a significant hole in their revenue unless the returns
previously received from water and sewerage could be guaranteed via the water
corporations.

The water and sewerage corporations were not in a position to give such guarantees.
Glenorczy Council constantly lobbied the State Government on this issue. Their situation
was quite unique and while the Association also sought to have their particular situation
resolved, it was equally important that all members of the Association were not put to further
detriment. The Association sought to negotiate a number of arrangements in terms of
guarantees, interest free loans, etc but these were largely unacceptable to Glenorczy and
other councils. During the election campaign, Glenorczy met with the Liberal Party and it
indicated that it would provide a guarantee of interest free loans to assist Glenorczy with any
dividend shortfall. It is understood that upon making the State Government aware of this
offer, the Treasurer matched the offer.
When the President and CEO of the Association met with Glenorchy Council the Aldermen were critical of the fact that the Association had been unable to achieve a similar outcome for them. They felt that their own lobbying had netted them an outcome that the Association should have been able to deliver. Glenorchy had not sought any particular advice/support from the Association during this interface with the political parties and when it secured the Government’s support for the proposal, was critical of the fact that the Association and other councils had not congratulated them for their efforts, particularly those of the Mayor.

The meeting with Council was the first time this matter had been raised. Up until that juncture the issue had always been portrayed as an issue related to funding.

It must be said that it is very difficult to deal with a circumstance when there is no knowledge of the specific problem. At no time did the Mayor or General Manager contact the Association and seek specific assistance, advice or support. It was clear that there was a financial shortfall but the Association had not contemplated lobbying via the election to resolve the specific Glenorchy issue. The Association’s focus remained on ensuring that commitments to fund the corporations for the shortfalls in revenues that would accrue from price capping was progressed and that big holes did not start to appear in the revenues of all Association members.

Formal notification of withdrawal by Glenorchy Council was received on 25 May 2010. A subsequent response expressing disappointment was forwarded in response.

In an unfortunate epilogue to this process, public comments made by the Mayor suggested that the Association did not seek to engage Council until the last moment and that had the Association been more forthcoming, circumstances may very well have been different.

In a response to the Mayor following advice of her resignation from GMC, it was highlighted that the CEO had corresponded with the General Manager on a number of occasions offering any support or assistance Council may require in relation to its ongoing relationship with and membership of the Association. Informal contact was also maintained with the General Manager on this matter with ongoing offers of support. It was not until a formal invite was offered to a Council workshop in April 2010 that the extent of the concerns of Council were known.

**Budget Impact**

GMC has acknowledged the possible budget shortfall as a result of the withdrawal and has endorsed funding from reserves to the extent that any shortfall is not recouped or reduced through financial management in the budget year.

**Current Policy**

Does not apply.
7  ITEM:  ESTABLISHMENT OF METROPOLITAN COUNCILS GROUP
Contact Officer – Allan Garcia

George Town Council/Meander Valley Council
That the Meeting support the formation of a Metropolitan Councils Group within the framework of the Local Government Association of Tasmania.

Amendment

Huon Valley Council/King Island Council
That the words ‘Subject to the development of the terms of reference as agreed by the full Association membership’ be added.

Carried

George Town Council/Meander Valley Council
That the Meeting support the formation of a Metropolitan Councils Group within the framework of the Local Government Association of Tasmania, subject to Terms Of Reference as agreed by the full Association Membership.

Carried

Background comment:
Hobart City Council recently wrote to the Association seeking the establishment of a metropolitan councils group. It considers that there are a number of matters that could be progressed by such a grouping if the opportunity was provided for regular meeting and dialogue.

The matter was discussed at the General Management Committee Meeting on 21 June 2010. It was agreed that it should be presented to the General Meeting for consideration but acknowledged that there was considerable merit in the establishment of such a structure within the Association.

There is no impediment to the establishment of this or any other grouping of councils or issues based committees to address particular matters of concern that arise occasionally or are ongoing in nature. The important element of this particular proposal is that it is not seeking to create a two tiered arrangement within the Association nor is it seeking to establish a separate entity. It merely seeks to bring metropolitan councils together on a regular basis to address common issues and challenges.

In the event that such a body was supported it would operate within the structure, budget and resources of the Association. In the event that particular efforts, campaigns or research required additional funding it is envisaged that this would be considered in the context of the budget and subscription arrangements.
Hobart City Council already benefits enormously from its membership of the Capital Cities Lord Mayors’ Group and believes that there are significant opportunities for Tasmanian metropolitan councils to come together on a regular basis to discuss and address matters that have little or potentially no impact on non-urban councils.

The South Australian Local Government Association has a similar body within its structure, largely based around the City of Adelaide. It provides advice to the Association State executive on matters affecting Local Government from a metropolitan perspective. It also acts as a forum for metropolitan councils to discuss and progress issues which are of shared concern.

In the event that such a grouping was to be formed within LGAT, there are a number of considerations that have to be addressed:

**Role**
It is envisaged that some high level statements of role should be agreed and may include such things as:

- Act in accordance with the best interests of Local Government in Tasmania;
- Support the Association by providing information on relevant issues from a metropolitan perspective; and
- Strive to engage, present and provide leadership to the communities of metropolitan councils regarding issues which are within Local Government’s sphere of influence.

**Membership**
While Hobart City Council initially called for a major cities group to be formed, the limitation of both “major” and “city” tended to suggest that a metropolitan approach may be more appropriate. This would open participation to councils such as Kingborough which has transformed from an urban rural council to one which impinges heavily on the workings of the greater Hobart metropolitan area.

It is anticipated Hobart, Clarence, Kingborough, Launceston, Burnie and Devonport would automatically form the basis of the group with wider representation dependent upon criteria associated with metropolitan or urbanisation issues. However, if the final definition were extended, it is not anticipated that significantly greater numbers of member councils would be involved.

**Spheres of Influence**
The intent of forming the group within the Association is that the Association would continue to apply influence where appropriate and applicable. This could occur through:

- State Government Ministers and agencies
- Federal Government Ministers and agencies
- Members of Parliament – providing information and lobbying direct
- The broader Association membership – providing information and research outcomes and recommendations to other member councils via committees and forums
- The media
- The community

**Strategic Focus**
While not limited to urban councils, there are a number of planning challenges which are likely to arise in the context of discussions and negotiations around the COAG requirement for metropolitan strategies to be developed for capital city areas. Discussions with the State Government on a process to further this activity have commenced and it is likely that an existing governance structure and project plan will be utilised to progress this matter but there are likely to be many issues that arise that could aid or benefit metropolitan areas outside the capital city area.
A metropolitan grouping could consider these matters and would provide a robust mechanism to address such issues as:

- population growth and ageing population
- increasing rates of urbanisation
- climate change hazards
- maintaining and enhancing liveability against a backdrop of declining workforce and significant infrastructure gaps
- infrastructure planning and provision, particularly transport
- housing affordability and ageing housing stock
- housing density
- social housing
- ports and airports as gateways
- cooperative funding arrangements
- anti-social behaviour,
- the structure of cities

**Frequency of Meetings**
This is a matter of detail but it would seem that bi-monthly or quarterly meetings may be adequate initially with more regular arrangements in the context of issues arising.

**Resourcing**
The group would be serviced from existing Association resources, human and financial, with decisions needing to be made at a later stage on funding for specific projects, research or consultancies and any budget bid process or reflective subscription payments.

**Budget Impact**
Does not apply.

**Current Policy**
Does not apply.
Hobart City Council/ Circular Head Council

That the Meeting give note to the issues outlined in this paper.

That with regard to voting arrangements, the meeting agree, subject to the formation of a metropolitan group, the proposal as outlined in Option Two be progressed -

*Use of metropolitan group to formulate metropolitan positions and policies*

This would allow for broad sectoral issues to be dealt with in accordance with the present General Meeting voting structure but would provide those councils seeking to achieve particular outcomes or policies at the metropolitan level, the opportunity to progress those matters with confidence.

The Meeting further noted that items considered by the Metropolitan Group that had impacts or consequences for all Councils, should be referred to the General Meeting for consideration.

Carried

**Background comment:**

Hobart City Council is seeking a review of the weighted voting system to provide for a more balanced response across the industry. In light of particular motions not being supported at General Meetings, there is a concern that issues impacting on larger councils are not getting the support of smaller councils and that the present voting structure does not allow motions that impact only on larger councils to be passed.

The matter was considered at the recent GMC meeting where it was agreed that a paper be prepared and submitted to a General Meeting for consideration.

**Existing Arrangements**

At the present time the voting arrangements are largely based on representation. Population is the basis for the four category voting structure.

<table>
<thead>
<tr>
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<tr>
<td>40,000 and above</td>
<td>4</td>
<td>Green</td>
</tr>
</tbody>
</table>

13 are red, 8 are white, 4 are blue and 4 are green votes, representing a total of 57 votes. It could be argued that in cases where larger councils sought to vote on block, they would not quite have the voting allocation to achieve a majority, only being able to attain a maximum of 28 of the 57 votes on offer. This has not generally been an issue at General Meetings and the usual absence of councils also skews this probability. The recent withdrawal of Glenorchy City Council will in fact reduce the larger council vote to 24 out of a possible total of 53 votes.
**Situation in Other Jurisdictions**
The voting circumstances vary widely across State Associations with no dominant arrangement prevailing. The NSW LGA has perhaps the closest alignment with Tasmania with a number of jurisdictions having very flat weighted voting systems or a one council/delegate one vote situation. Suffice to say, it is not clear that there is a deemed “best practice” arrangement existing across Associations, with most circumstances emanating from historic practice.

**South Australia**
Decisions are taken on the basis of a majority value of votes of delegates present and voting. There are effectively 7 zones of Local Government with the Metropolitan Group (referred to above) and 6 regional groups. Metropolitan Councils can simply deal with metropolitan issues within their grouping and have a single vote each within that forum. The broader General meeting arrangements have a weighted voting system that is population based and weighted:
- Up to 10,000 = 1 vote
- 10,001 to 50,000 = 2 votes
- > 50,001 = 3 votes

**Queensland**
Every motion is decided by a majority of votes of the delegates present at any meeting.

**Victoria**
Votes are subscription based. Those below the midpoint of subscription levels have one vote, those above have two votes.

**NSW – Shires Association**
Councils within the Shires Association are typically non metropolitan although metropolitan councils can be associate members. Associate members can vote but not hold office or vote for office bearers. Motions are passed on the basis of majority vote with members having one vote and Executive Committee members having 2 votes (1 for council and 1 as an Executive Committee representative)

**NSW Local Government Association**
The number of delegates (as opposed to the number of votes) changes depending on population size. Each delegate has one vote a Majority of voting delegates is required.
- 10,000 = 1 delegate
- 10,001 to 20,000 = 2 delegates
- 20,001 to 50,000 = 3 delegates
- 50,001 to 100,000 = 4 delegates
- 100,000 to 150,000 = 5 delegates
- > 150,001 = 7 delegates

Associate members are entitled to vote and are assigned 2 delegates and Aboriginal Land Councils are allowed 3 delegates.

**Northern Territory**
Each member council has the following vote entitlement at General Meetings, Special General Meetings and AGMs
- 3,000 population = 1 vote
- 3001 to 25000 = 2 votes
- .> 25001 = 3 votes
- Capital city = 5 votes
Western Australia
State Council is the decision making representative body of all member councils – 24 members – 12 from rural constituencies and 12 from metropolitan constituencies – linked to zones.
AGM – only eligible and registered delegates may vote on basis of 1 vote per delegate, although proxy votes may be cast.

Discussion
What needs to be borne in mind when contemplating the voting arrangements is the broad significance and impact of the voting structure.

General Meetings are the forums within which councils can present motions that can be voted upon and form the policy of the Association. The Rules require that up to 4 General Meetings be held per annum. The Association also presents items to General Meetings as motions which can take on policy status. Of themselves, many of these matters are not strict policies but calls to action or directions to undertake particular activities. There are very few items subject to motions at General Meetings that constitute policy in the strict sense of the word. Of course, in undertaking its activities, the Association is ever mindful of the need to progress concepts, actions and responses in accord with decisions made through this process and does not progress matters contrary to these decisions and motions.

However, in contemplating the robustness of the voting system, it needs to be considered that LGAT policy and policy responses are also derived from processes other than the conduct of General Meetings. This is the only place where the weighted system of voting applies. Motions put forward from councils to a General Meeting are voted upon utilizing the weighted voting system. Similarly, key matters of policy are placed before General Meetings where it is considered that a sector wide position on a particular issue is warranted or necessary. In reality, much of the policy considerations of the Association are dealt with outside the General Meeting process. Responses to legislation, the development of positions in informing policy and inputs via working groups and steering committees are generally achieved in consultation with councils through circulation of correspondence, proposals, legislation and discussion papers. The Association formulates positions on matters on the basis of the inputs it receives from members. Some issues are relatively minor and can be extrapolated from the responses provided quite easily and without significant contention.

Other matters can be quite complex and may require additional effort in the policy development process. This can include the establishment of committee or working group structures and may take many months to formulate a position. In such cases, there is likely to be ongoing dialogue with councils which may, or may not, require an ultimate determination at a General Meeting. Certainly, matters of high significance or that are likely to be controversial will be dealt with via a General Meeting, if the timing for the conduct of such an event occurs.

In general terms, there have been limited examples in recent years where the issues dealt with at General Meetings or raised in council motions were city or rural based. The vast majority of matters generated by the Association, the State Government and councils themselves are sectoral based in nature. That said, with the proposed establishment of a group that focuses on issues impacting on larger councils matters of policy impacting on metropolitan councils may have the opportunity to be dealt with in a different way, utilizing that body to progress metropolitan issues and policy positions.
Options
1. **Status quo**
   The present voting structure has been in place for some considerable time and has largely served the sector well with few concerns being expressed.

2. **Use of metropolitan group to formulate metropolitan positions and policies**
   This would allow for broad sectoral issues to be dealt with in accordance with the present General Meeting voting structure but would provide those councils seeking to achieve particular outcomes or policies at the metropolitan level, the opportunity to progress those matters with confidence.

3. **Amend the present weighting system of voting**
   The variations on this option are numerous and will largely be dependant upon the positions adopted by individual or collective councils. The variety of alternatives is exemplified by the differences of approach used by other Associations. A more strongly weighted metropolitan vote, one vote per council, subscription based voting – all have their individual merits and downsides.

**Budget Impact**
Does not apply.

**Current Policy**
Does not apply.

9 **ITEM:** FAILURE TO ACT IN THE INTERESTS OF THE LARGER METROPOLITAN COUNCILS (E.G. WATER AND SEWERAGE REFORM)
Contact Officer – Allan Garcia

**Kentish Council/Derwent Valley Council**

That the Meeting note the absolute sovereignty of councils in being able to pursue their own outcomes on issues of significance to them and their ability to take positions that may be contrary to a broader Association membership perspective and be able to speak on them and prosecute them in the way that they see fit.

Carried Unanimously

**Background comment:**
Hobart City Council is seeking greater engagement with councils on significant issues and a more representative approach to dealing with reforms. The benchmark it has placed on the Association for this issue is that individual council positions on significant policy issues are determined and understood by LGAT and that all councils are aware of respective positions and able to formally opt out of industry view and pursue their own approach.

Hobart Council has raised this matter in relation to its ongoing lack of support for water and sewerage reform and the processes and outcomes associated with the reform. It has indicated that it had and continues to hold major reservations in relation to the governance and accountability of the water corporations to their council owners and the impact that it has had on the effective and efficient management of land use planning and related infrastructure dependencies.
From the Association’s perspective, it is clear that there were very few in Local Government that supported water and sewerage reform and that the challenge presented by the Association to member councils was to either outrightly oppose the reform and run a campaign against it or to acknowledge the surety of the reform and take a position that would ensure that the ongoing interests and ownership by councils and their communities were protected to the greatest extent possible.

In forming a team to have the initial discussions regarding how to respond to the State Government’s water and sewerage reform agenda and to consider a negotiation strategy, the Association CEO, following consultation with the President, determined to invite the respective General Managers of Hobart, Glenorchy, Launceston and Burnie City Councils to assist in this process. It was considered that the issues relating to the reform were best understood by the major councils and regional impacts and communication were further important considerations. The Association was extremely conscious of the views and impacts of the reform on the metropolitan councils in this process. It was not until such time as the implementation elements of the reform came into play that the group was extended to smaller councils.

At all times member councils were kept informed through the conduct of regional forums convened by the Association, special and normal General Meetings and significant volumes of documentation detailing progress and positions.

The Association was charged by member councils to negotiate and prosecute an outcome for water and sewerage that retained ownership with Local Government, was based on a regional structure, retained dividends and tax equivalents within the sector and ensured the ongoing security of Local Government employees. It was also resolved that Tasmanian Councils should be left in a financial state that maintained their viability following the reform process. At the General Meeting where these instructions were provided to LGAT, only four councils were not supportive of the regional structure and believed that a statewide structure presented a more sustainable outcome. All major councils supported the suite of demands.

The meeting clearly expressed its displeasure at the reform itself and the processes that had been in place that sought to keep Local Government at arms length in relation to consultation or any input to the policy formulation. The meeting acknowledged that the reform was going to happen with or without the consent of Local Government and it was likely that there was more to be gained from prosecuting a preferred position than fighting against the reform itself. The representatives of Hobart and Glenorchy were supportive of this position at that and subsequent meetings.

A number of councils took individual positions during the various stages of the reform process and while it was considered that there was much to be gained from solidarity on most issues, there was no rebuke by the Association in relation to any statement or action taken by individual councils. It was well understood how strongly councils felt about particular matters but ultimately the legislative provisions and governance structures would embrace all councils because that was what LGAT was instructed to deliver on the negotiations. The governance structure did not meet the absolute ideal of all councils, nor was it favoured by the LGAT, but it was the outcome that was achievable from maintaining ownership of the function and the entities charges with its delivery.
From the perspective of addressing this particular concern of Hobart City Council, it is considered that some effort needs to be put into providing all members with details of the function and role of the Association and the endeavors that are made to achieve a sector wide response on particular matters. In doing so, the individual positions of councils are respected and the pursuit of individual outcomes is acknowledged as being the prerogative of councils. The Association cannot bind members but acts in such a way as to achieve broad agreement on sector wide issues. Where councils have significant differences of view, LGAT will not seek to speak on their behalf on particular issues and will highlight that there are councils that hold contrary or completely different views. It is not, nor has it ever been, the Association’s role to speak on behalf of any council that does not support a particular position and it is clearly within the rights of individual councils to pursue their own outcomes. This circumstance assumes that members are clear with their positions on issues and do not seek to opt out of arrangements that they have previously agreed to or sought the Association to progress on their behalf.

In developing responses to policy positions where there are differences of view or particular views expressed by individual councils, these are generally highlighted within the response itself. The Association does not seek to dilute particular concerns but seeks to bring them to the fore in order that they can be appropriately considered and addressed. In many cases, where there are differing views, the Association will spend significant effort seeking to understand the individual council’s point of difference and making sure that the response appropriately reflects the concern itself and the potential impacts of particular decisions.

**Budget Impact**
Does not apply.

**Current Policy**
Does not apply.

10 ITEM: **COMPULSORY VOTING IN LOCAL GOVERNMENT ELECTIONS**
Contact Officer – Allan Garcia

That the Meeting note progress on this issue.

Resolved

**Background comment:**
The Premier announced his preference to move to compulsory voting for Local Government Elections during a speech at the 2008 Local Government Conference in Launceston. The announcement was made despite a motion being passed at the preceding General Meeting that the Association not support compulsory voting. This motion was again ratified at the 2010 Conference General Meeting.

Upon making the announcement, the Premier moved to establish a joint working group to further the matter. The Local Government Association was invited to participate but only joined the working group following endorsement at a General meeting and on the basis that participation acknowledged the policy position of the Association. The decision to participate was considered strategic in terms of ensuring that any debate and documentation addressed key issues and was presented in an objective manner.
The working group prepared an issues paper which was discussed at the PLGC Meeting in December 2009 and subsequently distributed to all councils with a request for feedback.

The paper canvassed a number of issues relating to the potential introduction of compulsory voting, including:

- Postal and attendance voting options
- Eligibility to vote and impact on general managers’ roles
- Implications for term of office
- Costs
- Enforcement

Responses were received from 28 of the 29 councils with feedback varying significantly in terms of the level of detail provided. The majority of councils supported the status quo in relation to elections but there was support for compulsory voting.

At the most recent meeting of the working group, the Association made it quite clear that it was not in a position to recommend a model for the implementation of compulsory voting due to the formal policy position of opposing its introduction.

With the other key player on the working group being the Tasmanian Electoral Commission, which is essentially providing technical input, it was agreed that it was difficult for the working group to make a positive recommendation to the State Government on the matter and any recommendation would need to come from the Local Government Division taking into account the views expressed by the Association and individual councils.

It is understood that such a recommendation is still to be formulated and the matter is to be discussed at the next meeting of the PLGC on 29 July, 2010.

**Budget Impact**

Does not apply.

**Current Policy**

Does not apply.
Background comment:
Hobart City Council has highlighted the need for the State Government to be held accountable for performance in satisfying the timeline provisions of the Communication and Consultation Agreement.

The Communication and Consultation Agreement was an initiative of the Association. It grew out of a significant dissatisfaction with State Government agencies merely informing Local Government of policy and legislative provisions that would impact on their operations with little or no consultation. In many cases, LGAT was advised of pending legislation only days before it was to be introduced to the Parliament, despite the several months that would have been required to develop and adopt the policy supporting the legislation.

The Association brokered an agreement that sought to engage Local Government on matters of legislation and policy that impacted on the operations of Local Government. The State Government was also to be informed and included by councils on decisions they took that would impact on the operations of State Government agencies. The benchmarks that were established included a five week period for consultation on policy and legislation where Local Government was aware of the issue and ten weeks where there was no prior knowledge of a particular matter. The five week period was intended to provide councils with the opportunity to consider a matter at a council meeting, if necessary, while the ten week period was aimed at allowing some research and development of positions before being put to a council meeting.

In the main this arrangement has worked significantly in the favour of Local Government. The majority of issues that impact on Local Government meet the agreed timeframes and Local Government is far more involved in the policy development stages of issues management than it was a decade ago. Instead of imposing outcomes on councils, the Association has worked strenuously to ensure that councils are part of the solution and that those developing the policy and legislation have a full understanding of the impacts and issues associated with implementation. While not all concessions requested are given, the process is significantly distant from the past arrangements of non-engagement.

While the Communication and Consultation Agreement has been in place for several years, there are times when it has not been adhered to. Several instances arose during the water and sewerage reform process where outrageous turn around times were imposed, the worst case being a 48 hour deadline. Despite the acknowledgement by all that these types of deadlines are impossible to meet and do nothing to enhance either working relationships or best practice policy processes, they result from political or parliamentary imperatives and are often difficult, if not impossible, for the Association to prosecute. In each case where these deadlines have been set, the Association has strenuously and vigorously made representations on behalf of councils highlighting the impost on councils and the disregard for the agreement. In some cases, extensions of time have been granted, in others, the timetable has been enforced. The Association is always anxious to ensure that these agreed timeframes are adhered to and will make representations to Ministers and Heads of
Agency. At the end of the day, it is in the best interests of Local Government to have such an agreement as it is the one most deprived if the previous system were to prevail.

It should also be acknowledged that the Agreement imposes certain obligations upon councils which are not always adhered to. These lapses are often presented to the Association at times of complaint in relation to State Government shortcomings.

In recent times, the Association has placed the State Government on notice on a number of policy and legislative matters that would otherwise have sought to circumvent the agreed consultation timeframes. Intervention on the part of the Association has seen these timeframes adhered to and councils provided with the appropriate opportunity for input. In situations where there are major infringements of the Agreement, the matters are drawn to the attention of the Department of Premier and Cabinet at officer level with major matters escalated to the PLGC.

**Budget Impact**
Does not apply.

**Current Policy**
Does not apply.

### 12 ITEM: VALUATION AND RATING REVIEW

Contact Officer – Allan Garcia

That the meeting note the following report.

Resolved

**Background comment:**
A review of Local Government valuation and rating has been established in response to a range of issues surrounding council rating, including fluctuations arising from the re-valuation process, variation of rating values and models across councils and the desire for greater flexibility for council rating.

The review commenced in December 2009 and a steering committee of State and Local Government representatives has been established.

The objective of the review process is to seek a land valuation and rating model that will:
- Be more efficient and provide greater flexibility to councils
- Be simpler and more easily understood by practitioners and ratepayers
- Be cost effective
- Provide equitable outcomes for different classes of ratepayers and less susceptible to market fluctuations
- Be sustainable in the long term, responding to skills availability, resources and potential market fluctuations
- The steering committee issued a request for tender seeking specialist assistance with the review and is currently negotiating with the preferred tenderer. The independent consultancy is expected to conclude by September 2010.
It is anticipated that there will be a reference group established to assist the preferred consultant with inputs and views on the present arrangements as well as possible impacts of particular actions moving forward.

A broader consultation with Local Government will occur once the report findings are at hand and the steering committee has had the opportunity to evaluate the options and recommendations. This will have the benefit of sample modelling of various possibilities as well as qualitative inputs to the process.

It is anticipated that this will take the form of document circulation and workshops to better explain the intricacies of the potential models or options and is likely to take up to 5-6 weeks to enable councils to have the opportunity for detailed review. Once this process is complete and responses received from councils and affected State agencies, the Steering Committee will make recommendations to the Minister relating to any legislative amendments that might be required, the most appropriate timing for implementation and issues that need to be addressed prior to implementation.

It is difficult to be definitive about exact timeframes and detailed implementation strategies without having knowledge of the deliverables from the consultant. It is possible that some legislative amendments could be brought into effect to assist with rating arrangements for next year but it is not clear as to the legislative, systems and resourcing requirements that might be necessary to fundamentally amend the valuation base and effect the overhaul of the rating system. These matters will be informed by the consultant’s report.

Of course, all of the above is based on the assumption that there will be major changes and at this stage, it is too early to speculate.

**Budget Impact**
Does not apply.

**Current Policy**
Does not apply.

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**13 ITEM: PLANNING REFORM**
Contact Officer – Katrena Stephenson

That Members note the following report.

Resolved

**Background comment:**
A number of planning projects are continuing to be progressed by the State Government and the Tasmanian Planning Commission and by the Australian Government. A brief update on some of these is provided below.

**Legislative amendments**
The Tasmanian Planning Commission (TPC) is currently putting together a legislative program which they will share with the Association.
As reported previously, amendments to the Land Use Planning and Approvals Act 1993 which were to introduce improved enforcement provisions for Local Government were not considered by Parliament in its last session prior to the election and will need to be revisited by the new Government. The Tasmanian Planning Commission remains committed to progressing these amendments pending Ministerial approval. They will consult with Local Government and have flagged plans to seek feedback on possible amnesty arrangements for current illegal developments (with a focus on improving safety).

The foreshadowed amendments to the State Policies and Projects Act 1993 which are intended to improve the State Policy making process were also not completed prior to the election and there is still an intent to progress these.

**Draft State Coastal Policy (2008)**
A whole of sector submission as made following consultation with councils. Opportunity was taken to raise the issue of a lack of communication from the TPC as the Association only found out about the consultation through public notices in the newspaper, which is inadequate (see Communication Protocol below). The submission commented on both the Policy and Implementation Guide.

In summary, there is support in relation to the purpose, objectives and outcomes outlined in the Policy however it is felt that:

- There is a lack of reference to/alignment with planning reforms, in particular the regional planning initiatives and that there is a lack of specific/technical guidance in relation to implementation. As a consequence it will be difficult to achieve any degree of consistency.
- The skills and knowledge required to implement the Policy fully may well be out of range or place an unreasonable burden on planning authorities, particularly in relation to isolated coastal areas where specific proposals may never eventuate.
- Further consultation on implementation, with greater clarification of processes and meanings is highly desirable.

The submission is available for viewing on the Association’s website.

**Standards for Single Dwelling and Ancillary Development in the Residential Zone.**
A whole of sector submission was made following consultation with councils. There was no consensus on the standards and this was outlined in the submission. A key issue raised was as follows:

“A number of, but not all, councils have expressed support for standardisation for single dwellings and ancillary development in residential zones. However, it is felt that this process should be captured in the work on the template planning scheme. There is concern that this disconnect will result in duplication of effort for councils and a considerable resource impost in having to adopt the standards within their current planning schemes and then reconsider the matter in relation to the template process”.

For full detail please see the Association’s website.

**Planning Directive No. 1**
This will be considered by the TPC on 5 July and a revised template will be out for consultation shortly after. The State Planning Adviser has committed to following the Communications and Consultation Protocol.
Regional Planning Initiatives
It is anticipated that the North and North West Regional projects will be completed by the end of the year. The Southern project has experienced some difficulties, further complicated by the Capital Cities project, which means the project is unlikely to be completed within the funded period.

Capital Cities Planning
COAG has required strategic plans to be developed for all capital cities in the country placing timelines and criteria for completion and linking future infrastructure funding to their broad outcomes.

The Association has lobbied heavily behind the scenes to ensure that this project was given a higher priority by State Government agencies and that all appropriate parties were provided the opportunity for input and participation. This followed significant frustration on the part of Hobart City Council, in particular, in not being able to obtain clear indications from the State Government on timing, direction, commitment and resourcing. An initial workshop was convened on 23 June 2010 which was attended by key State Government agencies, the Association, Southern Tasmanian Councils Authority (STCA) and Hobart City Council. A project governance structure has been agreed and various responsibilities assigned.

The major outcome from the workshop was that the present southern regional planning process presented the greatest opportunity for input to this metropolitan strategy and the councils impacted will have the capacity to develop elements of the capital city strategy through that process. State Government agencies will also feed into the strategy which will be coordinated by the Tasmanian Planning Commission. External stakeholders will be engaged by State Government processes and inputs provided through that vehicle. The Association will not play any significant role other than maintaining a seat on the broad oversight group to ensure that Local Government interests are being maintained and to provide intellectual rigour to the process.

National Planning Performance Measures
The Council of Australian Governments agreed in February 2010 to a set of National Performance Measures that can be used to assess the ‘health’ of development assessment systems across jurisdictions with a view to publishing those in a national report each financial year. Data required includes (for each application) property ID, classification (e.g. single residential, commercial, subdivision), time taken to decide, if approved, if lodged electronically, if permitted or discretionary and the number of days the clock was stopped.

The Association sought feedback from General Managers on this matter on 29 April 2010. Not all councils responded which has limited the ability of the Association to identify potential issues. Data collection needs to commence from 1 July 2010. Councils have been reminded of the Commonwealth requirements and provided with a spreadsheet to enable manual data collection where IT systems are currently restrictive. A small amount of funding has been sought through the eDA project to support this data collection.

Data will have to be provided to the State Government by the 31 July each year. It is hoped that reporting can be incorporated in the annual return of data made by Local Government to the Local Government Division (currently incorporated within the Key Performance Indicators review project).
**Productivity Commission**
The Association was invited to meet with the Productivity Commission regarding the performance benchmarking of the states and territories’ planning and zoning systems and land development assessments. In particular, the Commission has been asked to report on the impacts of planning, zoning and development assessment processes on business compliance costs, competition and the efficiency and effectiveness with which cities function with attention also to be given to measures to prevent ‘gaming’ of appeals processes, practices to maintain adequate supplies of land and ways to eliminate unjustifiable protections for existing businesses.

With little advance warning and with consideration of the Terms of Reference, we invited some urban/growth councils to allow a planning officer to attend that meeting.

The Productivity Commission was anxious to understand the status of planning reforms in the state and how these were being translated into implementation. Direction, support, resourcing and capacity were all matters discussed at the meeting.


**Tasmanian eDA Project**
A number of issues have been encountered in relation to full completion of this project. These include:

- Delays in the development of, and access to, the national test harness.
- Technical issues related to data security at Hobart City Council which has required new solutions to be developed including external hosting and data migration and delayed the capacity of that council to go ‘live’.
- No ‘real’ data for the evaluation and cost benefit analysis limiting the conclusions which can be drawn at this stage.

Regardless the two participating councils feel positive about the possible benefits to be realised once all systems are working effectively and applicants are using the system.

We have not expended or committed the full $500,000 available to this project. The Commonwealth appear amenable to carrying the funds forward with a particular focus on developing a business case for expansion of eDA beyond our two ‘pilot’ councils and further independent evaluation once the projects are further progressed and the systems actively being used by applicants. We are awaiting formal acceptance of the latest report and agreement to release funds to the Association for future use.

It is intended to demonstrate the product at a later General Meeting.

**Communication Protocol with TPC**
Further to discussions at PLGC, discussions between LGAT and the TPC regarding formalising consultation and communication processes have been undertaken and a draft protocol completed.

The protocol seeks to ensure that the same timeframes applicable to State Government agencies is applied to the Tasmanian Planning Commission rather than being bound by the present statutory limitations. This should allow member councils the opportunity to have preliminary inputs to policy developments rather than simply addressing issues in response to formal advertising of instruments such as planning directives and state policies.

**Budget Impact**
Does not apply.

**Current Policy**
Does not apply.
14 ITEM: LOCAL GOVERNMENT REFORM / FINANCIAL SUSTAINABILITY
Contact Officer – Katrena Stephenson

That Members note the following report.

Resolved

Financial and Asset Management
At the March 2010 meeting a report was provided and a copy of the application to the Local Government Reform Fund related to financial and asset management.

A number of Tasmanian submissions, including the Asset Management/Financial Planning project, were required to submit information in a revised template to the Commonwealth.

The Association anticipated some form of announcement in March but the timing coincided with the State Government election and it is understood that the Commonwealth were waiting for Government to be formed before proceeding further.

Since that time, we have worked with the Local Government Division in relation to the draft implementation plan to support the National Partnership Agreement (NPA) which is being negotiated between the State’s Treasury Department and the Australian Government.

The Premier has now signed the NPA and Implementation Plans are currently being negotiated with the Commonwealth. It is expected these will be finalised shortly. LGAT has developed a Project Officer position description, ready to be advertised upon confirmation of intent to release funding, so that the selection process does not delay the project significantly.

Other Reform Projects
The other projects which are being further progressed were:

- Assisting Council to adapt to a future climate change (Tasmanian Government and STCA): LGAT has been involved in the development of the proposal and implementation plan and will be part of the project Governance through the Project Steering Committee and the higher level group that will monitor all projects.
- Independent review of structures and service delivery in southern Tasmania – Southern Tasmanian Councils Authority

Two other projects which were put up and likely to be considered in a second round, these were:

- Development of regional shared services among member councils - Cradle Coast Authority
- Virtual support strategy – Brighton Council.

Budget Impact
Outside the Commonwealth funding, the Association is providing in-kind support only

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

**Contact Officer** – Katrena Stephenson

**Resolved**

**That Members note the following report.**

**Heritage Legislation**

Further to the report at the May 2010 General Meeting a submission was developed on the draft Historic Heritage Bill following consultation, including a workshop, with councils. Not all councils were in agreement but outlined below is a summary of key points raised:

- Clearly the implementation of the Bill will result in significant costs and resource requirements for Planning Authorities.
- There must be a commitment to Local Government for ongoing funding and support to implement the Bill. This commitment was made early on but has disappeared.
- The legislation is unlikely to be effective on an ‘opt-in’ basis but that provision must remain until funding is addressed.
- The Bill as currently drafted does not allow councils to act on a voluntary basis. They must keep a heritage list and comply with all that stems from that.
- Councils are supportive of the intent behind the legislative reform but do not feel it delivers on the requirements of a single application, single permit and stop the clock provisions.
- It is not well aligned with the Land Use Planning and Approvals Act (LUPAA) and so will not achieve the consistency required.
- Many aspects of the Bill are overly complex. The Works provisions, in particular need considerable rethought.
- There is a mixed level of support for the Bill in general but a consistent message from all councils is that the Bill will not be supported at this stage. That is,
  - without a clear indication of transitional arrangements;
  - without the detail that will be provided in guidelines and other tools; and
  - without a clear and adequate funding commitment.

Since making the submission, LGAT has met with Heritage Tasmania to discuss some of the detail. Heritage Tasmania continue to work consultatively and have expressed appreciation for the level of feedback from Local Government. They are currently reviewing all submissions in order to provide recommendations to the Minister. They have stated that:

> “feedback on ways to better align the draft legislation with LUPAA and current practices have been particularly useful, and was one of the key reasons a selective consultation process was conducted with Local Government before wider public consultation was arranged. A number of key concerns raised will need to be discussed and explored with the Minister, as they involve policy decisions, and a number of conflicting views across planning authorities will require further discussion with LGAT and the Local Government Reference Group before redrafting can commence. This work is expected to be conducted through the second half of this year, with the final draft of the proposed legislation to be the subject of a wider public consultation process before the formal Parliamentary process commences”.

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Cat Management
The Cat Management Act 2009 was passed by Parliament late last year and work is underway to enable its implementation. The Act is intended to be proclaimed by July 2011.

On the 18 May LGAT advised councils, via General Managers that following contact with DPIPWE seeking an update on the progression of the cat management legislation, they had advised that
“they still have some way to go before the legislation can operate. They are currently focused on the development of the Regulations and anticipate commencing consultation with stakeholders in the near future. They have also been working on communication materials (including the website, internal processes and planning around implementation).”

The Department have indicated this week that the Regulations are now ready for consultation with key stakeholders, which is intended to take place over coming months and that in accordance with the Consultation and Communication Protocol, Local Government will have at least five weeks to provide input into the Regulations. Local Government will also have the opportunity to input into the education materials.

On the 27 June 2010 the Minister for Primary Industries and Water, Bryan Green, issued a press release which made the following points:
• The Government remains committed to addressing the issue of unwanted/feral cats.
• Regulations are being finalised in consultation with key stakeholders.
• Stakeholders and the wider community will be kept up to date over the coming months as we move towards the implementation date.

Further, in media reports on the 28 June 2010 the Minister is quoted as having said that Cabinet had decided further education by DPIPWE to raise awareness was needed in order to achieve a high level of compliance and that it is expected that the legislation will be proclaimed by 1 July 2011.

Based on initial feedback from councils which was incorporated into the LGAT submission, the delay in the absence of funding for education is strongly supported. It is anticipated that the Association will be represented on the Regulations working group. The Regulations will prescribe a number of matters required under the Act (including processes for microchipping and health checks for cats), outline application/cancellation processes, and clarify some matters not covered in the Act.

The Department also advise that the resources which will be required in order to implement the legislation effectively will be sought through the next Budget process, with a view to supporting commencement next July.

A dedicated website (www.dpipwe.tas.gov.au/cats) has been established and will continue to be updated as more information becomes available.
**Dog Control**

Subsequent to the last update on the changes to the Dog Control Act related to restricted breeds and dangerous dogs the following has occurred.

- The Regulations have been finalised.
- Council staff have had the opportunity to be briefed by the Local Government Division on the changes to the Dog Control Act 2000 via three regional workshops held in Hobart, Launceston and Burnie.
- The “Restricted Breed Dogs – Guidelines for Identification” has been drafted and will be published pending sign off from the Director of Local Government.
- Forty council officers participated in Restricted Breed Dog training, also receiving some printed resources from Dr Gaille Perry from the Delta Society.
- The Director for Local Government has signed off on the approved forms, signs and collars.
- There has been public advertisements of the changes through the three Tasmanian newspapers (every second week on Saturdays) which the Local Government Division report have prompted considerable activity on the dog section of the Division’s website and in general the legislative changes have received significant coverage in the newspapers and on radio.
- At the time of writing this report the Local Government Division were intending to contact all councils to provide the Regulations, Restricted Breed Guidelines, and Director of Local Government approvals.

**Drains Act**

The Association is on the Steering Committee overseeing the review of this Act. The Association and officers from Launceston, Hobart and Glenorchy City councils have also been involved in a DPIPWE Reference group as part of the review.

An issues paper was released with limited timeframes and the Association successfully negotiated with DPIPWE for an extended response date enabling the development of a whole of sector response, with consideration of the broader policy elements of the review as well as technical elements.

A policy working group was convened by the Association to go through the paper in some detail.

Some issues raised are outlined broadly below:

- There is a strong view that responsibility for stormwater management and drainage should remain with Local Government. Many Local Government activities directly impact or are impacted by waterways, for example, land use planning, works on public roads and subdivisions. Transfer of responsibility to another organisation might lead to significant complications for councils.
- Current legislative instruments are insufficient and do not provide enough clarification of Local Government powers or responsibility in regards to drains and storm water. Given the significant amendments required it has been suggested that a new Act focussed on the needs of Local Government be considered (similar to the Local Government (Highways) Act).
- There are currently definition and responsibility issues in regards to stormwater and catchment management, with a view that catchment management is something that goes beyond the scope of drains and stormwater management. There is a shared view that catchment management needs to be addressed by the State as a priority, in consultation with Local Government and other stakeholders, possibly through the creation of a state water authority.
• In addition to catchments, there are other key areas requiring definition under the Act to clarify Local Government responsibility including: ‘natural water course’, ‘common drain’ and ‘stormwater nuisance’ and ‘stormwater’ itself. In particular, the definition of stormwater has important ramifications in terms of Local Government’s responsibilities regarding public health and safety and issues regarding contamination.

• Best practice dictates that councils should have Stormwater Management Plans and members agree there is significant benefit in drafting such plans. However, currently there is no guidance provided in regards to the development, content or coverage of Stormwater Management Plans. It has also been suggested that direction could be provided from the Environmental Protection Authority (EPA) on this issue. It has been suggested that a reference group involving the EPA, DPIPWE, Local Government Representatives, Natural Resource Management (NRM), and the Local Government Association of Tasmania could be established to develop guidelines and templates.

• In order to deliver an effective stormwater system, councils need to be able to provide and maintain effective infrastructure but cannot be expected to meet the ongoing costs of growing development. The new legislation needs to include explicit recognition of this issue to enable headworks charges to be applied. It is also thought that the legislation should make it a formal requirement for developers to refer all building applications to councils as the drainage authority to ensure that erosion and sedimentation issues are considered appropriately. This would be the same as the process currently adopted for the water and sewage authorities.

• As stormwater is currently undefined, the role of Local Government in regards to stormwater quality and contamination and public health issues is unclear.

Sex Industry Law Reform
The Attorney General, Lara Giddings, outlined in her Budget Reply speech an intent to do some more work on sex industry legislation as part of her law reform agenda. This coincided with media attention about proposed changes in Western Australia to legalise brothels in commercial and industrial areas, with applications going through the normal planning processes. The Association has had contact from the Attorney’s office and will continue to monitor activity in this area.

Local Government Meeting Procedures
A limited review of the meeting procedures regulations has recently been completed in consultation with the Local Government Association of Tasmania (LGAT).

The Local Government (Meeting Procedures) Amendment Regulations 2010 are expected to commence operation in July 2010 (precise date to be determined).

The proposed amendments to the meeting procedures regulations will clarify a number of existing provisions, including the definition of a ‘council workshop’ and the requirement for councils to record the minutes of a closed council meeting.

Local Government (Highways) Act
The Association sought feedback from councils on minor amendments to this legislation and proposed two changes, one of which was accepted and the other could not be progressed because of legal difficulties.
Right to Information
The Association consulted on the Right to Information Bill and provided a sectoral response last year, with some issues being successfully addressed.

The Right to Information Act (2009) (RTI) commenced on 1 July 2010. Implementation is ongoing and LGAT as well as some council officers are represented on the working group. Training sessions have been rolled out which the Association, as well as council officers, have attended. A manual has been drafted with input from Local Government and will be released by the Ombudsman as soon as possible. The Ombudsman has also started working on specific guidelines with an initial focus on Review Process, Vexatious Applications and Methods of Disclosure. The Regulations have been drafted and provided to the working group for comment. A sample application form for assessed disclosure is available on the Justice website along with other information.

The RTI requires councils and other public authorities to make information available to the public without the need for an application and consequently councils will need to develop processes for identifying information which should be released this way and for keeping a record of information available this way for their annual reports. Each council should have identified who will be responsible for RTI in their council. This Principal Officer must develop policies and procedures in relation to disclosure of information and publish details of the Act and the way in which people can access the organisation’s information by 1 July 2010. They will also be required to report, at the end of each financial year, on the details of disclosures.

Review of Smoking Legislation
The State Government announced a review of Smoking Legislation on 31 May 2010. The Minister for Health, Michelle O’Byrne MP advised that a discussion paper on proposed new tobacco laws would be developed for consultation following a review of the Public Health Act 1997. The discussion paper is expected for release in August 2010 and the Association will coordinate a submission on behalf of members. The Minister further advised that two areas have been pin-pointed for legislative reform; increasing restrictions on tobacco sales and displays and the expansion of smoke free areas.

The Association is a member of the State Tobacco Coalition as well as the Inter Agency Working Group on Drugs. Through both these forums the Association has provided feedback on council activities in regards to smoking, particularly the activities of Hobart and Launceston City Councils in regards to the establishment of smoke free areas.

The Association recently responded to a letter from Ivan Dean MLC in regards to a motion in the Legislative Council calling on the State Government to enact legislation to control smoking in designated areas, providing information on council activities on this issue.

Budget Impact
Does not apply.

Current Policy
Does not apply.
ITEM:  STATE BUDGET UPDATE
Contact Officer – Katrena Stephenson

That Members note the following report.

Resolved

Background comment:
Officers from the Association attended the State Government’s Community Budget Lock-Up for the 2010-11 State Budget on 17 June 2010 and provided Mayors and General Managers with an outline of the positives and negatives for Local Government.

There was not much in this year’s budget specifically affecting our sector as a whole.

Positives:
• Funding to the office of the Valuer-General to enable more frequent valuations, smoothing out spikes caused by the current 6 year cycle ($1.5m/annum increasing to $4m/annum in 2012-13).
• $500k/annum funding for a climate change adaptation unit which will be able to leverage outcomes from anticipated Commonwealth Reform funding in this space. (This was in the Association’s budget submission)
• Additional funding for Parks and Wildlife staff ($2.5m/annum) and for supporting priorities such as Bay of Fires ($4m/annum) which is in line with Association Policy as formulated through our General Meetings.
• Support for improving equity in energy provision to the Bass Strait Islands with $750,000 over the next three years towards developing renewable energy usage (this has been a PGLC issue).
• Funding to support active transport in urban areas including additional $750k/annum for park and ride programs, $3.5M/annum to support implementation of the urban passenger transport framework and $2million for the trail and cycleways program.
• Additional investment in rail of $200m over 4 years. This certainly was flagged during the consultation on the State Infrastructure plan but the scale of investment may not be sufficient to achieve significant outcomes.
• Development of a business case for light rail in the northern suburbs and central Hobart.
• Small boost and continuation of funding for local line marking ($500k)
• Infrastructure funding model which improves governance of infrastructure investment with initial funding allocations to support project investment, business case development and planning. Once a project has successfully gone through those ‘review’ processes full funding allocation will be made.
• Various community health and social infrastructure investments as represented in the regional statements.

Negatives
• No funding allocated to support implementation of key legislation affecting our sector, particularly Cultural Heritage, Aboriginal Heritage and Cat Management (see legislation updates)
• No changes to Heavy Vehicle fee distribution.
• No further funding to regional planning to ensure outcomes are fully achieved.
• No funding for continuing to look at other Local Government Reform Issues (Financial Sustainability will be Commonwealth funded).
Other points:

- There is money allocated for Digital Futures but this relies on further roll-out of the National Broadband Network (NBN) and strong uptake to realise any benefits.
- The State Government has announced a State Tax Review (to be funded within existing Treasury budget). The Treasurer has confirmed that this will give consideration to the outcomes of the rating review and will not be undertaken in isolation of that project.

Budget Impact
Does not apply.

Current Policy
Does not apply.

17 ITEM: CODE OF CONDUCT ISSUES PAPER
Contact Officer – Katrena Stephenson

That Members note the following report.

Resolved

Background comment:

The Local Government Division of State Government, has agreed to a review of the Code of Conduct (and related) provisions this year and comments are due back to LGAT by 16 July 2010.

A range of issues relating to the current provisions (where clarification or extension may be required) which were raised for consideration including:

- Should the Act and Regulations be amended to provide a method for either party to elect to have a complaint determined by the Standards Panel?
- Should 28G(4) of the Act include a requirement to appoint one or more community members (ie an alternate) to be the Chair of the Code of Conduct Panel at the first ordinary meeting after an ordinary election?
- Should section 341 of the Local Government Act 1993 be amended to provide immunity for members of Code of Conduct Panels and the Standards Panel?
- Should the code of conduct apply to the conduct of candidates in Local Government elections who are elected members?
- Should (and how) the existing role of the Mayor can be formally recognised in the code of conduct complaints process?
- Should the regulations provide a complainant with the option of making a complaint directly to the Standards Panel?
- Who should a complaint be referred to if the Mayor and Deputy Mayor are both subjects of the complaint?
- There is a need for guidance to be provided on how to strengthen Codes of Conduct so that panels can clearly determine a breach.
• Should the 90 day timeframe be reviewed, with a view to balancing the need for a
complaint to be determined speedily against the need for flexibility to accommodate
the circumstances in a particular case?
• The matter of who can mediate should be clarified.
• Should the Standards Panel have the power to direct mediation?
• Should a party be able to deny the legal representation of the other party?
• A review of the available sanctions and related guidance should be undertaken.
• Should a Standards Panel reject a complaint on the grounds that it is frivolous or
vexatious or does not relate to a failure to comply with a provision of the Code of
Conduct?
• Should the fee structure be reviewed in relation to level, relationship to costs and
any future amendments?

There are number of matters that are not currently dealt with in the Regulations including
enforcement of sanctions; withdrawal of complaints; admission of a failure to comply with a
code of conduct; the impact of the Right to Information Act, witnesses, costs, the role of the
Registrar and appeals (against a Standards Panel determination). There is also a need to
consider a template or best practice Code of Conduct for use by councils.

Feedback provided by councils in response to the paper will be consolidated and reflected
back as a whole to councils. The matter will then be further progressed with the Local
Government Division.

Budget Impact
Does not apply.

Current Policy
Relates to previous General Meeting motions.

18 ITEM: COMMONWEALTH ANNOUNCEMENTS
Contact Officer – Katrena Stephenson

That members note the following report.

Resolved

Infrastructure Funding
A further $100million funding to Local Government under the Regional and Local Community
Infrastructure Program was announced by Prime Minister Rudd at the Australian Council of
Local Government Meeting on 18 June 2010. The funding is to be delivered as an allocation
to all councils provided they have properly completed and acquitted Round 1 projects. All
councils receive a base grant of $30,000. Councils classified as urban fringe or urban
regional who have at least 30,000 residents will receive an additional growth component of
$150,000. All councils with at least 5,000 residents will share in the distribution of the
remaining funds in proportion to their Financial Assistance Grants. Funding guidelines are
Applications for round three RLCIP projects close on July 30. Projects that can be constructed with the funding include:

- social and cultural infrastructure such as art spaces and gardens;
- recreational facilities including sports stadiums and swimming pools;
- tourism infrastructure including tourism information centres and walkways;
- children, youth and senior citizen facilities;
- access facilities such as boat ramps and footbridges; and
- environmental initiatives including drain and sewerage upgrades, and recycling plants.

Once projects are approved and funding agreements have been finalised, councils are legally committed to delivering the projects and using all their funding by the end of 2011.

In Tasmania, the allocations are as follows:

<table>
<thead>
<tr>
<th>COUNCIL</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Break O’Day Council</td>
<td>$92,000</td>
</tr>
<tr>
<td>Brighton Council</td>
<td>$96,000</td>
</tr>
<tr>
<td>Burnie City Council</td>
<td>$85,000</td>
</tr>
<tr>
<td>Central Coast Council</td>
<td>$148,000</td>
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<tr>
<td>Central Highlands Council</td>
<td>$30,000</td>
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<tr>
<td>Circular Head Council</td>
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<tr>
<td>Clarence City Council</td>
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<tr>
<td>Derwent Valley Council</td>
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<tr>
<td>Devonport City Council</td>
<td>$69,000</td>
</tr>
<tr>
<td>Dorset Council</td>
<td>$110,000</td>
</tr>
<tr>
<td>Flinders Council</td>
<td>$30,000</td>
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<tr>
<td>George Town Council</td>
<td>$84,000</td>
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<tr>
<td>Glamorgan/Spring Bay Council</td>
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<tr>
<td>Hobart City Council</td>
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<tr>
<td>Huon Valley Council</td>
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<tr>
<td>Kentish Council</td>
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<tr>
<td>Kingborough Council</td>
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<tr>
<td>Latrobe Council</td>
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<tr>
<td>Launceston City Council</td>
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<tr>
<td>Meander Valley Council</td>
<td>$141,000</td>
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<tr>
<td>Northern Midlands Council</td>
<td>$121,000</td>
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<tr>
<td>Sorell Council</td>
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<tr>
<td>Southern Midlands Council</td>
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<tr>
<td>Tasman Council</td>
<td>$30,000</td>
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<tr>
<td>Waratah - Wynyard Council</td>
<td>$128,000</td>
</tr>
<tr>
<td>West Coast Council</td>
<td>$102,000</td>
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<tr>
<td>West Tamar Council</td>
<td>$125,000</td>
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</tbody>
</table>
**Constitutional Recognition**

Communications materials and the new ALGA constitutional reform campaign website were launched at the National General Assembly (www.councilreferendum.com.au). Copies of the communications materials and a covering letter from Geoff Lake have been mailed to all councils. A box of communications kits is due to be received by all Associations shortly.

ALGA has signed a funding agreement with the Australian Government and has received the $250,000 grant to advance a constitutional reform education campaign. The funding was announced at the recent National General Assembly. ALGA is currently developing a proposed work plan. A Senate Committee on the Reform of the Australian Federation is calling for submissions by 20 August 2010. ALGA is taking the opportunity to outline priorities for Local Government, some of which are reflected in our 10 Point Plan.

**Budget Impact**

Does not apply.

**Current Policy**

Does not apply.

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### 19 ITEM: STAFFING UPDATES

Contact Officer – Katrena Stephenson

<table>
<thead>
<tr>
<th>That Members note the report.</th>
<th>Resolved</th>
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</thead>
</table>

**Background comment:**

At the end of December 2009, Christine Materia resigned her position at the Association. The remaining policy staff have consequently been stretched, particularly with the significant increase in work related to Standards Panel compared to previous year.

Ben Mooney was working at the Association 3 days/week as the Household Hazardous Waste Project Officer. Following a review of Ben’s work, he was offered a Policy Officer position for 2 days per week on a fixed term basis in line with his HHW contract. Ben will cover a range of policy areas as needed but with an initial focus on waste and environment (but not climate change).

Senior Policy Officer Kate Hiscock will be taking 12 months maternity leave from mid August. The Association has recently advertised to backfill her position.

Once Kate’s replacement is on board we will review the policy portfolios and may reallocate work according to skills, experience and workloads. If you are unsure of who to raise a matter with, contact Katrena Stephenson Policy Director, in the first instance.

**Budget Impact**

Within current budget

**Current Policy**

Does not apply.
20 ITEM: CLIMATE CHANGE
Contact Officer – Georgia Palmer

That Members note the following report.

Resolved

State Government Adaptation Unit
The State Government recently announced the establishment of a Tasmanian Climate Change Adaptation Unit as part of the Tasmanian Climate Change Office in the Department of Premier and Cabinet. The purpose of the new unit is to work across government to identify opportunities to maximise the benefits and minimise the risks resulting from climate change. The unit will work extensively with stakeholders through the provision of information, resources and incentives to encourage adaptation activities and management of risk.

The unit has received funding of $500,000 per year ongoing. This is likely to fund three staff members with approximately $150,000 allocated for adaptation projects.

Planet Footprint
The LGAT contract with Planet Footprint finished at the end of June. Planet Footprint will provide LGAT and Councils with final greenhouse gas reports and energy reports for the 2009/10 year in the coming weeks.

Planet Footprint has recently completed climate change action plans for each participating council. These plans provide:

• an overview of energy anomalies of individual council assets;
• options for improving the energy and greenhouse performance of council assets’
• tools to build internal accountability in relation to climate change mitigation;
• tools to set improvement targets;
• options to include greenhouse gas reporting as part of existing corporate management committees; and
• options for the profiling of the projects which councils are implementing in relation to greenhouse gas emissions.

Councils are encouraged to make contact with Planet Footprint to maximise the benefits of the action plans.

Climate Change Adaptation
LGAT hosted a northern and southern regional climate change adaptation forum on 23 and 25 April 2010 respectively. The workshops focused on planning and adaptation and explored how LGAT can assist councils in meeting their adaptation needs into the future.

The key areas of focus included the need for:

• greater certainty around roles and responsibilities of the different tiers of government;
• legal certainty to guide decisions;
• greater state leadership in relation to planning and the development of adaptation frameworks;
• effective methods to share information and access information such as templates for climate change action plans and tools to assist councils in undertaking climate change adaptation work;
• communication/education of elected members and officers about the impact of climate change on council business.
**Partnership Agreement**
Discussions have begun with the State Government in regards to a new partnership agreement with Local Government on climate change. It is likely that a new agreement will have a focus on climate change adaptation. Councils will be further consulted as part of the development of the agreement.

**Budget Impact**
Does not apply.

**Current Policy**
Does not apply.

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**21 ITEM: LOCAL GOVERNMENT HEALTH FUND**
Contact Officer – Allan Garcia

**That the Meeting note progress with this initiative.**

Resolved

**Background comment:**
LGAT has been collaborating with the Municipal Association of Victoria on a number of procurement opportunities. Although not of direct financial benefit to councils, one opportunity that has arisen relates to a health care insurance arrangement that the MAV has entered into with a Victorian provider. This initiative provides LGAT member councils with access to a program that allows an underpinning of other “employer of choice” initiatives of councils. MAV initiated a detailed tender and evaluation process to determine whether a provider could service Victorian Local Government in such a way as to provide benefits directly to employees and indirect benefits to employers through the positive involvement of such a scheme.

The LGAT was invited to consider joining the arrangement and with the support of members, moved to enter into an agreement with MAV to allow member councils access to the scheme. The Tasmanian scale would unlikely allow a competitive outcome for employees but the piggy-backing of the Victorian base allows for considerable benefit – up to 30 % discount on premiums. The process is administered through the MAV although all Tasmanian claims will be directed through the LGAT in the first instant. There will be a small resourcing cost to LGAT but it is considered minimal in the context of broad member benefit.

All councils have been invited to participate and at the time of writing, expressions of interest had been received from the councils listed below. There was an initial pricing incentive for councils to sign up prior to 30 June and it is likely a few more took advantage of this opportunity. In effect, the scheme is offered on a no cost basis to councils although there is a cash flow pooling that must be provided with a minimal payback period.

Councils that have expressed an interest in the Health Plan to date are:
- West Coast
- Launceston
- George Town
- Meander Valley
- Northern Midlands
- Kentish
- Dorset
- Clarence
- Huon Valley
- Kingborough
- Break O’Day
- West Tamar
- Glamorgan Spring Bay
The Association has also subscribed to the expression of interest.

**Budget Impact**
Does not apply.

**Current Policy**
Does not apply.

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**22 ITEM: COUNCIL VISITS**
Contact Officer – Allan Garcia

| That the Meeting note the progress of council visits and consider invitations for the future. |
| Resolved |

**Background comment:**
Following an invitation to all councils for the President and or the CEO of the Association to attend Council meetings or workshops to discuss issues of interest or concern, a number of councils have responded positively.

Attendance at Burnie, Dorset, Glamorgan-Spring Bay and Southern Midlands Councils has occurred and dates have been set for visits to Kentish, Latrobe and Flinders. Subject to diaries and dates, visits to Circular Head and Waratah Wynyard Councils are pending.

The meetings have been very beneficial with all parties gaining insights into the workings, issues and agendas of each. Councils have been welcoming and interested and it is refreshing to obtain inputs and feedback from councillors on the things that are troubling or matter to them.

The Association looks forward to continuing this one on one dialogue to ensure that issues are identified earlier rather than later and that conversations can occur in a relaxed and convivial manner.

It is interesting to note that a number of elected members are unaware of many of the initiatives and activities of the Association and efforts are presently underway to improve the dialogue and information flow directly with elected members to allow greater access to important and current material.

**Budget Impact**
Does not apply.

**Current Policy**
Does not apply.
That Members note the following report.

Resolved

**Background comment:**
As electricity competition is progressively being introduced to Tasmania as part of the State’s entry into the National Electricity Market, many councils are now in a position where they must negotiate with retailers for the purchase of their electricity. In fact, those councils using more than 50 Mega Watt Hours (MWh) of electricity per year per site, must have negotiated a contract by 30 June 2010 or face the uncertainty of the spot market fall back contract. For sites that are not contestable, the tranche 5 tariff applies, which is a regulated rate.

**Shared legal and consultant advice to achieve standard Local Government terms and conditions for the purchase of electricity.**
For councils that needed to negotiate tranche 4 contracts by 30 June, the Association procured legal and consultant advice on both Aurora and ERM contracts on behalf of participating members. This service was provided by Simmons Wolfhagen Barristers and Solicitors and Goanna Energy Consulting. The $13,000 contract included:

- negotiation on the standard set of terms and conditions for electricity supply agreements including the identification of terms of negotiation, inclusion of additional clauses specific to Local Government and amendment of standard conditions;
- a standard set of terms and conditions for Local Government for Aurora and ERM contracts;
- a follow up session with participating councils to explain the negotiated terms; and
- a summary paper outlining the difference between Aurora and EM’s special conditions.

Additionally, Hobart City Council agreed to work with Simmons Wolfhagen and Goanna Energy, to share their experience in two recent contract negotiations for electricity supply and offer specific Local Government insight.

The number of participating members ensured that costs were minimised for participating councils. Additionally, it was pleasing to note that a number of councils that have already signed contracts have agreed to participate in the shared advice, recognising the future benefits of the proposal, such as minimising the required investment in future tender processes.

**Working towards a whole of Local Government contract for electricity**
At the General Managers’ Workshop of 17 and 18 March 2010, interest was expressed in the Association pursuing the purchase of electricity for Local Government as a sector, to achieve improved purchasing power. With the first step of achieving standard terms and conditions for Local Government electricity supply achieved, the Association will continue to work with members on this issue. It was agreed that a timeframe of approximately two years was reasonable, given that many councils have already signed contracts for electricity supply.
AER Review of street lighting distribution costs and options for Local Government

The Australian Energy Regulator (AER) is now responsible for the oversight of prices levied by Aurora Energy for the provision of electricity distribution services. The AER will next assess prices for the 2012 to 2017 period. As part of this process the AER is reviewing the arrangements for the provision of public lighting in Tasmania.

In general, councils receive a bundled account for their public lighting charges where it is not possible to break down charging components for energy, distribution, retail margin and maintenance. Additionally, it is not possible for councils to group sections of street lighting to enable a group of lights to be deemed a contestable site and therefore be subject to price negotiation. Further, councils have limited opportunity to trail the use of more efficient light globes to reduce costs and emissions.

For most councils, street lighting costs comprise a significant proportion of their electric budget and also generates a large amount of emissions. The Association has been assisting the AER in its initial examination of street lighting, including pricing and options energy efficient lighting. The AER has just released its preliminary position and framework paper for Aurora Energy and has invited submissions. The Association will review this paper and consider making a submission. At the same time the Association will continue looking broadly at the issue of electricity pricing and contract arrangements for local government.

Budget Impact
Does not apply.

Current Policy
LGAT will continue to inform members with updates as relevant.
24 ITEM: SUPPORT OF LGAT
Meander Valley Council

Meander Valley Council/Waratah Wynyard Council

That Councils acknowledge the positive contributions of LGAT in representing the interests of Councils and the benefits to councils of adopting and maintaining a unified approach through LGAT, and

That the Contributions made by the large Councils both financially and in terms of resources be recognised and acknowledged.

Carried

25 CLOSURE

The President noted the absence of Mayor Mike Downie due to illness and asked Deputy Mayor Jan Bonde, Central Coast Council, to convey the thoughts and best wishes of all Members to Mayor Downie and his family while they progress through this difficult time. The President added that Mayor Downie is a valued contributor at LGAT meetings and his input is missed.

There being no further business, the President declared the meeting closed at 11.55am.