



Governments working together

SECOND

STATEWIDE PARTNERSHIP
AGREEMENT ON
COMMUNICATION AND
CONSULTATION

between the

STATE GOVERNMENT

and the

LOCAL GOVERNMENT ASSOCIATION OF
TASMANIA

on behalf of

TASMANIAN COUNCILS

16 December 2008

Revised December 2010



AN AGREEMENT MADE THE 16TH DAY OF DECEMBER TWO THOUSAND AND EIGHT,

BETWEEN

THE CROWN IN RIGHT OF THE STATE OF TASMANIA,
AND
THE LOCAL GOVERNMENT ASSOCIATION OF TASMANIA

1.0 BACKGROUND

- This ongoing agreement is the second statewide partnership agreement for communication and consultation between the State Government and local government in Tasmania. The first agreement, which was signed on 27 March 2003, was reviewed in 2007-2008 and amended to improve the earlier agreement in the light of developments since 2003. The agreement was then reviewed in December 2010 to update schedule 6 and include Appendix 1C.
- The State Government and local government in Tasmania are committed to a close working relationship as a means of improving economic, social and environmental outcomes for Tasmanian communities.
- A significant factor in the close working relationship since 1998 has been the development and implementation of partnership agreements, on a bilateral, regional or statewide basis, and a tripartite agreement, the *Tripartite Partnership Agreement for Population Ageing in Tasmania*.
- The relationship has also been developed and maintained through the Premier's Local Government Council (PLGC), which exists as a representative high-level forum for discussion of statewide issues and has oversight of major projects and statewide partnership agreements.
- Early in the process of working together in this way, both spheres of government identified that effective communication and consultation between the State Government and local government was essential if they were to work more closely together.
- The first agreement on communication and consultation represented leading practice in Australia. Several states have since developed similar agreements.
- In April 2006, a national *Inter-Governmental Agreement Establishing Principles Guiding Inter-Governmental Relations on Local Government Matters* (referred to as the IGA) was entered into by the Australian Government, all state and territory governments, and the Australian Local Government Association. Many of the principles in the IGA reflect those of the Tasmanian partnership agreements.

2.0 PREAMBLE

The parties to this agreement are the State Government and local government, through the Local Government Association of Tasmania (LGAT), which represents the 29 Tasmanian councils.

The parties:

- recognise the value of the first statewide partnership agreement on communication and consultation and the role it had in improving the relationship and communication and consultation processes between the two spheres of government
- are committed through this and subsequent agreements to ensuring effective and appropriate communication and consultation between the two spheres of government
- acknowledge the important role that both the State Government and local government play in the economic, social and environmental wellbeing of the communities that they serve
- are committed to the adoption of economic, social and environmental outcomes and service delivery arrangements which most benefit Tasmanian communities
- are committed to furthering the goals and benchmarks of *Tasmania Together 2020*, the 20-year social, environmental and economic plan for the future development of the State
- recognise that the strength and sustainable growth of Tasmania's local and regional economies are vital to the overall development of the Tasmanian economy
- recognise that an active partnership between the State Government and local government is central to identifying opportunities to maximise growth and to build on the State's strengths
- acknowledge that statewide partnership agreements are a key tool for building on priority areas and driving statewide objectives and priority tasks
- acknowledge the commitment of the State Government and local government in Tasmania to the national IGA between the Australian Government, state and territory governments, and the Australian Local Government Association, which was signed in April 2006
- recognise that matters relevant to this agreement are the formulation and implementation of policies, legislation, strategies and programs that affect the jurisdiction of the other party.

3.0 AGREED PRINCIPLES

- 3.1 Partnership agreements reflect the parties' shared desire for effective cooperation, to demonstrate leadership and the maintenance of an open and productive working relationship between the State Government and local government in Tasmania.
- 3.2 Relations between the State Government and local government will be conducted in a spirit of mutual respect and consideration for the other party.
- 3.3 The parties acknowledge the need for services and functions to be provided to communities in an efficient and effective manner and that changes in responsibilities should achieve overall efficiency across both spheres of government.
- 3.4 Within a partnering framework, the State Government will generally maintain responsibility for statewide economic development and social services that require uniform standards or consistency.
- 3.5 Where services are more effectively and efficiently delivered at the local level, the principles of the IGA will be taken into account and agreement will be reached on appropriate funding arrangements.
- 3.6 Unless otherwise specified, this agreement is not intended to, and does not create, binding legal relations between the parties.
- 3.7 Unless specifically mentioned, nothing in this agreement affects any existing arrangements or future commitment or obligation entered into outside the terms of this agreement.

4.0 DESIRED OUTCOMES

- 4.1 In general, the desired outcomes of this agreement are that the parties will maintain a cooperative working relationship that:
 - promotes the achievement of mutual objectives
 - facilitates the most effective use of State Government and local government resources
 - facilitates better decision-making that takes into account the needs of both parties
 - enables the provision of a greater range and quality of services for Tasmanian communities.
- 4.2 The agreed commitments set out in the schedules to this agreement will be met.

5.0 REPORTING, EVALUATION AND REVIEW

- 5.1 The State Government will ensure that a report on the operation of the agreement is provided in its annual report to Parliament on partnership agreements.
- 5.2 LGAT will ensure that a report on the operation of the agreement is included in its annual report.
- 5.3 There will be an evaluation of the agreement after two years of operation from the date of signing and continuing on a biennial basis until the parties agree to review or discontinue the agreement. Reports to the PLGC will be made on the basis of the evaluations.

6.0 RESOLUTION OF ISSUES RELATED TO THIS AGREEMENT

- 6.1 The parties agree that any issues concerning the operation of this agreement will be dealt with in line with the processes outlined in Schedule 7 of this Agreement.

SIGNED for and on behalf of **THE CROWN
IN RIGHT OF THE STATE OF TASMANIA**

By the Hon David Bartlett, MP
Premier

A handwritten signature in black ink, appearing to read 'David Bartlett', written over a horizontal line. The signature is stylized and cursive.

SIGNED for and on behalf of **ALL TASMANIAN
COUNCILS**

By Cr Michael Gaffney
President
Local Government Association of Tasmania

A handwritten signature in black ink, appearing to read 'Michael Gaffney', written over a horizontal line. The signature is cursive and includes a large flourish at the end.

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I.0 PROCESSES FOR INTERACTION BETWEEN THE STATE GOVERNMENT AND LOCAL GOVERNMENT

Issues

The parties agree that the key issues to be addressed are:

- the need for clear and consistent processes for interaction between the State Government and local government
- ensuring that State agencies and local government remain aware of and adhere to the agreed commitments and processes for interaction.

Actions and timeframes

The parties agree that the following actions and timeframes will be used:

Action	Timeframe	Lead Agency
The <i>Guidelines for Communication and Consultation</i> (Appendix 1), as approved by the Premier's Local Government Council (PLGC), will be reviewed biennially to ensure they remain relevant and appropriate.	Biennially after the date of signing	Department of Premier and Cabinet (DPAC) Local Government Division (LGD)
To promote the approved guidelines and the <i>Inter-Governmental Agreement Establishing Principles Guiding Inter-Governmental Relations on Local Government Matters</i> (IGA) and ensure that staff are aware of them. To encourage and support adherence to the guidelines and the IGA and provide clarification on their application.	Ongoing	LGD and LGAT
The parties agree to the <i>Protocols for Contact and Representation at Meetings</i> (Appendix 2).	Ongoing	LGD and LGAT

Links to Tasmania Together

Goal: 8

Indicator definition: *Open and accountable government that listens and plans for a shared future*

Links to the Local Government Association of Tasmania Strategic Plan

Key Result Area 1: Representation

Ensure local government's voice is represented in public debates and all relevant legislative reviews and intergovernmental forums

2.0 CONSULTATION REQUIREMENTS FOR CABINET CONSIDERATION

Issues

The parties agree that, for the purposes of the operation of the *Guidelines on Communication and Consultation*, the key issue to be addressed is:

- the need for Cabinet to receive reports on the outcomes of State Government-local government consultation on all relevant matters.

Actions and timeframes

The parties agree the following actions and timeframes will be used:

<i>Action</i>	<i>Timeframe</i>	<i>Lead Agency</i>
The State Government will maintain the requirement for cabinet minutes to include information on consultation with local government on all relevant matters.	Ongoing	DPAC
The requirements will be reflected in the Cabinet Handbook.	Ongoing	DPAC
LGAT will be consulted on any proposed changes to the Cabinet Handbook in relation to these matters.	Ongoing	DPAC
DPAC will monitor draft cabinet minutes to ensure that the required consultation with local government has occurred.	Ongoing	DPAC (Policy Division)

Links to Tasmania Together

Goal: 8

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Links to the Local Government Association Strategic Plan

Key Result Area 1: Representation

Ensure local government's voice is represented in public debates and all relevant legislative reviews and intergovernmental forums

3.0 CONSULTATION ON LEGISLATION

Issues

The parties agree that, for the purposes of the operation of the *Guidelines on Communication and Consultation*, the key issues to be addressed are:

- provision of a streamlined process for consultation with local government on legislative proposals that would have an impact on or implications for local government by the State Government
- provision for a coordinated response from local government on the legislative proposals
- provision of a coordinated process for consultation with the State Government on legislative proposals initiated by local government.

Background information

For the purposes of this schedule, the meaning of legislation is intended to cover all legislative matters including legislation to be introduced into the Tasmanian Parliament, regulations pertaining to legislation (subordinate legislation) and 'quasi-legislation' such as instruments or standards created or developed under a legislative head of power (e.g. national environmental protection measures).

Actions and timeframes

The parties agree the following actions and timeframes will be used:

<i>Action</i>	<i>Timeframe</i>	<i>Lead Agency</i>
The State Government will consult with LGAT on legislative proposals that would have an impact on or implications for local government.	Ongoing	Relevant agency
LGAT will develop, coordinate and be accountable for an endorsed local government position for responses to State Government legislative proposals and provide a mechanism for consultation with the State Government on legislative proposals initiated by local government.	Ongoing	LGAT

<p>LGAT will maintain a legislation committee that:</p> <ul style="list-style-type: none"> • will operate as a decision-making body that will be able to speak for all councils • ensures adequate consultation is undertaken with councils in respect of legislative proposals from the State Government. 	Ongoing	LGAT
The Secretary of DPAC will provide the Chief Executive Officer of LGAT with a briefing on the State Government's forward legislation program.	Annually	DPAC
The legislation committee will consider appropriate and effective contributions to legislation provided by the Chief Executive Officer of LGAT.	Annually	LGAT

Links to Tasmania Together

Goal: 8

Indicator definition: Open and accountable government that listens and plans for a shared future

Links to the Local Government Association of Tasmania Strategic Plan

Key Result Area 1: Representation

Ensure local government's voice is represented in public debates and all relevant legislative reviews and intergovernmental forums

Key Result Area 2: Leadership

Provide leadership and promote continuous improvement in local government

4.0 COMMUNICATION ON BUDGETARY MATTERS

Issues

The parties agree that, for the purposes of the operation of the *Guidelines on Communication and Consultation*, the key issues to be addressed are:

- communication between the State Government and LGAT on issues and initiatives within the State Budget
- recognition of the role of local government as a provider of services that are directly or indirectly affected by budget-related decisions.

Actions and timeframes

The parties agree the following actions and timeframes will be used:

<i>Action</i>	<i>Timeframe</i>	<i>Lead Agency</i>
LGAT will be provided with a briefing on the State Budget that will: <ul style="list-style-type: none">• outline the key initiatives within the budget which have implications for local government• detail any specific local government initiatives within the budget.	Annually, in the week the budget is tabled	DPAC

Links to Tasmania Together

Goal: 8

Indicator definition: *Open and accountable government that listens and plans for a shared future*

Links to the Local Government Association of Tasmania Strategic Plan

Key Result Area: Finance and Resources

Enhance the financial and resource capacity of councils and improve funding arrangements between local government and the other spheres of government.

5.0 COMMUNICATION AND CONSULTATION ON COMMONWEALTH-STATE ISSUES

Issues

The parties agree that, for the purposes of the operation of the *Guidelines on Communication and Consultation*, the key issues to be addressed are:

- ensuring opportunities for discussion on Commonwealth-State policy initiatives or legislation where there may be an impact on the other party
- ensuring opportunities for local government to contribute to State Government submissions to Commonwealth inquiries or other processes where there are implications for local government.

Actions and timeframes

The parties agree the following actions and timeframes will be used:

<i>Action</i>	<i>Timeframe</i>	<i>Lead Agency</i>
The State Government will liaise with LGAT and, where appropriate, input will be sought on State Government submissions to Commonwealth inquiries or other major consultation processes that are deemed to have local government implications.	Ongoing	DPAC (Policy Division)
LGAT will liaise with DPAC on follow-up issues on COAG, where LGAT has received information from the Australian Local Government Association on COAG outcomes and other issues relevant to the State Government.	Ongoing	DPAC and LGAT
The Premier will encourage Ministers to identify any ministerial council issues that may impact on local government and, where necessary, seek input from LGAT.	Ongoing	DPAC
DPAC and other State agencies will invite LGAT to join interdepartmental committees (IDCs) on particular Commonwealth-State issues where relevant and appropriate.	Ongoing	DPAC

Links to Tasmania Together

Goal: 8

Indicator definition: Open and accountable government that listens and plans for a shared future

Links to the Local Government of Tasmania Strategic Plan

Key Result Area: Finance and Resources

Enhance the financial and resource capacity of councils and improve funding arrangements between local government and the other spheres of government.

6.0 COMMUNICATION AND CONSULTATION RELATED TO STRATEGIC ISSUES

Issues

The parties agree the key issues to be addressed are:

- communication between the State Government and local government on high-level issues of statewide and mutual importance that may align with COAG initiatives, national reforms, state government priorities and local government priorities
- utilising the expertise of both spheres of government to optimise outcomes for Tasmanian communities.

Background

The matters listed in this schedule are strategic issues of mutual interest between the State Government and local government. They are key areas of activity which the State Government and local government will focus on over the next 2 years.

It is recognised that there are other strategic issues of mutual interest which are being progressed outside of this agreement. It is not necessary to list these in this schedule; however, this in no way diminishes their importance.

The matters listed will be progressed in the spirit of cooperation established by this agreement and for the benefit of Tasmanian communities.

Local Government Reform

The State Government and local government are committed to working together to identify opportunities to improve the sustainability and performance of the local government sector. The State Government remains committed to its longstanding policy of no forced amalgamations.

There are a number of significant projects underway on local government reform that will continue to be progressed in 2011-12, listed below, as well as other initiatives at the local government and regional level. It is likely that issues will arise out of these projects that will require further analysis and reform.

The State Government and local government are committed to ongoing dialogue and collaboration in these areas, and on new issues that may arise during the life of this agreement.

Land-use planning reforms

The aim of the land-use planning reforms is to develop council planning schemes that are consistent with evidence-based, regional land-use planning and infrastructure investment strategies. The reforms aim to simplify land-use planning in the state to facilitate future development.

Financial and asset management reform

The State Government and local government are working to introduce consistent financial and asset management planning frameworks in all councils. The objectives of the frameworks are to:

1. maximise councils' financial sustainability to support continued provision of services to their communities over the long-term
2. increase councils' ability to effectively manage their current and future performance using a whole-of-council, consistent, corporate perspective which brings together their financial and asset management operations for reporting and management purposes.

Valuation and local government rating reform

The review of valuation and local government rating currently underway is aimed at identifying a valuation and local government rating model that will:

- be more efficient and provide greater flexibility to councils
- be simpler and more easily understood by both practitioners and ratepayers
- be cost-effective
- provide equitable outcomes for different classes of ratepayers and be less susceptible to market fluctuations
- be sustainable in the long term, including in relation to skills availability, resources and potential market fluctuations.

Sustainability objectives and indicators

The sustainability objectives and indicators project is being established to promote excellence in performance management and to support the long-term sustainability of the local government sector. The project will allow councils to assess their performance in key areas, it will enable better engagement between councils and communities, and it will assist the State Government and local government to set priorities for improved performance within the sector.

Actions and timeframes

The parties agree the following actions and timeframes will be used:

Action	Timeframe	Lead Agency
Appropriate communication and consultation on the above matters.	Ongoing	Relevant agency depending on the issue
Agencies will advise the Local Government Division (LGD), on an annual basis, of any instances of relevant communication and consultation.	Ongoing	Relevant agency depending on the issue

The Local Government Association of Tasmania (LGAT) will provide feedback to LGD on omissions or gaps it becomes aware of in consultation or communication on the above matters.	Ongoing	LGAT
This schedule (6.0) will be reviewed in two years for the purposes of adding or removing issues.	December 2012	LGD/LGAT

Links to Tasmania Together

Goal: 8

Indicator definition: Open and accountable government that listens and plans for a shared future

Links to the Local Government Association of Tasmania Strategic Plan

Key Result Area 1: Representation

Ensure local government's voice is represented in public debates and all relevant legislative reviews and intergovernmental forums

Key Result Area 2: Leadership

Provide leadership and promote continuous improvement in local government

7.0 RESOLUTION OF ISSUES RELATED TO THIS AGREEMENT

Issue

The parties agree the key issue to be addressed is:

- provision of a clear and consistent process when either party has concerns that the *Guidelines for Communication and Consultation* or other commitments in this agreement may not have been met.

Actions and timeframes

The parties agree the following actions and timeframes will be used:

<i>Actions</i>	<i>Timeframe</i>	<i>Lead Agency</i>
<p>The parties agree that the following incremental process will apply when either party has concerns that the <i>Guidelines for Communication and Consultation</i> and other commitments in this agreement may not have been met:</p> <ul style="list-style-type: none"> • the issue will be dealt with initially at the level of relevant officers, ie the non-compliance or omission should be drawn to the notice of the relevant officer (if known) • if consultation still does not occur, the issue may be taken to the relevant managers • if the managers cannot resolve the issue satisfactorily, each should bring it to the attention of the relevant division head (or other senior officer, in the case of a State agency) and the general manager (in the case of a council) • if the issue is not dealt with satisfactorily at that level, or concerns regarding consultation are ongoing or recurrent, the matter should be progressed through the Director, Local Government Division and the Chief Executive Officer, LGAT. 	Ongoing	DPAC and LGAT

Where unresolved, serious, deliberate or fundamental breaches have occurred, either party may request, through the Premier or the President of LGAT, to have the issue listed on the agenda of the PLGC.	Ongoing	DPAC and LGAT
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Links to Tasmania Together

Goal: 8

Indicator definition: Open and accountable government that listens and plans for a shared future

Links to the Local Government Association of Tasmania Strategic Plan

Key Result Area 1: Representation

Ensure local government's voice is represented in public debates and all relevant legislative reviews and intergovernmental forums

APPENDIX I: GUIDELINES FOR COMMUNICATION AND CONSULTATION BETWEEN THE STATE GOVERNMENT AND LOCAL GOVERNMENT

APPENDIX IA CONSULTING AND COMMUNICATING WITH THE STATE GOVERNMENT - HOW AND WHY?

These *Communication and Consultation Guidelines* for councils have been endorsed by the Premier's Local Government Council. The information should be read in conjunction with the second statewide partnership agreement on communication and consultation and other relevant documents such as council process and policy documents.

Effective and appropriate communication and consultation between local government and the State Government is essential for a close working relationship and decision-making that will benefit Tasmanian communities. The Local Government Association of Tasmania (LGAT) is responsible for those processes involving statewide issues and broad policy and legislative matters, while individual councils and regional bodies are responsible for relevant local matters.

Communicating with the State Government

Frequent and regular two-way communication should be a feature of a close and effective working relationship between the State Government and local governments. This builds networks for mutual awareness and understanding and creates opportunities for more collaborative action to benefit the community.

Communication may involve informal discussion, exchange of information and ideas, seeking clarification, development of options and generally staying in touch on matters of mutual interest. Local government should communicate with the State Government on matters such as:

- policy decisions at council, State or national level
- early advice on local matters relevant to particular State Government agencies
- early indication of future events that may require State Government agency involvement
- progress of projects or activities
- development of strategic plans and development or review of planning schemes
- proposed consultations with the community where a State Government agency may have an interest
- by-law development
- follow-up on commitments
- partnership agreements.

Consulting the State Government

Consultation is a set of formal and structured processes to ensure State Government bodies are able to provide input into decisions in which they have an interest. LGAT or councils must consult with the State Government on any decision that will have a significant impact on that sphere of government.

More specifically, consultation with the State Government must be undertaken if there may be a significant impact on the operations, resources or jurisdiction of an agency of the State Government in relation to:

- policy development or review
- planning schemes, or major amendments to existing planning schemes, and strategic plans
- new or amended by-laws
- proposals for new or amending legislation
- motions and agenda items for council meetings.

There must be enough time and information for a considered response to be formulated, taking into account State Government processes. Wherever possible, five weeks should be provided to allow the State Government the opportunity to respond on a particular issue.

Consultation on urgent matters may not always be possible within this timeframe. In such cases, officers should make every effort to seek the views of the relevant agency prior to consideration by the council.

How to consult the State Government

Proposals from local government for legislative amendment or new legislation should be directed to the LGAT Legislation Committee. The committee will be responsible for determining priorities and the local government position on the proposed legislation, and for referral to the responsible State Government agency.

Council motions and agenda items that impact on State Government operations should be referred by the general manager to the relevant State Government agency to provide the opportunity for input. Comments provided by State agencies should be made known to the council in conjunction with advice provided by council officers.

State Government agencies that may be affected by preparation of a new planning scheme or revision to an existing planning scheme or a new by-law should be involved early in the development stage. A similar approach should be used for strategic plans and business plans.

When in doubt over application of these guidelines, please consult LGAT.

The second statewide partnership agreement on communication and consultation is available on the Local Government Division website at http://www.dpac.tas.gov.au/divisions/lgd/plgc/communication_and_consultation_partnership_agreement.

APPENDIX IB CONSULTING AND COMMUNICATING WITH LOCAL GOVERNMENT - HOW AND WHY?

These *Communication and Consultation Guidelines* for State Government agencies have been endorsed by the Premier's Local Government Council. The information should be read in conjunction with the second statewide partnership agreement on communication and consultation and other relevant documents such as the Cabinet Handbook.

Effective and appropriate communication and consultation are essential for a close working relationship between the State Government and local government, and for decision-making that will benefit Tasmanian communities. On statewide and broad policy matters, it is appropriate for the communication and consultation to be with the Local Government Association of Tasmania (LGAT). On more local matters, it should be with relevant council/s or regional bodies.

Communicating with local government

Frequent and regular two-way communication should be a feature of a close working relationship between the State Government and local government. This builds networks of mutual awareness and understanding and creates opportunities for more collaborative action to benefit the community.

Communication may involve informal discussion, exchange of information and ideas, seeking clarification, development of options and generally staying in touch on matters of mutual interest. The State Government should communicate with local government on matters such as:

- the forward legislative program and the State Budget process
- early indication of future events or activities, e.g. proposed community consultations, reviews or projects, community forums and ministerial visits
- progress of projects or activities
- scheduled processes and reviews
- proposed consultations to be undertaken with the local community
- follow-up on previous commitments given to LGAT or councils
- partnership agreement matters.

Consulting local government

Consultation is a formal and structured process to ensure that local government bodies are able to provide input into decisions in which they have an interest. State agencies must consult with local government on any decision that will have a significant impact on that sphere of government.

More specifically, consultation with local government should be undertaken if there may be a significant impact on the operations, resources or jurisdiction of local government in relation to:

- policy development or review
- budget initiatives
- legislative development or amendment, including regulations
- projects, services and programs
- reviewing submissions from the Australian Government, or providing submissions to the Australian Government, on matters that are likely to impact on local government.

Local government should be involved at the early stages of development of policy and legislation, e.g. at the time that a discussion or options paper is developed.

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

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

Consultation on urgent matters may not always be possible within this timeframe. In such cases, direct contact should be made with LGAT to determine appropriate arrangements.

How to consult with local government

LGAT is the main contact point for consultation with local government. The association will provide advice, eg on the most appropriate methods of consultation and on organising the process, and may coordinate a local government response on statewide issues or matters involving a number of councils. LGAT has a Legislation Committee to review proposed legislation.

For matters that impact on a select number of councils, consultation may occur directly with the councils. Contact details are in the Local Government Directory at http://www.dpac.tas.gov.au/divisions/lgd/local_government_directory.

Where appropriate, LGAT should be made aware of direct communications with councils, eg copies of correspondence.

When in doubt over application of these guidelines, please consult the Local Government Division in the Department of Premier and Cabinet.

The second statewide partnership agreement on communication and consultation is available on the website at http://www.dpac.tas.gov.au/divisions/lgd/plgc/communication_and_consultation_partnership_agreement.

APPENDIX IC: GUIDELINES FOR COMMUNICATION AND CONSULTATION WITH LOCAL GOVERNMENT ON THE DEVELOPMENT OF PLANNING POLICY INSTRUMENTS PREPARED BY THE TASMANIAN PLANNING COMMISSION

Introduction

From 1 September 2009 the Tasmanian Planning Commission (TPC) assumed the functions of the former Resource Planning and Development Commission and the Land Use Planning Branch of the Department of Justice.

Under its Act the TPC has a policy and advisory role under directions from the Minister for Planning. This role could see the TPC developing planning policy instruments for consideration of the Minister including planning directives and State policies.

The TPC recognises that local government input is important in the development of planning policy instruments and that a formal agreement on the method of communication and consultation is appropriate given that the TPC, as an independent statutory body, is not bound by the second statewide partnership agreement for communication and consultation between the State Government and local government in Tasmania.

The following guidelines have been established to ensure a streamlined process for consultation with local government on any planning policy instruments prepared by the TPC that would have an impact on or implications for local government, in their capacity as local planning authorities.

The Guidelines do not apply when the TPC is undertaking a statutory assessment of a draft planning policy instrument.

Communication and consultation guidelines

- Communication or consultation between the TPC and local government shall be in accordance with Appendix IB of the Second Statewide Partnership Agreement on Communication and Consultation between the State Government and the Local Government Association of Tasmania (LGAT) on behalf of Tasmanian Councils.
- In addition to those bodies referred to in Appendix IB, the TPC will refer any matter to the Chairs of Regional Planning Initiative Steering Committees with an invitation to comment from both a technical and policy perspective.
- If the LGAT decides to coordinate a local government response on statewide issues or matters involving a number of councils, the TPC would like to be provided with the original submissions from any council making comment on the matter in addition to the LGAT response.

Governance

Implementation of the guidelines will be overseen by the Premier's Local Government Council (PLGC) as a part of the Second Statewide Partnership Agreement on Communication and Consultation between the State Government and the LGAT on behalf of Tasmanian Councils. Reports will be provided by the TPC on request by the

PLGC and any grievances will be addressed through the PLGC. The review (see below) will be considered by the PLGC.

Review

The above process will be followed until January 2011 whereupon it will be reviewed and recommendations made to the PLGC regarding future communication and consultation on the development of planning policy instruments.

APPENDIX 2: PROTOCOLS FOR CONTACT AND REPRESENTATION AT MEETINGS

APPENDIX 2A CONTACT

The following protocol is a general guide to be followed when there is communication, either verbally or in writing, between the two spheres of government:

1. Elected member communicates with, and signs off to, elected member

Example: Mayor or LGAT President signs off to Premier and vice versa, Mayor signs off to Minister and vice versa.

However, any requests from local government for substantial funding or allocation of resources must be directed to the Premier or relevant Minister.

2. Senior official communicates with, and signs off to, senior official

Example: Secretary, Deputy Secretary or Director signs off to council General Manager, LGAT Chief Executive Officer or LGAT Director and vice versa.

3. Officer communicates with officer

Example: Senior Policy Analyst communicates with Council Community Development Officer or LGAT Policy Officer and vice versa on routine day-to-day issues such as setting up meeting times and other arrangements

- Officers may contact a higher-level officer where the official contact has asked a person at another level to make contact on their behalf, or for general administrative processes. All emails or faxes should be copied to the supervisory level.
- Although State officer-level personnel are frequently in contact with council elected members and general managers (which normally would be contrary to the above guidelines), and vice versa, as a principle, this should only occur on routine matters or after appropriate delegation.

APPENDIX 2B REPRESENTATION AT MEETINGS

Both State Government and local government representatives need to remain aware of the fact that they are representing an organisation when attending consultative meetings. It is necessary to make it quite clear whether they are representing the view of an individual council or agency, whether they are representing the view of a group of councils, of local government in general, or of the State Government as a whole when providing feedback or comment.

To some extent, it is also the task of the consulting body to ensure it is clear as to, or has formal advice on, exactly what or whom the representatives it is consulting with are representing.

For example, State Government officers can be sure that when they consult with the LGAT Legislation Committee, the committee has advised that it is a decision-making body and speaks on behalf of local government as a whole. When required, the Legislation Committee will also be able to provide the opinions of individual councils where these differ from the position agreed to by the majority.

APPENDIX 3: DEFINITIONS

“councils”	means all Tasmanian councils, being bodies corporate created pursuant to the <i>Local Government Act 1993</i>
“State”	means the Crown in right of the State of Tasmania
“State agencies”	means State Government departments but not government business enterprises or authorities