General Meeting

Minutes

20 October 2010

Country Club Tasmania

Country Club Avenue
Prospect Vale

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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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<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>
</tr>
<tr>
<td>20,000 – 39,999</td>
<td>3</td>
<td>Blue</td>
</tr>
<tr>
<td>40,000 and above</td>
<td>4</td>
<td>Green</td>
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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 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

10.00am  Coffee on arrival

10.30am  Meeting commences
          Council Round-Ups  Devonport City Council
          Derwent Valley Council

12.00   Barbara Etter
          Chief Executive
          Integrity Commission of Tasmania

12.30pm  Approximately, lunch will be provided

1.30pm   Bob Campbell
          Group Work Pty Ltd
          Mr Campbell will be discussing the 10 year review of Tasmania Together
Table of Contents
1 Item: Minutes General Meeting 23 July 2010 ........................................... 6
2 Item: Business Arising ................................................................................. 6
3 Item: Confirmation of Agenda...................................................................... 6
4 Item: Follow Up Of Motions ....................................................................... 6
5 Item: Council Round-Ups........................................................................... 7
6 Item: Metropolitan Councils Group Terms of Reference* ......................... 7
7 Item: Premier’s Reform Agenda .................................................................. 9
8 Item: Constitutional Recognition................................................................. 11
9 Motion: Speed Limits Outside Child Care Centres ..................................... 12
10 Motion: Pro Rata Rate Remissions .............................................................. 14
11 Item: Move Well Eat Well........................................................................... 14
12 Item: Rating and Valuations ....................................................................... 15
13 Item: Planning Directive No. 1 ................................................................... 16
14 Item: Flu Clinic review................................................................................ 18
15 Item: Smoking Legislation.......................................................................... 19
16 Closure ........................................................................................................ 20

* Denotes Attachments
The Acting President, Mayor Deirdre Flint, welcomed Members and declared the meeting open at 10.35am.

**Apologies were received from**

Mayor Graham Bury  
Mr Paul West  
Mr Gerald Monson  
Mr Ian McCallum  
Mayor Darryl Gerrity  
Mr Peter Harder  
Mayor Tony Bisdee  
Mr Tim Kirkwood  
Mayor Mike Gaffney  
Mayor Betrand Cadart  
Mr David Metcalf  
Mayor Mark Shelton  
Mayor Jock Campbell  
Mr Stephen Brown  
Mayor Carmel Torenius  
Mayor Barry Easther  
Mayor Carol Cox  
Mr Raoul Harper  
Mayor Robert Armstrong  
Mr Glenn Doyle  
Mayor Kim Polley  

Kingborough Council  
Kingborough Council  
Latrobe Council  
Devonport City Council  
West Coast Council  
West Coast Council  
Southern Midlands Council  
Southern Midlands Council  
Latrobe Council  
Glamorgan Spring Bay Council  
Glamorgan Spring Bay Council  
Meander Valley Council  
Clarence City Council  
George Town Council  
Sorell Council  
West Tamar Council  
Flinders Council  
Flinders Council  
Huon Valley Council  
Huon Valley Council  
Northern Midlands Council
1 ITEM: MINUTES GENERAL MEETING 23 JULY 2010 *

Launceston City Council/Break O’Day Council

That the Minutes of the meeting held on 23 July 2010, as circulated, be confirmed.

Carried

**Background:**
To confirm the Minutes of the General Meeting held on 23 July 2010.

See Attachment to Item 1.

2 ITEM: BUSINESS ARISING *

That Members note the information.

Noted

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

3 ITEM: CONFIRMATION OF AGENDA

Hobart City Council/Latrobe Council

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

Carried

**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 this report will be provided at the General Meeting to be held on 17 November, 2010.

Noted
5 ITEM: COUNCIL ROUND-UPS

That Members noted the presentation from Derwent Valley Council.

Noted

Background comment:
Both Devonport City and Derwent Valley Councils have offered to conduct brief presentations on a matter that is of interest in their municipal area.

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

6 ITEM: METROPOLITAN COUNCILS GROUP TERMS OF REFERENCE*
Contact Officer – Katrena Stephenson

Hobart City Council/Launceston City Council

That the Meeting agree the Terms of Reference for the Metropolitan Councils Group in accordance with the agreed changes.

Carried

The Motion was Carried
Votes For 38
Votes Against 10

Councils that voted against the motion –
Burnie City Council
Brighton Council
King Island Council
Glamorgan Spring Bay Council
Derwent Valley Council
Sorell Council

PLEASE NOTE: A copy of the amended Terms of Reference have been included with the Minutes for reference.

Earlier this year Hobart City Council wrote to the Association seeking the establishment of a Metropolitan Councils Group. Hobart City Council 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. This was one of a number of issues raised by Hobart City Council for consideration as part of a review of their ongoing membership of the Association.

At the July 2010 General Meeting, Members provided in principle support subject to Terms of Reference being agreed.

Subsequently, in consultation with the General Managers of Hobart City Council, Clarence Council and Kingborough Council, the Policy Director prepared draft Terms of Reference and draft Rule Changes for consideration by councils, refer attachment to Item 6 A.
In preparing the draft Terms of Reference there was consideration of mechanisms used elsewhere (UK, South Australia) and issues raised at the General Meeting.

Some key points to note in relation to the Terms of Reference proposed are:

- To be eligible, councils must be a city or have a population of greater than 30,000 and be a member of LGAT.
- The Metropolitan Councils Group (MCG) will have the power to identify, implement and evaluate actions in relation to metropolitan issues. Each Member shall have one vote.
- The MCG will meet quarterly, will develop an annual strategic plan and will keep and distribute minutes and agendas to the broader LGAT membership. The MCG will also report to each General Meeting of the Association.
- The President of LGAT will be an ex-officio member of the MCG. The Chair will be elected from the General Management Committee by members of the MCG. The Chair will not be the President in order to avoid any conflict of interest between the positions of the Metropolitan Councils Group and the broader LGAT membership.
- Up to three observers (excluding the President) may, with the permission of the Chair, attend meetings of the MCG.
- The Metropolitan Councils Group will be supported by the Local Government Association of Tasmania’s Policy and Administration staff. Protocols will be developed in relation to interaction with the Local Government Association of Tasmania and costs, with the understanding that costs beyond general hosting and administration will be borne by the member councils.
- The Terms of Reference will be reviewed within two years operation of the Metropolitan Councils Group.

The draft Terms of Reference were provided to councils on 10 August 2010 requesting feedback by 10 September 2010.

It was suggested in that email that they would formally be considered at a Special General Meeting to be held in Launceston on 20 October 2010, unless there was widespread support/agreement on this current draft.

Unfortunately around only one third of councils had responded by 9 September and one council expressed strong opposition. On that basis the Special General Meeting was confirmed as going ahead in correspondence from the Acting President, Mayor Deirdre Flint. The correspondence was forwarded to Mayors and copied to general managers. A copy for reference is at attachment to item 6 B.

That correspondence also addressed an issue raised in relation to the wording of the motion at the July 2010 meeting which had been interpreted as meaning a unanimous vote by members rather than the normal voting process as outlined in the Rules of the Association, a copy of the rules is at attachment to Item 6 C.

Feedback to date suggests this was not a common interpretation and both the mover of the amendment and the mover of the amended motion confirm that they meant the matter to come back to a General Meeting for a vote in the usual manner.
In relation to specific comments on the draft Terms of Reference only the following have been raised to date:

- The outcomes of the strategic planning meeting, including the annual work program should be made available to all members.
- As an element of good communication, the unconfirmed Minutes should be circulated to the broader Membership (ie not waiting for the minutes to be confirmed three months down the track).

It is felt that these can be encompassed under the current Terms of Reference.

**Budget Impact**
Does not apply.

**Current Policy**
As per July 2010 General Meeting.

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7 **ITEM:** PREMIER’S REFORM AGENDA  
Contact Officer – Katrena Stephenson

<table>
<thead>
<tr>
<th>Hobart City Council/Devonport City Council</th>
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<tbody>
<tr>
<td>That members note the following report.</td>
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Carried

**Background comment:**
At the Premier’s Local Government Council (PLGC) meeting of 29 July 2010 it was agreed that State Government and Local Government would work together to identify opportunities for reform. The Premier committed to funding the detailed work that would be required as well as in relation to implementation of outcomes.

Advice of this announcement and copy of the Communiqué was sent to all Elected Members, on behalf of the President at the beginning of August 2010. The following key points were identified:

- The PLGC would lead a process to identify opportunities for the Local Government sector.
- The process would be highly collaborative.
- The State Government would provide funding to facilitate discussion and implementation of any agreed reform outcomes.
- Local representation provides many advantages to local communities and the State as a whole and amalgamations are not the solution to the challenges facing the sector.
- Improving services (to the community generally) and the reliability of infrastructure were desired outcomes.
A scoping/discussion paper will be going to the 6 October 2010 PLGC for consideration. The paper outlines the principles guiding the reform work (Innovation, Sustainability, Participation and Connectedness) and suggests that this first stage of work address three key areas:

- Roles and Functions
- Service Delivery Arrangements
- Sustainability and Performance.

It is anticipated that tools for exploring potential areas of improvement include working groups, discussion papers and a symposium with the developmental stage taking around ten months.

The Association will be providing human resources to support the project as it develops.

**Budget Impact**

Does not apply.

**Current Policy**

Supported by PLGC.
ITEM: CONSTITUTIONAL RECOGNITION
Contact Officer – Katrena Stephenson

Tasman Council/Latrobe Council

Agree to a pre-budget paper being brought to the March 2011 General Meeting regarding the Constitutional Recognition campaign.

Background comment:
The Policy Director participated in an Australian Local Government Association (ALGA) workshop for senior officers, on Constitutional Recognition at the end of August 2010.

It is clear that there are three phases of work to be undertaken:
1. Associations and Councils need to work to build support for and satisfaction with Local Government and build acceptance of the need for Constitutional reform.
2. ALGA needs to work to gain agreement for a Referendum.
3. ALGA needs to develop the ‘yes’ campaign with support from each jurisdiction.

Following that workshop and announcements made during the Federal Election campaign and subsequent to the election the ALGA wrote to the President highlighting the following:

- The ALGA Board agreed in March 2010 to pursue financial recognition in the Constitution for Local Government. This would involve a change to Section 96 of the Constitution by adding the words (in italics):
  
  *The Parliament may grant financial assistance to any State or Local Government Body on such terms and conditions as Parliament thinks fit.*

- The ALGA Board also agreed that it would support the inclusion of Local Government in a revised preamble if the opportunity were to arise.

- $250,000 has been provided to ALGA to develop the case for Constitutional Recognition further.

- A detailed work program is to be presented to the Board at the October 2010 meeting.

- ALGA is encouraging Associations to consider making a specific provision for funding a public relations campaign in 2011-12.

At the ALGA workshop it became apparent the jurisdictions were at varying levels of readiness in relation to a public relations campaign and in relation to improving the satisfaction with Local Government generally.

Work done by ALGA, and our own community satisfaction surveys, show that there is a relatively high level of satisfaction with Local Government in Tasmania. However, this needs to be lifted to even higher levels and it also needs to be translated into a desire to see Local Government recognised in the Constitution.

Further, it was not clear that councils universally understood the decision by the Board to focus only on financial recognition. That is, it will not prevent councils from being dismissed or amalgamated.
ALGA President, Cr Geoff Lake states –

“the inclusion of Local Government in the Constitution is all about stable government. It is about removing the current uncertainty stemming from last year’s High Court decision in Pape which has cast serious doubt on the power of the Commonwealth to continue to provide funds directly to Local Government”.

Constitutional Recognition does not change Local Government’s accountability or status but it can secure its ability to cater to the needs of local communities in line with the intent, in 1840, when councils were first established.

**Budget Impact**
May require an additional budget request of councils.

**Current Policy**
Constitutional Recognition for Local Government is supported by the Membership.

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### 9 MOTION: SPEED LIMITS OUTSIDE CHILD CARE CENTRES

**Launceston City Council/Burnie City Council**

That the LGAT writes and makes representation to the Minister of Infrastructure, Energy and Resources seeking that speed limits around all Tasmanian child care facilities are lowered to mirror the same speed limits around schools (that being 40km). This would apply to child care facilities such as registered child care centres and not family day care placements in private houses.

Carried

**Background comment:**
The need for childcare centres to be treated in the same way as school zones is fairly self apparent. Child care centres are now much more prevalent in Australia as centres for early learning; a consequence reinforced by the fact that education is now regarded as birth onwards as opposed to previously two decades ago where it was seen as kindergarten onwards. Childcare centres effectively run and operate early learning programs which provide early years education to young children. Many more young children are involved in childcare for educational purposes than has been the case in the past.

Childcare centres are far more numerous than has been the case in years past as both parents required childcare for work. The growth of the childcare industry and childcare providers has been very significant over the past two decades.

Childcare centres around the city, at key times like schools, have had large numbers of cars dropping children off. These children are young and not road wise as such and a reduction in speed limit makes the area much safer. Further to this, parents often have another child and/or children with them when dropping off/picking up children so the need for speed reductions is fairly obvious. The risk for injury and harm is high from cars driving at 50 or 60km per hour.
In summation the child care centres of today are in essence schools – smaller than primary schools obviously but with younger children who are at greater risk. When one factors in the other children being there for drop off and pick up it highlights the need for speed limits to be lowered to reflect those seen in Tasmanian school zones.

In April 2010, Launceston City Council passed a similar motion to write to the Secretary of DIER requesting that the State Government give consideration to reducing the speed limits around childcare centres to that which applies around schools. Council is now seeking the Association’s support to convey a Local Government request to the State Government for the speed limits around childcare centres to be reduced to 40 km/h state-wide.

State Government Comment
In correspondence with Launceston City Council (dated 20 April 2010) DIER have stated the following:

- This issue was considered during the extensive Speed Zoning Review conducted in 2005.
- In order to be effective, speed limits need to be credible and receive voluntary compliance from the majority of drivers.
- Most 40 km/h school zones operate for short periods of time before and after the school day. Childcare facilities have children picked up and dropped off over much longer and varied periods of time.
- Children attending childcare facilities are escorted to and from the facility by parents or carers, while primary schools have significant numbers of children unaccompanied on or near the road.
- Childcare facilities vary in size, with smaller facilities having very limited numbers of pedestrian movements.
- The application of a blanket speed limit reduction for childcare facilities would greatly increase the number of speed zones increasing the amount of ‘chop and change’ that drivers find confusing.
- On balance it is considered that 40 km/h school zones are not appropriate for childcare facilities.
- However, if individual centres with particular concerns contact the Council, we would be very happy to work with you to review their traffic management arrangements.

LGAT Comment
LGAT has been a longstanding member of the Tasmanian Road Safety Council.

The Association notes that DIER will consider reduced speed arrangements around individual centres upon request.

Budget Impact
Does not apply.

Current Policy
Does not apply.
10 MOTION: PRO RATA RATE REMISSIONS

Launceston City Council/Derwent Valley Council

That the LGAT seek, from the State Government, a review of the Local Government (Rates and Charges) Act 1991 with a view to amending the legislation to enable persons eligible for remission after July 1, in a year of the municipal rating period, to qualify for a pro rata portion of rates remission.

Carried

Background comment:
Launceston City Council resolved at their meeting of August 9, 2010 to:

1. “Write to the Premier David Bartlett and Treasurer Michael Aird requesting that the pensioner rebates for rates be assessed on a pro-rata basis for those pensioners receiving their pension after the 1st July in the rateable year; and
2. Seek the support of the Local Government Association of Tasmania by requesting the Association to write to the Treasurer requesting that a review of the Local Government (Rates and Charges Remissions) Act 1991 be conducted with a view to amending the legislation to enable persons eligible for a remission after July 1, in the year of a municipal rating period, to qualify for a pro-rata portion of a rates remission”

LGAT Comment
There has been no formal motion on this issue specifically in the last 7 years however the Association understands there has been some exploration of it by State Government previously. In considering the issue the State Government found it to be administratively burdensome for a relatively small equity outcome. The treatment is currently the same as for Land Tax.

Budget Impact
Does not apply.

Current Policy
Does not apply.

11 ITEM: MOVE WELL EAT WELL
Contact Officer – Katrena Stephenson
George Town Council/Burnie City Council

That Members note the following report.

Carried

Background
For a second year the LGAT received funding and support from the Department of Health and Human Services to run a grants program for Move Well Eat Well Projects. $3000 was available to allocate in each region to promote active play, recreational cycling or walking for primary age children and their families within their communities.

The funding round closed on 20 August 2010 with applications assessed shortly thereafter. The successful applicants were:

- Burnie City Council: Kommunity Kids Cycleway – further development and promotion.
- Launceston City Council: Invermay Bicycle Lending program and signage development to promote the track to children and families.

All successful applicants are required to provide a brief report on the outcomes of the projects and these are promoted in the LGAT News Magazine.

It is envisioned there will be another round of funding next year. Consideration is being given to moving away from a specific regional allocation to just the three best applications state-wide.

Budget Impact
Does not apply.

Current Policy
Does not apply.

12 ITEM: RATING AND VALUATIONS
Contact Officer – Katrena Stephenson
That Members note the following Report.

Background comment:
Further to the report made at the 23 July 2010 General Meeting, the Local Government Valuation and Rating Review has progressed as follows -

- A discussion paper was prepared by Access Economics. This was provided to participants attending two workshops (North and South) as well as posted on the Local Government Division Website. The workshops were attended by 24 councils and were targeted primarily at those with a technical understanding of rating and valuation.

- Access Economics advised that the workshops were extremely useful. They have used the inputs gained through the workshops as well as modelling using data from four councils (Latrobe, Northern Midlands, Hobart and Kingborough) to inform their report to the Steering Committee.

- The Steering Committee has reviewed the Interim Draft Report and it is anticipated that the Final Draft will be received at the end of September.

The reports have been of a very high quality, particularly impressive given the tight timeframes.

The Final Report will be a publically available document circulated in tandem with a Communications and Consultation Strategy which is under development.

Budget Impact
Does not apply.

Current Policy
Does not apply.

13 ITEM: PLANNING DIRECTIVE NO. 1
Contact Officer – Katrena Stephenson
That members note the following report.

Carried

Background
Through the Association, member councils were provided opportunity to comment on the proposed Common Key Elements Planning Scheme Template which is a fundamental tool in the implementation of the regional planning initiatives.

The Association consulted with members and also participated in a workshop in the South prior to developing a whole of sector response.

It is worth noting that this was an extremely difficult submission to formulate because of fundamental differences in opinion across the regions but particularly between the North/North West and the South.

A number of councils in the North and North West felt that because issues raised in previous consultation rounds had been disregarded that they would rather make substantive comment during the public hearing phase.

The level of detail was significant and councils were also encouraged to make individual submissions.

The key points of the LGAT submission as outlined in the summary are as follows:

- There is support for the need to undertake sensible reform of the Common Key Elements Template (CKET).
- It is considered that the template offers the best way forward to achieve consistent and contemporary planning instruments and to underpin the regional planning initiatives.
- However some components of change are substantial and perhaps outside the terms of reference for the review.
- In general Councils do not consider the CKET 2010 ready for the Planning Directive process and would like more discussion.
- It has been extremely difficult to evaluate the workability of CKET 2010 and understand points of difference without some detailed examples and in the absence of the codes (aka schedules) and a detailed guide.
- Regardless, it is strongly perceived that the CKET 2010 will not deliver the reform objectives desired.
- More robust and inclusive consultation between Tasmanian Planning Commission (TPC), Cradle Coast Regional Planning Initiative (CRPI) and all councils is required.
- Directions and detail to date have been poorly communicated outside officer level (and sometimes even at officer level).
- There is a need to further engage with elected members on the outcomes the CKET 2010 will produce.
- There are some key areas of difference across regions which need to be analysed and worked through with all parties.
- The Association requests the TPC to compare and contrast the alternative draft templates through testing and develop a final position which is the TPC’s preferred approach.
- In doing so we understand this needs to be done in a timely fashion. We note, with some concern, that councils in the North West are being encouraged to undertake work modifying planning schemes in accordance with the Cradle Coast Regional
Template. Regardless of time imperatives we strongly discourage this approach regardless of the lack of an agreed template.

- There are particular concerns with regard to proposed changes to permitted/discretionary development provisions together with shift in the planning requirements from the Performance Criteria/Acceptable Solutions approach.

The submission is available on the LGAT website and has been circulated to all councils.

Regardless of the Associations key message that councils did not consider the CKET 2010 ready for the Planning Directive process, the Planning Commission has commenced the formal public. The Association is intending to make further representation in consultation with councils.

**Budget Impact**
Does not apply.

**Current Policy**
All councils are participating in the Regional Planning Initiative.

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14 **ITEM: FLU CLINIC REVIEW**
Contact Officer – Georgia Palmer

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**Background:**
During the first half of 2010 the Department of Health and Human Services (DHHS) undertook a review of the Tasmanian Flu Clinic Model in order to improve future DHHS operational and strategic pandemic preparedness concerning the Community Response Strategy.

Four workshops were held with stakeholders to inform the review. LGAT participated in the four workshops and provided feedback on the major issues faced by councils during the 2009 pandemic. A draft report “Ways Forward- Planning and Implementing Responsive Clinical Services to Address Pandemic Influenza in Tasmania’ has been circulated to the stakeholders involved in the workshop and LGAT has sought input from all member councils prior to formulating a sectoral response.
Overall the draft document identified that flu services in Tasmania should include:

- A more localised model, responding to local needs through the devolution of planning to DHHS Area Health Services.
- A shift in the role of Local Government and the local State Emergency Services from being a provider of non-clinical services, to a locally negotiated role in logistical support for flu services.
- Enhanced engagement of primary health care organisations (GPs) in providing a central role in flu service response.
- Broad oversight and policy setting by DHHS.
- Appropriate communications and information to ensure connectedness between flu services and stakeholders.

The LGAT response to the draft paper provided in principle support for the suggested reorientation of Tasmanian Flu Services identified in the draft. However, there were some matters for clarification and consistency issues around Local Government which needed to be rectified prior to public release of the document.

DHHS will provide a response to stakeholder comments on the draft once they have received comments from all stakeholders.

**Budget Impact**

Does not apply

**Current Policy**

LGAT will provide members with an update when this response is received.

### 15 ITEM: SMOKING LEGISLATION

**Contact Officer – Ivan Zwart**

Latrobe Council/Burnie City Council

That members note the following report

Carried

**Background**

At the May 2010 General Meeting a motion was introduced requesting the State Government introduce no smoking legislation for alfresco dining areas, including consideration of entire designated public areas. The motion was lost, primarily on technical/drafting grounds. Nevertheless, results of an independent business and community survey showed there was majority support for the introduction of smoke free public places.

Since then, the Department of Health and Human Services (DHHS) has released a discussion paper for comment outlining a variety of potential changes to tobacco laws. There are twelve proposals. The first seven aim to protect people from tobacco smoke, and include banning smoking:

- in all outdoor areas
- in all pedestrian malls, bus malls and covered bus shelters
- within enclosed children’s playgrounds and outdoor sporting stadiums
The remaining proposals place further restrictions on the availability and display of tobacco products. They include banning tobacco product vending machines and confiscating tobacco products possessed by children.

The discussion paper has been forwarded onto Councils for their consideration, with feedback required to the DHHS by 1 October 2010.

A further report, reflecting councils comments/concerns will be made to the November General Meeting.

**Budget Impact**
Does not apply.

**Current Policy**
Does not apply.

16 CLOSURE

There being no further business, the Acting President declared the Meeting closed at 1.00pm.
Draft Terms of Reference
Metropolitan Councils Group

Background/Context
The idea of Metropolitan Councils Group was first raised by Hobart City Council in correspondence with the Local Government Association of Tasmania. At the July 2010 General Meeting of the Association the following motion was carried:

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.

These Terms of Reference were agreed at the Special General Meeting of 20 October 2010.

Objective:
The Metropolitan Councils Group’s objective is to provide a forum for raising matters of particular interest and relevance to metropolitan councils and identifying and pursuing an appropriate course of action in relation to such matters.

Accountability
The Metropolitan Councils Group’s roles, responsibility and governance are (to be) contained in both these Terms of Reference and the Rules of the Local Government Association of Tasmania (LGAT) (as per Attachment 1).

Functions
The Metropolitan Councils Group will:

- provide the forum in which metropolitan councils can discuss matters of common concern or interest and identify a collective approach to addressing those matters and exchange good practice and experience;

- determine priority metropolitan councils issues for action through the establishment of a metropolitan councils strategic plan, which in turn will be referred to and consistent with the LGAT strategic plan;

- assist the LGAT to take into account the needs, priorities and aspirations of metropolitan councils in formulating and promoting its policies; and

- help the LGAT to pursue the interests of the Metropolitan Councils Group and the ability of those councils to meet the needs of the communities they service to all key stakeholders and in particular the relevant Minister.
Powers

The Metropolitan Councils Group will:

1) Identify, implement and evaluate actions in relation to metropolitan issues;

2) Provide advice to the General Management Committee of LGAT on matters affecting Local Government from a Metropolitan perspective;

3) Provide a report to each General Meeting of the Association on matters being considered and/or addressed.

Membership

In order to be eligible to participate on the Metropolitan Councils Group councils must:

a) Be either a City or have a population of greater than 30,000 people.

b) Be a member of the Local Government Association of Tasmania.

The President of the Local Government Association of Tasmania will be an ex-officio non-voting member of the Metropolitan Councils Group.

The Mayor and General Manager of a council which is a member of the Metropolitan Councils Group, or their proxies, shall be entitled to attend and participate in all meetings of the Metropolitan Councils Group.

A council which is a member of the Metropolitan Councils Group shall be entitled to one vote at meetings of the Group.

The Mayor of a council which is a member of the Metropolitan Councils Group shall be the voting member at all meetings. Where the Mayor is unable to attend the Deputy Mayor, or a proxy Elected Member of the Council, is authorised to vote, speak or participate on their behalf at a meeting.

The General Manager of a council which is a member of the Metropolitan Councils Group shall be a non-voting member of the Group. The General Manager may appoint a proxy authorised to speak or participate on their behalf at a meeting. A proxy appointed by the General Manager must be an officer of the relevant Council.

Chair

The Chair must be a member of the General Management Committee of the Local Government Association of Tasmania.

The Chair will not be the President in order to avoid any conflict of interest between the positions of the Metropolitan Councils Group and the broader LGAT membership.

The Chair will be elected by the members of the Metropolitan Councils Group.
Role of the Chair

- Chair meetings of the Metropolitan Councils Group.
- Focus the Metropolitan Councils Group on achieving agreed objectives.
- Report to the General Meeting of the Local Government Association of Tasmania on the activities of the Metropolitan Councils Group.
- Be the first point of contact and the ‘public voice’ of the Metropolitan Councils Group.

Meeting Requirements

Meetings of the Metropolitan Councils Group will be undertaken as follows:

1. The Chair is to preside at the Metropolitan Councils Group meetings.
2. In the absence of the Chair, a person elected by the Metropolitan Councils Group members present is to preside.
3. The Metropolitan Councils Group shall meet quarterly.
4. The Metropolitan Councils Group shall hold a strategic planning meeting annually where it will consider the annual work program.
5. The Metropolitan Councils Group is to keep accurate minutes of its meetings, to be submitted to the next meeting for certification as a true and correct record of the proceedings. These minutes and the agendas will be circulated to the broader LGAT membership.
6. The Metropolitan Councils Group may call on, request or seek information or expertise beyond its own areas of expertise, subject to administrative and budget protocols.
7. At any meeting of the Metropolitan Councils Group, a quorum shall be constituted by ½ +1 of the total membership.
8. The Chair will at all times endeavour to achieve decisions by consensus approach. If consensus cannot be reached, this will be clearly documented.
9. A resolution on an issue may be passed without a meeting – if agreed to by a quorum of voting members it is to be taken as having been passed by a meeting of the Metropolitan Councils Group.

Sub Committees

The Metropolitan Councils Group may establish sub committees to progress work in relation to specific issues. The sub committees must comprise existing Metropolitan Councils Group members and will operate as much as possible out-of-session via electronic means.
Observers

Any Elected Member or Officer of a Member Council of the Association may observe meetings of the Metropolitan Councils Group, with the permission of the Chair.

Reporting

The Metropolitan Councils Group will report, via the Chair, to the General Meeting of the Local Government Association of Tasmania.

Members of the Metropolitan Councils Group are responsible for reporting to their Councils.

Strategic planning outcomes will be made available to all councils who are Members of LGAT.

Minutes (both unconfirmed and confirmed) will be circulated to LGAT Member councils as soon as practicable.

Administration

The Metropolitan Councils Group will be supported by the Local Government Association of Tasmania’s Policy and Administration staff.

Protocols will be developed in relation to interaction with the Local Government Association of Tasmania and costs, with the understanding that costs beyond general hosting and administration will be borne by the member councils.

Review

These Terms of Reference will be reviewed within 12 months of operation of the Metropolitan Councils Group.
Suggested Rules (to be incorporated in LGAT rules).

Under General Management Committee and Other Committees

a) There shall be a Metropolitan Councils Group.

b) Councils eligible to join the Metropolitan Councils Group will be:
   
   I. Be either a city of have a population of greater than 30,000 people.
   
   II. Be a member of the Local Government Association of Tasmania.

c) The President of the Local Government Association of Tasmania will be an ex-officio member of the Metropolitan Councils Group.

d) The Metropolitan Councils Group shall meet at least quarterly.

e) The functions of the Metropolitan Councils Group are:
   
   i. provide the forum in which metropolitan councils can discuss matters of common concern or interest and identify a collective approach to addressing those matters and exchange good practice and experience;
   
   ii. determine priority metropolitan councils issues for action through the establishment of a metropolitan councils strategic plan, which in turn will be referred to and consistent with the LGAT strategic plan;
   
   iii. assist the LGAT to take into account the needs, priorities and aspirations of metropolitan councils in formulating and promoting its policies; and
   
   iv. help the LGAT to pursue the interests of the Metropolitan Councils Group and the ability of those councils to meet the needs of the communities they service to all key stakeholders and in particular the relevant Minister.

f) Voting on the Metropolitan Councils Group will be on the basis of one vote for each member council.

g) The Metropolitan Councils Group will be chaired by a member of the General Management Committee of the LGAT, elected by Members of the Metropolitan Councils Group.

h) The President of the LGAT will be an ex-officio member of the Metropolitan Councils Group.

i) The Mayor and General Manager of a council which is a member of the Metropolitan Councils Group, or their proxies duly, shall be entitled to attend and participate in all meetings of the Metropolitan Councils Group.
j) The Mayor of a council which is a member of the Metropolitan Councils Group shall be a voting member of the Metropolitan Councils Group. Where the Mayor is unable to attend, the Deputy Mayor, or a proxy Elected Member of the Council, is authorised to vote, speak or participate on their behalf at a meeting.

k) The General Manager of a council which is a member of the Metropolitan Councils Group shall be a non-voting member of the Metropolitan Councils Group. The General Manager may appoint a proxy authorised to speak or participate on their behalf at a meeting. A proxy appointed by the General Manager must be an officer of the relevant Council.

l) The Local Government Association of Tasmania must, at least two weeks before the date fixed for holding of the Metropolitan Councils Group, deliver or post to the member councils of the Metropolitan Councils Group, a notice of the date and time of the meeting and of the business to be transacted at that meeting.

m) The rules for the conduct of debate are as per those for all other meetings of the Association.

n) Any Elected Member of Officer of a Member Council of the Association may observe meetings of the Metropolitan Councils Group, with the permission of the Chair.