Angling for a New Partnership Agreement

Tasmania has arguably the best wild trout fishery in the world, and the second partnership agreement between Central Highlands Council and the State Government will look to maximise tourism opportunities in the trout fishing sector.

The new agreement, signed by Premier David Bartlett and Mayor Deirdre Flint, highlights a number of important issues that the State Government and Central Highlands Council will focus on together over the next 18 months, and is the 51st agreement to be signed since the inception of the partnerships program.

Issues covered by the agreement include the implementation of the Central Highlands Economic Development Plan, maximising tourism opportunities in the trout fishing sector and the historic precinct of Bothwell, and enhancing community safety within the Central Highlands municipal area. The Central Highlands Council and the State Government will be working together to achieve positive outcomes for the local community to address these important issues.

With two new stylish properties in Launceston and Hobart, Stay Tasmania is taking care of your corporate travel needs.
New Act Helps to Resolve Payment Disputes in Building Industry

BRENDON BOWES, ADVISORY OFFICER
Workplace Standards Tasmania

The new Building and Construction Industry Security of Payment Act 2009 has now commenced to provide a new option to resolve disputes over payments in the building and construction industry. Similar legislation operates in most other Australian states and territories.

Every day in Tasmania, contractors, sub-contractors, suppliers and consultants enter into contracts (written and verbal) for building and construction work, materials and services. Sometimes, disputes arise when payment for work that has been done is not paid on time, or in full.

The new Act will help resolve disputes quickly and allow people to receive payments for the work they do under contract. This will help parties continue to work together; or at the very least, help money continue to flow through the industry.

The Act achieves this by establishing a process of timely and relatively informal adjudication. The adjudication process determines the amount of payment owed immediately, without affecting the rights of parties to have disputes ultimately determined according to ordinary contract, court or alternative dispute resolution processes.

The Act also creates a statutory right for contractors and sub-contractors to suspend work for non-payment of progress claims under certain circumstances. The Act applies to all building and construction contracts made after 17 December 2009.

One important feature of the Act is the amount of time someone has to respond to a claim for payment. If a person (working in the industry; not a residential home owner) does not respond to a claim within 10 business days, then they lose the opportunity to provide additional information to an adjudicator in response to this claim.

Workplace Standards Tasmania has produced three new guides that explain the processes of the new Building and Construction Industry Security of Payment Act 2009:

- Information for Claimants (GN016).
- Building and Construction Industry Respondents (GN015)
- Information for Residential Home Owners (GN014).

For a free copy of any of the above listed guides, go to www.wst.tas.gov.au, or call 1300 366 322. Information sessions to help contractors, practitioners and others learn more about the new processes are planned for February 2011 and will be advertised on the Workplace Standards Tasmania website at www.wst.tas.gov.au/building.

Changes to Building Act 2000 Regulatory Documents

Two documents that are important to the work of council permit authorities, accredited building practitioners, plumbers, designers of building services, geotechnical consultants and other experts have been amended in 2010.

Director’s Specified List

Some sections of the Building Act 2000, Building Regulations 2004 and the Plumbing Regulations 2004 require that detailed matters (including time periods and required documents) are specified by the Director of Building Control.

The recent changes made to this document are included as an appendix.

Certificates of Others

The Building Act 2000 provides that a council permit authority, a building surveyor or the general manager may rely on a certificate issued by an expert (who is not the main designer or constructor of the building or plumbing work). The changes made to this document are detailed in the Building Regulation Advisory Note (BRAN) No. 1 of 2010.

Both the Specified List and the Certificates of Others documents were amended on 29 April. They can be found on the Workplace Standards Tasmania website at www.wst.tas.gov.au/building, under “Forms and Regulatory Documents”.

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Responding to the needs of Local Government

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Leaders of the housing industry, disability sector and community have agreed to an aspirational target that all new homes will be built to disability-friendly Livable Housing Design standards by 2020. A Livable house can give a person with disability a life of independence and dignity, and improve their chance of employment and involvement with the community.

The announcement is the outcome of the National Dialogue on Universal Design, convened by Parliamentary Secretary for Disabilities Bill Shorten last year, to improve the availability of Livable Housing. The voluntary Livable Housing Design guidelines consist of three levels: Silver, Gold and Platinum, and outline the key features required to meet each standard.

Livable Design aims to build houses that can be adapted to meet the changing needs of residents over their lifetime. This will become increasingly important as Australia’s population ages and disabilities become more common. Simple design features include reinforced bathroom walls, a flat entry to the house, and wide corridors and doorways.

Although the standards are voluntary, key industry groups including the Property Council, Master Builders Australia and the Housing Industry Association have supported them and committed to the 2020 target. They will also provide useful information for consumers seeking to introduce universal design features into a new home and could also be readily applied within an existing home.

Australian Bureau of Statistics (ABS) research shows that between 1981 and 2003, the number of people with a disability more than doubled from 1.9 million to 3.9 million. The ABS estimates that the number of Australians with disabilities will continue to increase through the first half of this century, due to the ageing of Australia’s population.
When the Clarence City Council decided to reinvigorate Kangaroo Bay, the marina was a natural focal point. Looking for a way to reflect the character of, and activities around the bay, the Clarence City Council, arts@work, Inspiring Place and the Bellerive Yacht Club worked collaboratively to create a new marina gate that would be an exciting artistic feature for Kangaroo Bay, as well as providing security to the marina.

The Clarence City Council commissioned an artist through the arts@work Corporate Art Scheme, ensuring that a range of artists had the opportunity to submit design ideas and that the ideas would be able to meet the range of planning, OH&S, installation and maintenance issues inherent in such an undertaking.

The commissioned Tasmanian artist, Sharyn Woods, created a simple and elegant gate that reflects the status of the Bellerive Yacht Club. The functional security gate is made from marine-grade stainless steel and marine ply. The simple pattern is created using a combination of positive and negative shape and space that employs an interplay of light on the undulating surface.

“The central design of the Bellerive Yacht Club marina gate is based on a star. Stars have been used to navigate the seas for thousands of years,” Ms Woods explains. “From the centre of the gate, the security spikes are curved in a manner that represents the shape of the water when the bow of a yacht cuts through it.”

The Corporate Art Scheme recognises the importance of taking artworks out of traditional gallery spaces and sensitively placing them into the public sphere. This transition stimulates community engagement with civic culture, nurtures a sense of place, informs our identity as Tasmanians and develops cultural expression. The scheme recognises that innovative, creative and animated spaces have a competitive economic edge and enhance social interaction and quality of life.

arts@work is a business unit of the Tasmanian Government’s Department of Economic Development, Tourism and the Arts. Visit www.arts.tas.gov.au.
Councillors are aware that reform of Local Government is on the State Government’s agenda. The Government believes that reform should be about optimising the resources and capabilities of Local Government so it can best serve the Tasmanian community into the long term. It is not about amalgamation.

This is because the Government recognises the value of representation at the local level. Councils are well-connected with their communities and are important agents of local change, development and wellbeing. Reform is about ensuring sustainable, strong and well-managed Local Government.

At the July meeting of the Premier’s Local Government Council (PLGC), Premier David Bartlett opened a frank and fruitful discussion on how the Government and Local Government might work together towards reform. Local Government leadership, to re-think the role and responsibilities of Local Government, will be a vital part of this process. Any reform will be the result of consensus, collaboration and dialogue.

Service delivery is a case in point. There is a strong case for considering which level of government – state or local – is best placed to deliver which services. For instance, there could be greater efficiency in regional or statewide management of back office and administrative functions, hard infrastructure, or further planning and waste services.

Recognising the local strengths of councils, there may be benefits in giving councils greater responsibilities for social inclusion, local environmental management, and community and economic development. The Government understands that funding will be required, both initially to develop and deliver reform, as well as long-term for any new responsibilities Local Government might take on.

At the PLGC meeting, the Premier invited Local Government into a joint process for reform. This Government firmly believes that there must be Local Government leadership of reform. Local Government, through the PLGC, has accepted the Premier’s invitation.

Over the next 12 months, the PLGC will lead a discussion on the opportunities and challenges that face Local Government and the types of reforms required to make the sector more sustainable, stronger and better managed. The debate will be about shaping Local Government so that councils in turn are in the best position to shape the communities they represent.

Women Now Confident to Grasp Work and Study Opportunities

A group of Launceston ladies are better equipped for work and study after completing Launceston City Council’s Wider Opportunities for Women (WOW) program.

The WOW Program is for women aged 40 and over who are looking to make positive changes in their lives by exploring options for work and study. The ten-week program is funded under the Australian Government’s ‘Get Communities Working’ stream of the Jobs Fund. The program included sessions on building self-confidence and self-esteem, employment, studying, volunteering and presentation.

Launceston City Council Social Inclusion Officer, Jodie Jacobs said this is a really positive program which helps women regain their self-esteem and feel confident about working, volunteering or studying. “It’s about looking at the skills they already have and building on those to get more involved in work, study or volunteering,” she said. “It has also helped the participants widen their friendship network as the group meets each week to share their stories and their individual journeys.”
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All councils have the power to make by-laws to deal with issues affecting their communities, within the framework set out in Part 11 of the Local Government Act 1993. Although not all councils have by-laws, they can be an important and useful tool for dealing with difficult local issues.

I understand that making a new by-law can be daunting for councils, particularly the preparation of a detailed regulatory impact statement. If your council is thinking of making a by-law, chances are another council has thought about it before! Have a look at the directory listing the current by-laws of each council at www.dpac.tas.gov.au/lgd/council by-laws and contact a council that might be able to help.

In addition, councillors and council staff would already be aware of the information sheets provided by the Local Government Division, available at www.dpac.tas.gov.au/lgd/resources_for_councillors. The information sheets on making by-laws have recently been updated and renumbered, and there is a new information sheet (number 4) on ensuring that by-laws are compliant with the Monetary Penalties Enforcement Act 2005 (MPEA).

The Governor made orders in 2008 and 2009 to bring existing by-laws into line with the MPEA. It is important that all new by-laws are also compliant, as otherwise infringement notices may be successfully challenged and councils could be deprived of all-important revenue.

Once a by-law is gazetted, a council should ensure that it is tabled in both houses of parliament and forwarded to the Subordinate Legislation Committee. Information sheet number 5 gives more detail on these requirements.

One final thing on by-laws – there is work underway within the Local Government Division on the development of a model by-law on parks and reserves. This work is being undertaken in conjunction with the Local Government Association of Tasmania as well as a few councils who expressed interest in the process. Good progress has been made recently and councils can expect a discussion draft shortly.

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**The Essentials on By-Laws**

JESSIE BYRNE, DIRECTOR OF LOCAL GOVERNMENT

Local Government Division

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Bellerive Boardwalk, Kangaroo Bay, Tasmania
Stunning Views Made More Accessible

Clarence City Council have opened improvements totalling $50,000 to the highly popular section of the Clarence Foreshore Trail on Second Bluff, between Bellerive Beach and Howrah Beach. The improvements to the safety of the track mean that this beautiful part of Bellerive, with views down the Derwent Estuary to Bruny Island and South Arm, is now accessible to walkers of all ages and abilities. Clarence City Council closed the unsafe and worn sandstone steps and adjoining wooden steps, and realigned the track so that steps are no longer required. Council has also revegetated the area with native species and a stone seat will be installed to allow visitors to enjoy the view at their leisure.

Valuation and Rating Review

Access Economics will deliver an independent report, considering the merits of all rating and valuation models currently used in Tasmania and interstate, to the committee leading the valuation and rating review in October. Consultation with councils, as well as the community, will commence in mid-October on potential valuation and rating models. This consultation will be informed by the findings and recommendations in Access Economics’ report on the merits of the different models. Councils will have the opportunity to have written input into the review before the review committee makes its recommendations to the State Government and will be notified prior to the commencement of this consultation period. Any changes arising from the review are unlikely to be implemented until the 2012-13 rating year. The terms of reference for the review can be found at www.dpac.tas.gov.au/divisions/lgd/review_of_land_valuation_and_local_government_rating.

Online Reporting Tool to Turn Tables on Discrimination

Tasmanians can now expose discrimination and inciting hatred anonymously and in confidence through an official incident form now available online. The form is a new avenue for reporting racism and other discrimination or harassment to the Office of the Anti-Discrimination Commissioner (OADC). It was developed with the Department of Immigration and Citizenship (DIAC) and the Tasmanian Settlement Network – a planning group of agencies that helps migrants and humanitarian entrants to settle. People making the report do not have to have been directly involved in the incident. Information from these reports will be used to undertake a range of targeted strategies, such as community education, to address unlawful discriminatory behaviours within the community. For a copy, phone 1300 305 062, or visit www.antidiscrimination.tas.gov.au/forms/Incident_form.