General Meeting

Minutes

16 November 2011

Country Club Tasmania

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Prospect Vale

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PROCEDURAL MATTERS.
RULES REGARDING CONDUCT OF MEETINGS

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

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

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

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

<table>
<thead>
<tr>
<th>Population of the Council Area</th>
<th>Number of votes entitled to be exercised by the voting delegate</th>
<th>Colour placard to be raised by the voting delegate when voting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 10,000</td>
<td>1</td>
<td>Red</td>
</tr>
<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>
</tr>
</tbody>
</table>

(b) The Chairman of the meeting shall be entitled to rely upon the raising of a coloured placard as the recording of the vote for the Member and as evidence of the number of votes being cast.
(c) Except as provided in sub-rule (d), each question, matter or resolution shall be decided by a majority of the votes capable of being cast by Members present at the Meeting. If there is an equal number of votes upon any question, it shall be declared not carried.
(d) (i) When a vote is being taken to amend a Policy of the Association, the resolution must be carried by a majority of the votes capable of being cast by Members, whether present at the Meeting or not.
   (ii) When a vote is being taken for the Association to sign a protocol, memorandum of understanding or partnership agreement, the resolution must be carried by a majority of votes capable of being cast by Members and by a majority of Members, whether present at the Meeting or not.
   (iii) When a vote is being taken to amend the Rules of the Association, the resolution must be carried by at least two-thirds of the votes capable of being cast by Members, whether present at the Meeting or not.
GENERAL MEETING AGENDA

10.00 am  Coffee on arrival
10.30 am  Meeting commences

12.00  Adam Wilson  
       General Manager  
       Northern Midlands Council  
       VOIP (Voice Over Internet Protocol) Policy Presentation

12.30 pm  Approximately, lunch will be provided

1.30pm  Mat Healey  
        Director, Local Government Division
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The President, Mayor Barry Easther, welcomed Members and declared the meeting open at 10.35am.

Apologies were received from –

Mr Robert Higgins Tasman Council
Mayor Roger Broomhall George Town Council
Deputy Mayor Bridget Archer George Town Council
Mr Stephen Brown George Town Council
Mayor Tony Foster Brighton Council
Robert Dobryzynski Launceston City Council
Mr Paul West Kingborough Council
Mr Glenn Doyle Huon Valley Council
Mr David Metcalf Glamorgan Spring Bay Council
Mr Paul Lockwood West Coast Council

1 ITEM: MINUTES OF GENERAL MEETING HELD ON 21 SEPTEMBER 2011*

West Coast Council/Central Coast Council

That the Minutes of the meeting held on 21 September 2011, as circulated, be confirmed.

Carried

Background:
To confirm the Minutes of the General Meeting held on 21 September 2011, a copy of the minutes is at 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

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

Noted

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 Members note the following report.

Noted

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

5 ITEM: MONTHLY REPORT TO COUNCILS*

That Members note the report for August 2011

Noted

Background comment:
Monthly reports to Councils that briefly outlines Association activities and outcomes for the previous months are at Attachment to Item 5.
6 ITEM: COUNCIL ROUND-UPS

That Meander Valley and Waratah Wynyard Councils will provide briefings at the next meeting.

Noted

Background comment:
Devonport Council has offered to conduct a brief presentation on a matter that is of interest in their municipality. Northern Midlands Council is providing the VOIP Policy presentation later in the meeting. The session also allows time for questions and provides an opportunity to briefly share and highlight problems or opportunities facing councils.

7 ITEM: PLANNING

Contact Officer – Katrena Stephenson

That Members note the report.

Noted

Background comment:
At the July General Meeting a number of motions relating to planning were received. LGAT has raised these with State Government and the feedback is provided below.

MOTION:
That in order to address the loophole in LUPA relating to the lack of termination power, LGAT lobby the Department of Justice to progress a legislative amendment to provide the power to void an application after a finite period of time.

RESPONSE
From the background comment provided with the Motion, the Agency (Tasmanian Planning Commission) cannot see how having ‘open files’ for an extended period, by itself, would cause an inconvenience to the Council. The Agency does however, acknowledge that in the case where an application has been advertised it could disenfranchise a person that would have ordinarily made a representation if they were residing in the area when the application was made to the council.

The Tasmanian Planning Commission is undertaking a review of the planning legislation and it would be appropriate for this issue to be considered as part of this review. The Commission has been provided a copy of this motion and asked to consider it as part of its review.

MOTION:
That the LGAT work with the State Government to amend Principle 9 of the State Policy for the Protection of Agricultural Land 2009 to enable Council planning schemes to prohibit or require discretionary permit for an agricultural use on land zoned for agricultural purposes where such land is also determined to be within a special area or overlay to address issues including, but not limited to, scenic protection, landslip, water catchment, heritage protection and flood or bushfire hazard.
TPC RESPONSE
The Tasmanian Planning Commission does not support the need to amend Principle 9 of the State Policy for the Protection of Agricultural Land 2009 (PAL Policy).

The PAL Policy provides a framework for planning decisions involving agricultural land and its purpose is to conserve and protect agricultural land so that it remains available for the sustainable development of agriculture.

The new Policy is based on the recommendations of the former Resource Planning and Development Commission’s (RPDC) report on the Draft State Policy and its finalisation follows an extensive review and thorough consultation process, carried out firstly by the Government and then by the RPDC, as part of its statutory duties.

The issue raised by the Northern Midlands Council was not specifically addressed by the review but it does go to the principles that underpin the Policy which were considered at length. It was no accident that Principle 9 was included in the Policy. Its purpose was to ensure that the productive capacity of agricultural land is available for crops that utilise the soil and generally not to dictate what is produced from that soil or how it is farmed. Enabling Planning Authorities to make certain agricultural uses or development discretionary or even prohibited is fundamentally opposed to this purpose particularly when the land on which the use or development is to take place is primarily zoned for that purpose.

The Agency acknowledges that the issue raised is essentially about development and not about the use of the land but even if the definition of Agricultural use did not specify the inclusion of ‘handling, packing or storing of produce for dispatch to processors’ those activities would arguably be ancillary and therefore classified as an ‘agricultural use’ as a matter of interpretation.

In terms of Principle 9 being ‘incompatible’ to the RMPS Objective 1(c), it is the agency’s view that planning schemes regularly determine certain use and development as exempt or permitted which effectively excludes ‘public involvement’. Objective 1(c) cannot be interpreted as requiring every use or development to be discretionary. The public is involved in setting the planning scheme exemptions and use/development status when the scheme is developed.

The specific issues referred to by the Council (flooding, landslip, attenuation areas or heritage protection) that Principle 9 prevents them from considering would be addressed by a Forest Practices Plan were the agricultural use be plantation forestry.

Budget Impact
Does not apply.

Current Policy
Relates to supported motions.
8 ITEM: CODE OF CONDUCT
Contact Officer – Katrena Stephenson

That Members note the report.

Background comment:
There have been unanticipated delays in the development of Amendments to Part 2A of the Local Government (General) Regulations 2005. Legal issues have been raised by the Office of the Parliamentary Council which suggest that some of the changes the Association has sought may not be possible without amendment to the Local Government Act. Indeed issues have been raised in relation to the current Regulations which cast into doubt current processes and which may require the Association to reconsider the fee structure for Panel Members.

The Association is continuing to work with the Local Government Division on this project and they have expressed their continued commitment.

The Policy Director has resumed the role of Registrar of the Standards Panel.

Work on the Model Code and Guidelines for Making a Complaint are on hold pending the outcomes of the legislative work. The Integrity Commission have in the meantime released a guide to developing a Code of Conduct for public authorities.

Budget Impact
Does not apply.

Current Policy
Amendment of the Regulations is a priority project for the Association.

9 ITEM: CONSTITUTIONAL RECOGNITION
Contact Officer – Katrena Stephenson

That Members note the report.

Background comment:
The ALGA Board Subcommittee on Constitutional Recognition continue to meet via teleconference monthly with LGAT represented by President Barry Easther.

The campaign remains in a fairly vulnerable position dependant on the outcomes of the Expert Panel. Genia McCaffery (ALGA President) and past President, Paul Bell are on the panel. The Panel will not report back to the Government until the end of 2011.

The Panel is quite large and 4-5 sub-groups dealing with specific issues have been established. The Panel will be meeting in capital cities to consult with State Government and State Associations but it is not clear whether the timeframe will allow many regional visits.

An issues paper will be sent to every council in Australia under a cover letter from the Chair and all councils should be encouraged to make a submission.
Noting that the Government will announce its preferred approach to constitutional recognition following the Expert Panel’s report, the nature and form of the referendum of Local Government will not be settled by the Government until at least January/February 2012 at the earliest.

Policy Directors and Communications Officers across jurisdictions are liaising regularly with a face-to-face meeting last held in August (attended by the LGAT CEO). Given the timeframes outlined earlier, a national campaign (major public campaign) could not be specifically targeted on financial recognition with any certainty until 2012.

A broad communications calendar has been agreed. This identifies four phases of activity:

- **PHASE ONE** Increase Local Government profile (Sep 11- May 12)
- **PHASE TWO** Communicate funding problem (Jun – Dec 12)
- **PHASE THREE** Communicate solution (Jan – May 13)
- **PHASE FOUR** Vote Yes! (Jun – Aug 13).

During Phase One ALGA will be investigating, with Associations, what tools and materials might be required. They will develop and distribute shell communications material. A full communications plan will be developed and scheduled in partnership with Associations. The findings of the expert panel will also be assessed during this period.

The ALGA recently provided to all councils a kit of information to assist councils in supporting the campaign:

- A DVD which captures the discussion at the National General Assembly – the Prime Minister’s announcement, Minister Crean’s announcement of the Expert Panel, some mock advertisements and a panel session of expert commentators giving their view on how to best to pitch Local Government to the community;
- FAQs (Frequently Asked Questions) which councils are likely to encounter in the lead up to the referendum; and
- Additional copies of a Brochure and relevant Fact Sheets prepared by ALGA. ALGA is also strongly encouraging submissions to the expert Panel by all councils.

The Roads to Recovery (R2R) campaign being launched at the Roads Congress will complement the case for constitutional recognition. Support from Councils will be sought in relation to writing to local MPs and reinforcing the need for renewal of R2R funding.

The ALGA President has also encouraged in her letter that councils continue to promote their good work in the community including promoting the services you provide, ensuring council gets credit for the many things you do every day to make your community a better place and strengthening the productive working relationships you have with your local media.

Raising the profile of Local Government will face some barriers in Tasmania during this period as it coincides with possible changes to Water and Sewerage governance and structures and an increasing focus on amalgamations, precipitated in part by the STCA Local Government Reform Fund project. It is difficult to run messages about constitutional recognition against that backdrop. To date in Tasmania the Association has focussed on running a campaign mainly about Local Government careers.

Meetings have been held with the Tasmanian representative of the Indigenous Panel, as it is going to be an important relationship between the two campaigns. There is not a great deal of confidence that there is support at the state political level for constitutional recognition of Local Government.
There is no talk about constitutional recognition at all in the community however the recent state-wide satisfaction survey found a high level of support for the Constitutional Recognition of Local Government with 67.1 per cent of respondents scoring 4 and 5 on a scale of 1-5 (with 5 being most important). 78.9 per cent of respondents were strongly in support of ensuring continued direct funding of Local Government by the Federal Government.

**Budget Impact**
Members agreed to the establishment of a ‘fighting fund’ for the national campaign, to which they would contribute $75,000 per annum with LGAT to make up any difference through reserves.

**Current Policy**
This is a policy priority area across all jurisdictions.

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**ITEM:** 2012 LOCAL GOVERNMENT CONFERENCE
Contact Officer – Stephanie Watson

That Members note the report.

**Background comment:**
The 100th Local Government Conference will be held at Wrest Point in Hobart, from 11-13 July 2012.

The Conference Dinner will be held on 12 July in Wrest Point’s Boardwalk Gallery.

**Budget Impact**
delegate fees and the cost of dinner tickets will not increase in 2012.

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

Background comment:
The Commonwealth funded Local Government Financial and Asset Reform Project is working towards its implementation phase in terms of incorporating frameworks for strategic long term financial and asset management planning.

The project’s Steering Committee had an extended meeting in September to review the Institute of Public Works and Engineering Australia (IPWEA) response to our Request for Quotation. The major component of this work will introduce tools and resources to Councils so they can prepare long term asset management plans for major asset classes.

Unfortunately, the IPWEA response was a little disappointing and a revised proposal, providing more details and clarifications is due to be reassessed by the Steering Committee.

To support the process of producing asset management plans, the Project has funding for three Regional Coordinators, originally envisioned to be an officer within council working on a short term basis within a region. There has been some variations to this model with Northern Region councils, for example, providing additional funding to employ an external consultant to fulfil this role.

Elected member training covering financial and asset planning, will also be provided as a component of the IPWEA contract and the Elected Member Reference Group is currently being consulted in terms of how best to achieve this.

The draft Long Term Financial Planning framework is being finalised before being reviewed by the Auditor General. This work is supported by the following four council representatives from the original Working Group convened to develop the framework earlier this year:

- Maree Bricknell (Corporate Services Manager, Northern Midlands Council);
- Guy Jetson (Corporate Services Manager, Dorset Council);
- David Spinks (Director, Financial Services, Hobart City Council); and
- Andrew Cock (Accountant, Latrobe Council).

Regular project updates are being emailed to both General Managers and designated asset and financial staff.

Budget Impact
Does not apply.

Current Policy
This is a priority project for the Association.
12 **ITEM:** WATER AND SEWERAGE *
Contact Officer – Allan Garcia

**Circular Head Council/Flinders Council**

That standing orders be suspended for discussion of this item.

Carried

**Hobart City Council/Launceston City Council**

That this matter be deferred pending the provision of an independent due diligence report.

Carried

Carried Unanimously – 27 Votes

Of the 28 Association Members, George Town Council were an apology for this meeting.

With the suspension of standing orders, each Council has one vote.

**West Coast Council/West Tamar Council**

That standing orders be resumed.

Carried

**Background comment:**
At the last General Meeting the Chair of the water and sewerage corporations gave a presentation detailing his perceptions of the current political environment in relation to collapsing the present regional structure to a single statewide entity, the savings that may be achievable from that arrangement, the impact on distributions and dividends and some possible scenarios relating to future governance associated with the corporations.

Following the presentation the meeting passed a resolution to establish a working group to collate a paper detailing the major issues and options regarding moving to a single corporation that could be provided to each council for consideration at their council meetings.

The working group was to be convened by the CEO of the Association and comprise the following members with the Chair of the Corporations to be an ex officio member:

- North Western Mayor Jan Bonde
- Northern Mayor Barry Easther
- Southern Mayor Graham Bury, Mayor Tony Foster

Subsequent to the meeting, the working group met and prepared the required document with a copy distributed to each council. This document is at **Attachment to item 12A.**
The meeting also endorsed the preparation of a joint press release to be issued by the President of the Association and the Chair of the Corporations and this is at Attachment to item 12B.

The Chair of the Corporations and President and CEO of the Association attended regional briefings for elected members and officers to allow broader discussion and clarification on the matters relating to the structural proposal. Councils were requested to list the matter for their next meeting with a view to bringing the matter back to this General Meeting for further consideration and, ideally, a resolution on a way forward.

Voting by owner councils of the corporations has a different basis than those arrangements for voting as an Association member so it is likely that standing orders may have to be suspended in terms of any vote taken on this matter. In reality what is being sought is an indication from councils as to their satisfaction to explore in more detail the elements associated with moving to a single corporation.

Most significant among these is likely to be the governance arrangements – how the board is appointed, who appoints the board, the interface between owner councils and the corporations and the role of the Treasurer/State Government in the procedural elements of the corporation(s)’ activities.

The Chair of the Corporations has suggested one model but there are likely to be a number of configurations that would need to be developed and debated prior to agreement on a preferred set of arrangements.

If councils support the proposition to have in place a new corporation by July 2012, there will be a requirement to have legislation passed during the autumn session of Parliament next year. To enable this to occur, the State Cabinet would need to endorse the broad framework of legislation to allow the process of drafting legislation to commence. It is not considered that the legislative components associated with collapsing four corporations to one would be particularly onerous, however, achieving agreement on the governance arrangements on terms acceptable to Local Government, will be the key factor and would require rigorous consultation.

**Budget Impact**
The Association would be required to redirect resources to supporting the development of policy and legislation along with consultation processes that ensured optimum input from councils.

**Current Policy**
The LGAT initially negotiated three regional bodies on behalf of councils but was not able to achieve the optimum governance arrangements for councils. Subsequent submissions to the Select Committee have sought altered governance arrangements but the Chair of the Corporations has proposed a streamlined structure.
13 ITEM:  RATING AND VALUATION  
Contact Officer – Allan Garcia

That Members note that the Director of Local Government will provide a progress report on this review.

Noted

Background comment:
The Director of Local Government will be attending the General Meeting and providing an update on the progress to date and details of the modeling presently being undertaken to assess the impacts of any changes to the current rating and valuation system.

Councils will be aware that there is a piece of legislation proposed to enter the Parliament in the near future to deal with the “flat rating” issue and the processes that will be required in the future to enable such a concept to be validly implemented.

There are five major changes to the Local Government Act 1993 proposed in the Bill:

1. Introduce a new provision to clearly state that rates are a form of taxation and that the principle of capacity to pay must be a key consideration when setting rates.
2. Introduce new requirements to increase transparency and community awareness through councils adopting a publicly available written rates and charges policy.
3. Clarify that a council may only set one minimum amount payable in respect of the general rate, and that a minimum amount cannot be varied and that the minimum amount cannot apply to more than 35% of the total number of properties within a municipal area.
4. Introduce new provisions to allow councils to use an “averaged area rate” that will apply to a defined locality of residential properties, as an alternative to applying the general rate to individual properties.
5. Introduce new powers that will allow a council to apply to the Minister for Local Government to authorize the council to make a new rates resolution to remedy an error within a rates resolution.

The broader review is still contemplating a shift away from assessed annual value as a basis for valuation and rating. Treasury and the Local Government Division are presently working on a modeling tool that will allow each council’s rating resolutions to be calculated under a number of scenarios. A critical element of this work is to ascertain whether utilizing tools that were made available in the recently passed amendment legislation, together with a more focused and informed use of differential rating can assist councils achieve similar rating outcomes as present without significant disruption across the rate base.

There is no doubt likely to be some shifts but minimizing these impacts, or at least being able to demonstrate this through modeling, is an important consideration. The Director will outline in more detail at the meeting progress with this work, the timetable for the project and other matters relevant to the project.

Budget Impact
The impact on LGAT resources is negligible and the implications for councils should be cost neutral but with the potential for altered distribution of rates burden.
**Current Policy**
The Association called for an independent review into the rating and valuation system in the state.

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14 **ITEM: WASTE LEVY**
Contact Officer – Allan Garcia

That Members note the report.

**Noted**

**Background comment:**
The President and CEO of LGAT recently met with Brian Wightman, Minister for the Environment to discuss the fundamentals of legislation that may be required to establish a statutory waste levy. The meeting was at the request of the Minister and followed earlier discussions with the Environment Protection Authority.

The Association was requested to progress this matter with the State Government in consultation with the regional waste bodies in the state. While some broad detail has been canvassed in relation to such matters as the amount of the levy, the distribution of funding and the governance arrangements, an important consideration that needs to be addressed is the future role of the regional waste bodies in terms of how much funding will be necessary to support their activities. The regional bodies have commissioned a consultant to address this matter prior to discussions with the State Government progressing further. It is anticipated that this work may be complete prior to the General Meeting and allow for an update on progress at that time.

At the meeting with the Minister, he was hopeful that the matter could be agreed and progressed as soon as possible to commence the generation of funds to support waste management initiatives.

**Budget Impact**
Does not apply.

**Current Policy**
LGAT supports a waste levy.
15 ITEM:  EDUCATION
Contact Officer – Allan Garcia

That Members note the activity undertaken by the Association in this area.

Noted

Background comment:
The round of consultations by the Schools Viability Reference Group, of which the Association is a member, has now been completed. All public schools and councils in the state were invited to these sessions across the state. Participation by schools and councils was very pleasing with some councils taking a particularly active and facilitative role with their school communities.

The Reference Group was particularly pleased at the contributions made by the many that attended and noted in particular the significant differences between rural and urban circumstances. The process continues with written submissions to be provided by the end of November. The Reference Group will then consider the inputs from the face to face consultative process and the written submissions in developing its report and recommendations to the Minister by the end of January 2012. It is envisaged that upon receipt of the Reference Group’s report, the Minister would contemplate broad consultation prior to adopting a final position. This has not been assured but it is considered a sensible approach given the previous process.

LGAT is also involved with the Public Education Alliance and has been working with Alliance partners to bring to the attention of many, the issues relating to the broad cuts in the education budget. Postcards and brochures have been produced to garner support from the broader community in lobbying the State Government to develop a broad strategic vision for education and retain the education budget. Postcards and brochures are available to councils from the Association for distribution to community members.

An Advocacy Day is planned for 24 November 2011 to rally support for the PEA push and to lobby politicians individually and collectively. If any council is interested in participating in that process, they should again contact the Association. Separate details will be forwarded to councils on this matter in the near future.

Budget Impact
Does not apply.

Current Policy
Councils supported LGAT being part of both the Viability Reference Group and the Public Education Alliance.
Background comment:
As outlined at the July General Meeting, a number of recent investigations, conducted by the Office of the Tasmanian Economic Regulator, delivered findings that some councils were not applying competitive neutrality principles (under the National Competition Policy) to their overnight self-contained recreational vehicle (RV) camping operations, thus affecting private operators carrying on a similar business within the same area.

Subsequent to these findings, and in line with a request from councils that attended a Local Government workshop on the issue in June, LGAT has been working with the Local Government Division, the Department of Treasury and Finance, and Tourism Tasmania to review the issues surrounding the provision of council-operated self-contained RV camping services. The result of the review is a Directions Paper that addresses the issues raised in the June meeting and also seeks to provide councils with some practical tools to assist them in meeting their competitive neutrality obligations.

The Paper has been completed and provided to the Minister for Local Government for review.

The Directions Paper acknowledges that councils are keen to support economic growth through tourism, particularly in regional areas where they actively encourage visits by RV users. The Paper points out however, that councils must adhere to the principles of competitive neutrality and should apply a ‘full cost attribution’ approach when operating these services.

The objective of the competitive neutrality principles is to ensure that government bodies (including Local Government bodies) that run a business within a competitive or potentially competitive market operate on a ‘level playing field’ with the private sector.

The application of full cost attribution means that the total cost of the resources used in providing the activity are to be accounted for by the government body in setting prices for the goods or services provided. These include direct and indirect costs and competitive neutrality costs, which are costs that would be incurred if the business were a private sector business, including tax equivalents, rates and also guarantee fees, which reflect the (higher) cost of debt that would ordinarily be incurred by a private operator.

The key consideration in defining a significant business activity (SBA) under the National Competition Policy, is the impact of the services on the actual or potential market - not the share of a council’s revenue arising from, or expenditure committed to, that activity. It is up to public sector entities (in this case, councils) to make their own assessment of the ‘significance’ of business activities.

In determining whether it is operating a SBA, the public sector entity first needs to consider the relevant market for the services it is providing, the potential geographic boundaries of the market within which it is operating, and the numbers of actual or potential providers of these services. When all of these factors are taken into account, it should become quite clear as to whether or not the service is in competition, and therefore a significant business activity.
The review found that each council-owned service in Tasmania is highly likely to be competing with a privately-owned caravan park, either within its own municipality or in surrounding municipalities, and therefore needs to price its services to reflect costs. Transparent and open decision making are crucial in ensuring that the needs of the community are addressed, while at the same time adhering to competitive neutrality obligations.

The review included consideration of the current LGAT RV policy, titled *Recreational Vehicles - Development and Management of Facilities 2008*, and found that whilst the policy is no longer appropriate to the extent that it refers to the provision of free camping, in many other respects it is a useful guide for councils considering providing camping services for self-contained RVs, or indeed for those already operating in the space.

It is intended that the Directions Paper, along with a revised LGAT Recreational Vehicles Policy, a ‘decision-making tool’ and a ‘full cost attribution checklist’ will be sent out for review and comment - first for Local Government consultation through October/November, followed by broader community consultation in November/December. These dates are indicative only at this stage.

**Budget Impact**
Does not apply.

**Current Policy**
The review of LGAT’s RV policy, titled *Recreational Vehicles - Development and Management of Facilities 2008* - is no longer appropriate to the extent that it refers to the provision of free camping. A revised LGAT RV policy will be circulated along with the Directions Paper for councils review and feedback.

17 **ITEM:** STREET LIGHTING
Contact Officer – Melanie Brown

| That Members note the following report. | Noted |

**Background comment:**

**Submission to the National Draft Street Lighting Strategy**
In September, the Association submitted a response to the Equipment Energy Efficiency Program’s Draft Street Lighting Strategy (the Draft Strategy).

The Commonwealth Equipment Energy Efficiency seeks to increase the energy efficiency of new appliances and equipment that are supplied across the market. The aim of the program is to increase the average energy efficiency of equipment sold, increasing energy productivity and therefore competitiveness, reducing energy bills for consumers and reducing greenhouse and other environmental emissions.

The intent of the draft Strategy is to provide direction around options to improve energy efficiency in Australia under the premise that street lighting is the single largest source of greenhouse gas emissions from Local Government and typically accounts for 30 to 60 per cent of its greenhouse gas emissions nationally. Actions identified within the draft strategy are framed to be taken within three years from July 2011, leading to action to significantly improve street lighting energy efficiency by 2020.
The Draft Strategy identifies five key areas of priority action (in addition to program coordination) that will assist in increasing the energy efficiency of street lighting. These areas include:

- Introduction of regulatory measures
- Strengthen and develop communications in the sector
- Addressing lighting approvals
- Delivering replacement programs
- Addressing financial barriers

The LGAT submission addressed each of the areas outlined above, and in particular advocates for the following:

- minimum energy performance standards coupled with mandated energy efficiency targets
- the need for regional or larger-scale coordination of information-sharing and change-over programs to increase the ability for smaller councils with fewer resources to access appropriate expertise
- the production and availability of website based tools to provide a collated source of information for those staff within each council responsible for street lighting
- national standards and methodologies for the approval of new lighting technologies
- standardised testing protocols
- the development of communication material for business cases, processes and simplified engagement and project confirmations
- continuation of alternative funding sources such as through Low Carbon Australia (loans) and Low Carbon Communities (grants), to enable activities such as bulk changeovers – such measures are important as many councils are capital constrained and would not able to fund bulk changeover of lights upfront
- the use of incentive payments to accelerate efficiency improvements

The submission was completed with principal input from Scott Morgan and the team at Hobart City Council, with valuable contributions from a number of other councils. The LGAT submission highlights some of the challenges faced by Tasmanian Councils in switching to more energy-efficient street lighting technology.

**Street Lighting Issues Briefing to the Premier’s Local Government Council (PLGC)**

LGAT recently provided a briefing paper to the PLGC, highlighting the fact that street lighting represents a significant cost to councils in Tasmania and also represents a sizeable proportion of their reported electricity consumption. Whilst councils are looking to decrease their use of electricity and greenhouse gas emissions, and also to reduce costs on behalf of their ratepayers, there are a number of hurdles that make such reductions difficult to achieve.

The briefing paper acknowledged that the complexity of issues surrounding both the development and implementation of energy efficient technology and the provision of street lighting services is due to a range of factors, rather than just one cause. These include the challenges associated with rapidly evolving technology and the need to ensure that investments in new types of lighting technology are appropriate. In Tasmania, there are also issues surrounding ownership of street lighting infrastructure (poles, luminaires, globes), methods of billing, and regulation, all which exacerbate the situation further.
In considering options to alleviate some of these issues, it is considered that if the complexity of ownership and maintenance of poles can be resolved, it may be appropriate to consider introducing contestability into street lighting, which is likely to promote energy efficiency measures. Current service delivery and billing arrangements for public lighting are seen by Local Government in Tasmania to be less than satisfactory, and options such as increased transparency through the ‘unbundling’ (providing a breakdown) of street lighting bills would allow councils to better understand the costs associated with the provision of street light services and look to make savings or efficiencies within their operations.

As mentioned above, one of the issues surrounding the adoption of new technology is the rapid progress that is taking place within the industry, and the need to invest appropriately both in terms of timing and in terms of the type of technology best suited to a council’s needs. Currently, end users have a limited choice range in the globes that Aurora will use for public/street lighting as well as limited ability to determine the upgrade and replacement schedule for public lights.

The other primary user of public lighting distribution services within the state is the Department of Infrastructure, Energy and Resources (DIER). LGAT and DIER will be meeting with Aurora Energy to discuss the issues and frustrations surrounding the provision of street lighting services with a view to progressing the current situation.

**Budget Impact**
Does not apply.

**Current Policy**
Does not apply.
18 ITEM: SPEED LIMITS OUTSIDE CHILD CARE CENTRES
Contact Officer – Melanie Brown

That Members note the following report.

Noted

Background comment:
As indicated in the Report submitted to the April General Meeting, pursuant to a motion put forward by Launceston City and Burnie City Councils that was carried at the October 2010 General Meeting, LGAT undertook to lobby the State Government to reduce speed limits around all Tasmanian child care centre facilities (not family day care placements in private houses) to mirror the same speed limits as are in place around schools (that being 40km).

Following a letter to the Minister, LGAT met with representatives of the Department of Infrastructure, Energy and Resources and then convened a working group to investigate and form recommendations in relation to the safety of children on roads outside child care centres.

The work of the group has included compiling crash history data to determine, statistically, which situations place child pedestrians in the most likely danger, as well as studying the legislative and regulatory measures already in place that may or may not contribute to the safety of children attending child care centres.

The crash history data indicated that over the last five years, a higher proportion of child pedestrian accidents have occurred on both local streets (though not in direct proximity to child care centres) and in shopping zones with a 50km per hour speed limit, with the next highest percentage of accidents occurring in private driveways.

The collation and consideration of this information has assisted in informing the recommendations of the group to the Minister, and ensuring that those recommendations include consideration of the most appropriate action necessary to increase child pedestrian safety within the community at large, rather than outside child care centres specifically.

The working group’s investigations are reaching completion; currently a report and recommendations are being prepared for the consideration by the Minister for Infrastructure, Energy and Resources. It is likely that affirmative action will be recommended on pedestrian safety as it relates to children, including the recommendation that resources should be directed to those elements where, statistically, a higher rate of casualty accidents exist.

Budget Impact
Does not apply.

Current Policy
Does not apply.
Background comment:
In 2008 GMC endorsed a Strategic Plan for 2009-2011 and the process used was as follows:

- The General Management Committee (GMC), CEO and policy staff participated in a one day facilitated workshop where broad concepts were raised for further discussion with Mayors and General Managers at a General Meeting and Mayor’s Workshop.
- LGAT staff used those events to inform the development of the written strategy document which was circulated to GMC for review and feedback and the final document was endorsed at a GMC meeting.

Feedback from Members at the time was that there was a need for more up-front input rather than discussion on a draft document.

Having canvassed the issue with General Managers at their September workshop, the following process has been agreed by GMC for the development of a new plan for 2012 and beyond.

| October 2011 | Survey of Mayors and General Managers to canvass: Where are we now (influences, pressures, achievements)? Where do we want to go? How can we get there? What is the unique value of LGAT? What opportunities are ahead? What are the threats to success? |
| November 2011 | Broad findings to be presented and discussed at the Mayor’s workshop. |
| December 2011/January 2012 | Analyse and synthesise feedback for a GMC/Staff Workshop and further consider those questions as well as: What are our competencies? What are our strategic choices/priorities? LGAT to draft strategic plan and circulate to GMC for out of session feedback. |
| February 2012 | Draft plan to be circulated to councils for comment. |
| March 2012 | Finalise strategic plan for endorsement by GMC |
| April 2012 | Endorsement of strategic plan at the General Meeting. |

**Budget Impact**
Can be managed within current budget.

**Current Policy**
Does not apply.
Northern Midlands Council/West Coast Council

That the Local Government Association of Tasmania notes the concerns of local communities and parents regarding the threatened closure of rural primary schools across Tasmania, recognising the vital role that rural primary schools play in sustaining community life, often in some of our most marginal, fragile and remote communities and the part they play in providing a diverse educational infrastructure and calls on the State Government and Education Department of Tasmania to respond to the continuing concerns of rural parents and communities by taking action to tighten the rules on rural school closures, providing new guidelines on this subject and introducing a state presumption against the closure of rural schools.

Carried

Northern Midlands Council/West Coast Council

That LGAT facilitate the collaboration of Councils and the Tasmanian Rural Schools Network, to drive a campaign for the retention and strengthening of education provision in Tasmanian rural communities underpinned by the new rural education paradigm advocated by academics including Professor John Halsey.

Lost

Background comment:
Many of the schools recently targeted by the Tasmanian State Government as possible candidates for closure were ones situated in small regional and rural communities. Communities which when isolated from other support have very little political power or public influence.

Tasmania's rich rural cultural landscapes and history are a pivotal aspect of our identity as a State and society. Our uniqueness lies within our population, of who over half are sparsely scattered throughout the islands rural and remote townships. For generations these people and their communities have been the lifeblood of Tasmania's agricultural, forestry, fishing, mining and tourism industries, the very souls this State was built upon.

Copious amounts of research and anecdotal evidence has repeatedly demonstrated the enormous negative economic, social and emotional impact the closure of local rural schools has on vulnerable small rural communities.

The Tasmanian government, education department and all relevant political bodies must acknowledge the vital role rural schools play in safeguarding these small, fragile local economies. These facilities MUST be protected to allow these communities to thrive.

A Presumption against closure proposes that when reason and circumstance dictate a closure must be examined, the responsible departments and Ministers must consider the following guidelines:

- That local access to quality educational opportunities and preschool programs MUST be viewed as mandatory in the creation of a wealthier and fairer Tasmania. This is particularly imperative in rural communities that have far less services and infrastructure, and considerably more socioeconomic disadvantage than urban areas.
• The overall long term economic, cultural, and social and health impact on local people and communities of closure of a rural school and the loss of the building as a community facility MUST be fully assessed.

• The transport implications of closure MUST be fully examined, including the safety and welfare of the children, the recurrent cost to DIER of transporting pupils to schools further away, the quality and availability of transport to the alternative provision, the Local Government cost of appropriate bus stop installation, the adequacy and safety of rural roads, the effects and costs of increased use and traffic on the adequacy and safety of rural roads and the environmental impact of more pupils travelling further to schools.

• All alternatives to closure MUST be considered: Including the potential for federation with another school to increase viability, facilitation of the sharing of expertise, facilities and teaching materials so that schools are resourced without bearing the full cost and the scope for 'extended school' or 'children's centre status' to provide local community services and facilities e.g. child care facilities, family and adult learning, healthcare and community internet access etc.

• Acknowledgement of the importance of school integrated early learning (preschool) education programs and the non mandatory kindergarten year for vulnerable and at risk children, and how these services are to be delivered without local access to a school MUST be taken into account.

• Acknowledgement that rural primary schools provide a first-class standard of education to pupils, allowing parents to exercise choice in placing their children in schools.

• No school should close unless closure has the support of parents and the community.

• Rural school closures MUST always be a decision of last resort, and can no longer be based on viability criteria such as enrolment trends, demographics, occupancy, financial position and distance. Future rural school closures must predominantly become educational and social issues NOT financial.

A report into the potential closure of Avoca Primary School is at Attachment to Item 20.
21 MOTION: THE RETENTION OF TASMANIA’S RURAL POLICE STATIONS

Northern Midlands Council/Burnie City Council

That the Local Government Association of Tasmania notes the serious concerns of local communities and businesses about the proposed closure of rural police stations across Tasmania, recognising the vital role that rural police stations play in maintaining safety and a harmonious community life, often in some of our most marginal, fragile and remote communities; acknowledging also that rural police stations often provide a standard of law enforcement that has a specific regard for each region’s unique social, economic, demographic, geographic and cultural dynamics.

Carried

Background comment:
Current Tasmanian State Government budget cuts have targeted Tasmania Police funding. In an effort to save dollars Local Area Commanders have proposed the closure of the Avoca Police Station which is manned by one officer who rotates duty with a single officer stationed at Fingal.

Closure of the Avoca Police Station puts both communities at serious risk of being exploited by criminals preying on a vulnerable unpoliced, often ageing population and at risk of increased traffic offences, violence, domestic abuse, increased drug growing and trafficking.

At its worst inadequate police response times and staff levels effectively expose the police, emergency service workers, community members, crime and accident victims to potentially lethal situations. We condemn the potentially life threatening delay in response times rural station closures will cause, and question the decisions that further isolate those vulnerable, often elderly, community members already isolated by geographical distances.

This motion demands that the State Government and the Tasmanian Police Department make a commitment to preserve and fully service current existing rural police stations within the state. We feel that as Tasmanian citizens, rural community members are owed a duty of care from the government, its departments and public service providers, and within that duty of care is held the right to retain the existing essential service of local law enforcement.

22 MOTION: CONSULTATION PRIOR TO SCHOOL AND POLICE STATION CLOSURES

Northern Midlands Council/Central Highlands Council

That the State Government undertake a 3 year consultation period prior to any proposed closure of any police station or school, and a demographic and socio economic studies be undertaken.

Carried

Background Comment:
Refer to background comment for Motions 20 and 21.
23 **ITEM: CLOSURE**

There being no further business the President declared the meeting closed at 2.40pm.
## Business Arising

**General Meeting - 16 November 2011**

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<tr>
<th>Item No</th>
<th>Decision</th>
<th>Update</th>
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<tr>
<td>7</td>
<td>Planning</td>
<td>Refer item 14</td>
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<tr>
<td>8</td>
<td>Code of Conduct</td>
<td>Refer item 12</td>
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<td>9</td>
<td>Constitutional Recognition</td>
<td>Refer item 11</td>
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<td>10</td>
<td>2012 Local Government Conference</td>
<td>Refer item 23</td>
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<tr>
<td>11</td>
<td>Financial and Asset Reform Project</td>
<td>Refer item 24</td>
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<td>12</td>
<td>Water and Sewerage</td>
<td>Refer item 9</td>
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<tr>
<td>13</td>
<td>Rating and Valuation</td>
<td>No action</td>
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<tr>
<td>14</td>
<td>Waste Levy</td>
<td>Refer item 8</td>
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<tr>
<td>15</td>
<td>Education</td>
<td>No action</td>
</tr>
<tr>
<td>16</td>
<td>Recreational Vehicle Overnight Camping</td>
<td>Refer item 16</td>
</tr>
<tr>
<td>17</td>
<td>Street Lighting</td>
<td>No action</td>
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<tr>
<td>18</td>
<td>Speed Limits Outside Child Care Centres</td>
<td>No action</td>
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<tr>
<td>19</td>
<td>LGAT Strategic Planning</td>
<td>No action</td>
</tr>
<tr>
<td>20</td>
<td>Motion - Closure of Rural Primary Schools in Tasmania</td>
<td>Letter sent to Minister</td>
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<tr>
<td>21</td>
<td>Motion - The Retention of Tasmanian's Rural Police Stations</td>
<td>Letter sent to Minister</td>
</tr>
<tr>
<td>22</td>
<td>Motion - Consultation Prior to School &amp; Police Station Closures</td>
<td>Letter sent to Minister</td>
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</tbody>
</table>
Follow up of Outstanding General Meeting Motions Report

Motions which had been completed by the last meeting (July 2010) or which have been replicated in later meetings have been deleted in order to more efficiently monitor outstanding activity.

REPORT A:

This report details motions which are still being pursued by LGAT. Where an end point has been reached there will be a final update and indication that this item will be removed from future reports.

| 2006 Motions |
|--------------|------------------------------------------------|
| **June Conference** | **2006 Motions** |
| **4.2** Review of Sewers and Drains and Waterworks Clauses Acts: That the LGAT request the State Government to review both the Sewers and Drains Act 1954 and the Waterworks Clauses Act 1952 to improve resource management and governance of these essential services within the state | The Review of the Drains Act continues to progress. In October 2011 an Issues Response paper was placed on the DPMPSE website following receipt of stakeholder submissions. LGAT has been invited to be on the reconvened reference group and is awaiting DPMPSE advice on future actions following Cabinet’s decision on the recommendation to prepare new legislation to replace the Drains Act. |

| **August 2006 General Meeting** |
| **13** Constitutional Recognition: | ALGA are continuing to progress activity in this area. See report this meeting. |
| 1. Continue to lobby for the inclusion of appropriate recognition of Local Government in the Commonwealth Constitution. | |
| 2. Urges the Local Government Association of Tasmania to renew its efforts to gain appropriate recognition of Local Government in the Commonwealth Constitution, including the formal of a special committee to work with other states to finalise the wording of proposals, and undertake appropriate lobbying activities to achieve Constitutional recognition. | |
| 3. Urges the Local Government Association of Tasmania to use all efforts to press the Australian Local Government Association to be more active in pursuing the Australian Parliament to undertake measures to have Local Government recognised in the Commonwealth Constitution. | |

| **2007 Motions** |
| **May Conference** |
| **5.2** Review of Rules Governing Aurora: That the Local Government Association of Tasmania take up with the State Government the issue of Aurora undergrounding power for new developments other than for subdivisions greater than 5 lots and in particular that the rules governing Aurora be reviewed for both on ground works and charging regimes to ensure the best long term development outcomes for communities. | Aurora has advised that the process adopted when dealing with developers can be summarised as follows: |
| | • It is up to the developer to provide the council planning approvals to Aurora when they make |
application for supply. This includes information on whether it is to be overhead or underground.
- This information is also checked by the designer when they contact the developer during the detailed design stage.
- At the letter of offer stage, a letter is also sent to the council concerned, which details the type, number and costs of streetlights required, as well as a copy of the detailed design plan for the project.
- It is at this stage that council can accept or reject the proposed plan, and provide a response to Aurora. (This is done in conjunction with waiting on customer acceptance, before the project is progressed to construction)

LGAT advised councils of Aurora’s recent response and requested feedback as to whether the outline given above of Aurora’s operating procedure is in fact being observed in practice. A number of councils from around the state have responded to indicate that in relation to this area, there are no current or recent issues or incidences where Aurora has installed overhead power when underground power has been a condition of the permit, other than a small number of situations where Aurora have approached the relevant council and indicated an intention to keep overhead lines in a location where there is already existing overhead infrastructure and there is a desire to avoid duplication; in these instances the councils has agreed with the rationale provided by Aurora and the issue has been resolved.

To be removed next report.

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**August 2007**

<table>
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<tr>
<th></th>
<th><strong>Review of Part 5 of the Local Government Act:</strong></th>
<th>That the Local Government Association of Tasmania request a review of Part 5 (Interest) of the Local Government Act.</th>
<th>The Local Government Division have committed to a Miscellaneous Amendments Bill this year.</th>
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<tbody>
<tr>
<td>12</td>
<td><strong>Valuation of Land Act:</strong></td>
<td>That Local Government establish a high-level working group to investigate all other alternate options in relation to this matter and in the event a change is supported the LGAT then make representation to the State Government.</td>
<td>See Item 17, August 2009</td>
</tr>
</tbody>
</table>
**August 2008**

| That the LGAT requests the State Government to review those provisions in the Act relating to public meetings by petition with a view to: 1. Limiting the compulsion to hold a meeting to matters of relevance only to the municipal area over which the Council has control; 2. Balancing the rights of ratepayers and residents of the municipal area against those of others attending a public meeting; and 3. Addressing some of the practical issues that have arisen in recent times. | The Local Government Division have committed to a Miscellaneous Amendments Bill this year. |

**June 2009**

| “That the Local Government Association of Tasmania seek amendment to the Local Government (General) Regulations 2005 section 43, Expenses for councillors, which reads: “A councillor is entitled to be reimbursed for reasonable expenses in accordance with the policy adopted under Schedule 5 to the Act in relation to …” Sub-clause (c) to be altered from: “(c) Care of any child of the councillor” to: “(c) Care of any person for whom the councillor is responsible.”” | The Local Government Division have committed to a Miscellaneous Amendments Bill this year. |


| That a review of Section 199 – Interpretation of Division 6 – Definition of nuisance, of the Local Government Act be undertaken. The review is to include strengthening provisions under Section 199 | The Local Government Division have committed to a Miscellaneous Amendments Bill this year. See also Launceston Motion. |

| “That the Local Government Association of Tasmania request the State Government to legislate, so that Local Government is empowered to ensure that the planting of trees within town boundaries are species that are appropriate in relation to both fire and general safety. That LGAT lobby State Government i) to reassess the state planning template; and ii) to manage road verges, rail corridors and or cycle ways in regard to fire management. | Was raised at a State Government meeting regarding bushfire planning. No specific response to date. See item on Royal Commission/Bushfire Planning. The State Planning Template is current with the Tasmanian Planning Commission. LGAT to meet with Tas Fire service in February to discuss Bushfire policy including responsibility for managing road verges, rail corridors and or cycle ways in regard to fire management. |
### August 2009

11. That LGAT investigate the formulation of a state-wide policy and legislation that may enable councils to legitimately charge developer contributions for both hard and soft infrastructure in the future.

The Association has commenced research on this area and obtained reports from South Australia on a study into Developer Responsibilities/Contributions. The SA study concluded that some level of Development contributions could be applied by Councils in SA. The Association is reviewing the report finding for possible applicability in Tasmania. This work has been delayed due to staffing changes.

16. That Members agree that LGAT should continue to explore opportunities that might arise through joint State/Local Government approaches to roads maintenance or pooling of funds and other objectives and priorities that were identified at the roads forum.

The Association is continuing to discuss this issue with the Department of Infrastructure, Energy and Resources (DIER). To be removed to Part B next report.

### March 2010

- No motions brought by members

### October 2010

- 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.

  Work is progressing with DIER. Report next meeting.

- 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.

  The Association has not been able to garner State Government Support for this now or in the past. To be moved to Part B next report.
That the (State Wide Partnership Agreement on Climate Change) Agreement be strengthened in the following ways –

a. The Steering Committee to have stronger representation from relevant Local Government Climate Change officers.

b. Legislative protection for Local Government in relation to coastal protection issues.

c. More integration of climate change issues into land use planning.

d. The State Government to provide greater commitment to leadership in relation to climate change.

That the agreement then be resubmitted to LGAT for consideration for signing after these changes have been addressed.

Whilst elements of the points raised in the motion were incorporated into a revised Agreement, a number of councils did not endorse that revised Agreement. The Climate Change Partnership Committee subsequently proposed that it would continue to progress priority climate change issues between the Tasmanian Government and the Local Government Association of Tasmania without a formal Agreement, but instead with a work plan to facilitate joint Tasmanian Government and Local Government climate change initiatives.

The Premier’s Local Government Council (PLGC) Climate Change Work Program was endorsed by the PLGC at its 16 September 2011 meeting.

The work program aims to:

- Maintain efforts within State Government and Local Government to reduce greenhouse gas emissions and understand the implications of a national carbon price.
- Better identify, understand and respond to climate change impacts.
- Develop and implement state, regional and local initiatives and policies to assist councils adapt to climate change impacts.

This item to be removed next report.

That the Local Government Association of Tasmania requests the State Government to amend the provisions of the Liquor Licensing Act, 1990 to require:

- That a liquor license cannot be granted until appropriate Planning or Development approval has been granted by the relevant Council; and further
- That appropriate Planning or Development approval from the relevant Council or

Letters sent to the Treasurer and Commission for Licensing. A response indicating a departmental meeting will be set up has been received. Delayed because of appointment of new Commissioner. Has been followed up, especially in light of the Legislative Scoping Study (see report this meeting).
evidence that approval is not required must accompany a liquor license application or
application to vary a liquor license.

- That should planning or development approval not be required then the liquor licensing
  board be required to formally consult with the relevant council as part of its assessment
  process.
- That we request that the State Government broaden the liquor licensing Act to take into
  account outlet densities and health and well being of the communities.

| 21 | That the meeting give in-principle financial and planning support for a proposed ‘Environmental Dispute Mediation Service’, to foster the resolution of disputes in the community about environmental management issues. | See April 2011 |

April 2011

| 10 | That Members authorise LGAT to undertake discussions with the State Government and the three Regional Waste Bodies on the collaborative establishment of a Local Government structure to manage the proceeds of a State Legislated Waste Levy. | See update this meeting |

| 12 | That Councils contribute $75,000 annually, through subscriptions, into a Constitutional Recognition 'fighting fund', with such a fund to be quarantined for a campaign, or refunded if a referendum does not eventuate, to be topped up with LGAT reserves. | The President of LGAT is participating on the ALGA Board Constitutional Recognition Subcommittee. Reports will be made to the General Meeting as appropriate. |

| 21 | That the LGAT undertake a review of conference structure and costs to ensure the attendance of as many Elected Members and staff as possible. | See conference update this meeting. |

| 23 | That the LGAT encourage the Department of Infrastructure, Energy and Resources to use the document ‘Blueprint for an active Australia’, developed by the Heart Foundation, as a guide for future policy. | A letter has been drafted to be sent to the Secretary of the Department of Infrastructure, Energy and Resources. A reply has not been received to date. |

<p>| 25 | That Members endorse financial and planning support for the 2011/2012 financial year for a proposed ‘Environmental Dispute Mediation Service’, to foster the resolution of disputes in the community about environmental management issues. | This project has commenced. Item to be removed next report. |</p>
<table>
<thead>
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<th>July 2011</th>
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<td>15.3</td>
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<td>16.1</td>
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Please note the quote from the Minister Conroy's Statement of Expectations "Government does not expect NBN Co to inefficiently duplicate infrastructure that can already support the provision of high speed broadband...."

Subsequent to this information being provided, NBN Co announce a deal with both Telstra and Optus which essentially would enable NBN Co to make use of Telstra's facilities, and thereby avoid duplicating existing infrastructure. This indicates a likely cost reduction to build the NBN, reduces the risk of delay and reduces potential disruption to local communities.

**16.2** That the Local Government Association of Tasmania lobby the State Government to continue to fund the roll out of Natural Gas to Tasmanian residents.

Letter prepared and sent to State Government. Issue being progressed through the MCG.

**16.4** Local Government as a matter of policy support the continuance of the three regional water corporations.

That LGAT adopt as a policy position that it support changes to the Water Corporations Act to provide for:

- That Owner Representatives Committee's include at least one nomination from each owner council;
- That the Common Directorship requirement be removed from the Act;
- That the Water Corporations role include economic development incentives and policies that allow the corporations to provide incentives for developers wanting to benefit regions covered by the corporations, in line with Shareholders Letter of Expectations;
- Removal of prescribed role and functions of the Common Services Provider; and
- Further that the Select Committee be requested to release their recommendations regarding governance urgently.

Recognising that the House of Assembly Select Committee has deferred its final report until 30 April 2012, the LGAT lobby the State.

See Water and Sewerage Update this meeting.

**17.2** That LGAT strongly condemns any further lock up or reservation of Tasmania’s State naturally regenerated forests and strongly opposes the proposal contained in the statement of forest principles - “To transition the commodity forest industry out of public native forests”

That LGAT requests the State and Federal Governments to re-affirm their commitment to the Regional Forest Agreement.

That LGAT writes to the State and Federal Governments confirming its support for the Tasmanian Forest Industry and highlighting the economic benefits it brings to the State.

Letter sent to Premier.
<table>
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<th>Item</th>
<th>Resolution</th>
<th>Details</th>
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<tr>
<td>17.3</td>
<td>That the LGAT work with the State Government to amend Principle nine of the State Policy for the Protection of Agricultural Land 2009 to enable Council planning schemes to prohibit or require discretionary permit for an agricultural use on land zoned for agricultural purposes where such land is also determined to be within a special area or overlay to address issues including, but not limited to, scenic protection, landslip, water catchment, heritage protection and flood or bushfire hazard.</td>
<td>Report made last meeting. This is not supported by the Tasmanian Planning Commission. To be moved to Part B next report.</td>
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<td>17.4</td>
<td>That, in order to address the loophole in LUPA relating to the lack of termination power, LGAT lobby the State Government to progress a legislative amendment to provide the power to void an application after a finite period of time.</td>
<td>As reported last meeting, to be considered as part of the review of planning legislation being undertaken by the Tasmanian Planning Commission. To be removed next report.</td>
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<td>17.5</td>
<td>That LGAT again strongly request the State Government to pass amending legislation to give Councils clear and appropriate powers to enforce works to remedy the adverse effects of derelict or dilapidated buildings on the streetscape and nearby properties</td>
<td>A letter has been sent to the LGD regarding a number of amendments to the Local Government Act, including this. No response received to date. See agenda item.</td>
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<tr>
<td>17.6</td>
<td>That LGAT seek improvements to rental housing in order to improve their healthiness and habitability through: 1) Advocating for changes to the Residential Tenancy Act to provide occupational health and safety grounds for termination of a lease by a tenant through an independent inspection mechanism 2) Advocating for changes to relevant legislation to allow buildings and structures to be deemed uninhabitable</td>
<td>A letter was sent to the Attorney General. Residential Tenancy Act is under review – submissions close 24 Feb. Part 4 includes recommendations on basic standards and suggests minimum standards be developed. Recommendation 10 relates to closure in relation to the Public Health Act.</td>
</tr>
<tr>
<td>18.1</td>
<td>That LGAT call upon the State Government to review the Weed Management Act to enable a Weed Officer to take immediate abatement action when a land owner fails to take action to remove weeds which are in seed.</td>
<td>A letter has been sent to the Director of the Environment Protection Authority. No response received to date.</td>
</tr>
<tr>
<td>19.1</td>
<td>That the Local Government Association of Tasmania urge the State Government to commit to passing legislation banning smoking in all alfresco dining areas</td>
<td>See report this meeting. To be removed next report.</td>
</tr>
<tr>
<td>19.2</td>
<td>That the Local Government Association of Tasmania encourage all Councils to continue to include, in their strategic plan, health and wellness targets for their communities To be discussed further at the General Managers workshop</td>
<td>Proposed agenda item at General Managers workshop. To be removed next report.</td>
</tr>
<tr>
<td>21.1</td>
<td>That LGAT requests the State Government to change laws to specifically prosecute those persons who commit crimes against our senior citizens so as to reduce the incidents of elder abuse in our community</td>
<td>A letter has been sent to the Attorney General. Has been referred to Minister for Police in relation to review of the Police Offences Act. Understands concerns but notes Courts do take into account vulnerability, age etc of victim when sentencing. Also notes the launch of the Protecting Older Tasmanians from Abuse Project in 2010 which includes education, prevention and support initiatives. To be moved to Part B next report.</td>
</tr>
</tbody>
</table>
### September 2011

**17.1** Following the presentation by Miles Hampton, Chair of the Water and Sewerage Corporations, that a working group be formed to collate major issues and options related to the proposal of a single Water and Sewerage Corporation. That a document then be prepared to assist council's in their considerations. That a joint press release issued by the President of the Local Government Association of Tasmania and the Chair of the Water And Sewerage Corporations be endorsed.

Working Group formed. Special General Meeting. See report this meeting. To be removed next report.

**17.2** That the Members of the working group comprise – I one northern representative, I one north/west representative I two southern representatives That the CEO of the Local Government Association of Tasmania be the convenor of the meetings and the Chair of the Water and Sewerage Corporations be an ex officio member.

Working Group formed. Special General Meeting. See report this meeting. To be removed next report.

### November 2011

**20** That the Local Government Association of Tasmania notes the concerns of local communities and parents regarding the threatened closure of rural primary schools across Tasmania, recognising the vital role that rural primary schools play in sustaining community life, often in some of our most marginal, fragile and remote communities and the part they play in providing a diverse educational infrastructure and calls on the State Government and Education Department of Tasmania to respond to the continuing concerns of rural parents and communities by taking action to tighten the rules on rural school closures, providing new guidelines on this subject and introducing a state presumption against the closure of rural schools.

The CEO was invited to be a member of the schools viability reference group chaired by Royce Fairbrother. The Association wrote to the Minister for Education raising Local Government concerns on this matter.
REPORT B:

This report details motions which are unresolved but which are dependent on new State Government Action. LGAT proposes to hold this as a record but not to further report on these items.

<table>
<thead>
<tr>
<th>Motion No.</th>
<th>Decision</th>
<th>Status (at Last Report)</th>
<th>Date of Last Report</th>
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<tbody>
<tr>
<td><strong>2006 Motions</strong></td>
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<tr>
<td><strong>June</strong></td>
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<tr>
<td>3.4</td>
<td><strong>Heavy Vehicle Funding</strong>: That LGAT lobby the State Government to provide a greater share to Local Government in Tasmania of the heavy vehicle registration fees to enable Councils to develop a sustainable model for more adequate maintenance to their roads.</td>
<td>The Association included this issue in its 2010-11 Budget Submission but received no traction on the issue with State Government.</td>
<td>March 2010</td>
</tr>
<tr>
<td>4.1</td>
<td><strong>Highway Signage</strong>: That the Association request the State Government to review its existing policy relating to the Tasmanian Visitor Information System (TVIS) throughout the State and provide an opportunity for specific improvements in signage particularly for businesses that do not have frontage to major Highways</td>
<td>The matter was considered at the May General Managers’ Workshop. This forum determined that the most critical issue related to illegal signage on highways and roads. LGAT has written to DIER advising this and suggesting a complementary State and Local Government response to the problem. A departmental response is yet to be received despite follow up.</td>
<td>November 2008</td>
</tr>
<tr>
<td><strong>2007 Motions</strong></td>
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<tr>
<td><strong>May</strong></td>
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<tr>
<td>10.2</td>
<td><strong>Pension Rate Rebate</strong>: That LGAT be requested to continue to lobby the State Government for an increase in the Pension Rate Rebate under the Local Government (Rates and Charges Remissions) Act 1991.</td>
<td>LGAT has lobbied the State Government on this matter. It also sought an indication from councils of levels of rebate support, other than through the State Scheme, that they provide to pensioners. 6 councils provide additional rebate support.</td>
<td>November 2008</td>
</tr>
<tr>
<td>10.4</td>
<td><strong>Fire Service Levy</strong>: That Local Government advise the State Government that as of 2006/9 that we require them to amend the legislation so that Local Government is not responsible for the collection of the fire service levy. That a strong message be also given to the State government that the 2006/7 increase is unacceptable and that additional funding should be found from the consolidated fund to meet the increasing costs of this service.</td>
<td>LGAT wrote to the new Minister on the issue in August 2010 and had a meeting with staff from the Tasmanian Fire Service and the Minister’s office in October 2010. The Government's position remains unchanged.</td>
<td>November 2010</td>
</tr>
<tr>
<td>August 2007</td>
<td>Road Closure Appeal Process: That the Local Government Association of Tasmania request the State Government to amend Section 14 of the Local Government (Highways) Act 1982 to provide for the Resource Management and Planning Appeal Tribunal to receive and determine appeals against the proposed closure or diversion of local highways in lieu of the Magistrates Court (Administrative Appeals Division).</td>
<td>The Association has written to the Local Government Office on this matter. The LGO responded with advice that the Department of Infrastructure, Energy and Resources (DIER) is undertaking a Road Legislation Review with the aim of consolidating road legislation. The Local Government (Highways) Act 1982 is one of the Acts being reviewed. The review project is in start up mode with amending legislation proposed to be introduced into Parliament by the Spring 2009 session. LGATs letter has been passed on to the project team so the request for amendment can be considered in the process.</td>
<td>November 2008</td>
</tr>
<tr>
<td>June 2008</td>
<td>6.1 That the State Government be called upon to create the necessary legislative mechanisms to enable planning authorities to issue planning infringements for non compliance with planning schemes and planning permit conditions including a scale of penalties which are commensurate with the seriousness of a breach.</td>
<td>Matter raised with Land Use Planning at meeting held 14 August. Position as outlined by State Government in response to motion remains.</td>
<td>November 2008</td>
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<td></td>
<td>6.2 That the Local Government Association of Tasmania investigate and obtain advice in seeking to review and amend the provisions of the Land Use Planning and Approvals Act 1993 to prevent multi planning applications being made on the same parcel of land for the same or similar use and development until the first application has been determined by the planning authority.</td>
<td>Matter raised with Land Use Planning at meeting held 14 August. Position as outlined by State Government in response to motion remains.</td>
<td>November 2008</td>
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<td></td>
<td>6.3 That LGAT request the State Government to review the delegation powers in s6 of the Land Use Planning and Approvals Act 1993, with the aim of the powers, provided to the planning authority, to be consistent with the delegation powers in the Local Government Act 1993.</td>
<td>Matter raised with Land Use Planning at meeting held 14 August. Position as outlined by State Government in response to motion remains.</td>
<td>November 2008</td>
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<td></td>
<td>6.4 That the Local Government Association of Tasmania request the State Government to amend the Land Use Planning and Approvals Act 1993 and the Historic Cultural Heritage Act 1995 to prohibit public notification of planning and works applications during the Easter period, between the Thursday prior and the Tuesday after, and over the Christmas/New Year period commencing that last working day prior to Christmas, or a sufficient time to allow for a weekend notification date, until January 15, and that the consideration period for both the planning authorities and the</td>
<td>Matter raised with Land Use Planning at meeting held 14 August. Position as outlined by State Government in response to motion remains.</td>
<td>November 2008</td>
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<td>Tasmanian Heritage Council be extended to account for this prohibition, <strong>with a commensurate extension of the maximum 42 day period.</strong></td>
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<td>4.1</td>
<td>That Councils support the motion for the Local Government Association to lobby the State Government to review the application of taxes and stamp duty associated with business transactions, e.g. payroll tax, insurance premium renewals and mortgage dealings</td>
<td>Initial communication with the Department of Treasury and Finance undertaken. Treasurer has advised that he doesn't support a review of taxation outside the normal review process.</td>
<td>March 2009</td>
</tr>
<tr>
<td>5.1</td>
<td>That LGAT lobby the State Government through the DPIW Water Division to make uniform water licenses for both summer and winter conditions</td>
<td>Letter sent to Minister. No response was received. A follow up letter was been sent May 2009.</td>
<td>July 2009</td>
</tr>
<tr>
<td>8.1</td>
<td>That LGAT request the State Government, as a matter of urgency, to amend legislation to allow controlled use of grey water especially in regard to the domestic situation and to consider the latest research in the reuse of grey water and provide proposals and discussion papers in relation to the establishment of uniform state wide controls for grey water reuse in Tasmania for the consideration of Local Government</td>
<td>Matter raised with the Department of Primary Industries and Water.</td>
<td>July 2009</td>
</tr>
<tr>
<td>10.2</td>
<td>That LGAT lobbies the State Government to make changes to the eligibility criteria for pensioners under the <strong>Local Government (Rates &amp; Charges Remissions) Act 1991</strong> so that pensioner residents of retirement villages can still receive a State Government remission from their rates.</td>
<td>Preliminary discussions with Local Government Division undertaken. May be picked up in rating and valuation review.</td>
<td></td>
</tr>
<tr>
<td>August 2008</td>
<td>That LGAT initiate discussion with the State government as to the effect Land Tax is having on Councils and communities.</td>
<td>Letter sent to Treasurer Oct 08 with reference to ALGA submission to Taxation Review. Treasurer has advised that he doesn't support a review of Land Tax outside the normal review process and has written to LCC. LGAT has been advised of same and has subsequently informed LCC as initiator of motion.</td>
<td></td>
</tr>
</tbody>
</table>
Key LGAT Activity – December 2011

Happy 2012!!!

Policy/Project Activity

- Commenced maturity assessments under the Local Government Financial and Asset Management Project in nine councils, remainder to be undertaken in the few months of 2012.
- Presentation to Environmental Health Australia Quarterly Forum – Environmental Dispute Mediation Trial
- Finalised NW Regional Coordinator for the Local Government Financial and Asset Management Project
- Commenced planning for Elected Members workshop
- Standards Panel
- Preliminary comment on Tasmanian Emergency Management Plan review.
- Continued advocacy and information provision in relation to Division 81/GST changes.
- Commenced elected member census – surveys distributed and being returned.
- Update to Commonwealth on electronic development assessment project, steering committee and meetings with the Project evaluators.
- Preparation of papers for GMC/PLGC.
- Collation and consideration of Local Government and Other responses to the Draft Statewide Directions Paper: Review of Local Government-owned Overnight RV Camping Services
- TCCI – discussion re MOU for data access for modelling of reform options.
- Finalised draft evaluation report for the Household Hazardous Waste Steering Committee.

Training and Development

- Input into the Vocational Education & Training sector review
- Input into a terms of reference document aimed at better guiding the Government Skills Australia's Local Government Industry Advisory Council which manages council training and funding at the Commonwealth level.
- Recruitment of additional volunteers to appear in Think Big Work Local careers website videos.
- Continuation of the Council Workforce Surveys.
- Analysis of quotes for consideration of additions to the TV commercial to advertise our student competition.
- 2nd draft of local government training resource for schools called 'LGACORE104B Work with others in Local Government' which is part of a national training package.
- Concluded 18 months of monitoring council job advertisements, which showed a rise over the period.

Meetings and Communication

- General Management Committee
- Premier’s Local Government Council
- Premier’s State Budget Community Consultation Meeting
- Household Hazardous Waste Steering Committee
- Water and Sewerage Working Group Meeting
- Nomenclature Board
- Business Tasmanian Online Steering Committee
- DIER re speed limits around childcare centres
- Working Group (LGAT, LGD, Treasury, Tourism Tas) in relation to council-operated overnight RV camping services
- Electronic Development Assessment (eDA) Project Steering Committee
- Local Government Division – monthly meeting, data, caravan parks
- Integrity Commission – re education program
- TCCO Climate Futures Briefing and Discussion re Climate Change Forums
- Heart Foundation Healthy Community Awards
- ACELG Local Government Researchers Forum
- Environmental Dispute Mediation Project Meetings with EPA
- LGAT News magazine
- LGAT newsletter
- Schools viability reference group (2 meetings)
- Forest practices advisory committee
- ABS Seminar
- Peter David (Aurora) with Norm McIlfatric (DIER) re street lighting
- Coastcare Week Conversations
- ChemClear re relationship with Household Hazardous Waste Program
- Tasmanian Regional Arts Board Meeting
- Volunteering Tasmania re new project
- Infoactive e-waste teleconference
- Water and Sewerage Inquiry - Presentation to Select Committee, Meeting of Working Group to further develop governance documents, timeframes and processes.
- Regional Climate Change Adaptation Project (RCCAP) Steering Committee
- Tasmanian Coastal Adaptation Pathways (TCAP) Project Steering Committee
- Meeting with DPIPWE Urban Water Policy Unit regarding next steps following Review of the Drains Act
- Tasmanian Training Consortium Executive Committee

Media
- Departure of General Manager of Burnie City Council
- Amalgamations

Key Outputs
Household Hazardous Waste (Chemsafe Homes Tasmania) collection days were held in Launceston and Burnie (Hobart and Clarence collection days were undertaken at the end of November). These were the most successful series of collections to date with over 700 people participating. Tonnage figures are not yet available for those collections but over the first 2 years the Pilot Tasmanian Household Hazardous Program offered 30 drop-off days across 24 local council jurisdictions, with 1,942 people surrendering 52,499 kg of material.
Key LGAT Activity – January 2012

Policy/Project Activity

- Increased Standards Panel activity and advice on regulations.
- Feedback on draft Healthy Communities Toolkit.
- Commenced distribution of maturity assessment reports to first nine participating councils as part of the Local Government Financial and Asset Management Project. Finalised contracts with IPWEA, regional coordinator MOUs and revised timeline.
- Feedback to ALGA on National Preventative Health Research Strategy.
- Environmental Dispute Mediation Service Trial ready for launch 1 February 2012.
- Feedback in relation to the Climate Action Council Review

Training and Workforce Development

- Have commissioned production of a portable careers booth and banner. It is anticipated this will be ready for the University Careers Fair in early March.
- Completed draft local government learning resources.
- Continued to show the Think Big Work Local TV commercial.
- Succeeded in getting Skills Tasmania to preserve the eligibility of national Local Government qualifications for Tasmanian Government funding for a further 12 months.
- Processing registrations for the Elected Member Weekend Workshop (25-26 February).

Meetings and Communication

- Integrity Commission re Code of Conduct.
- Regional Coordinators Meeting - Local Government Financial and Asset Management Project.
- School Viability Reference Group.
- CSIRO re Coastal Management.
- Derwent Estuary Program re Soil and Water Management Plans.
- Local Government Division re Caravan Parks.
- Break O Day and Clarence Councils re coastal planning activity.
- Training Consortium re training and development opportunities for councils.
- Royal Surf Life Saving re Pool Fencing.
- Heritage Tasmania re proposed legislative changes/consultation process.
- CT Management re asset management and renewal gap.
• Local Government Division re PLGC work plan for 2012.
• Natural Hazards and Land Use Planning Steering Committee.
• Land Use Planning and Building Codes Consultation.
• TCCI re Local Government Reform.
• Associations teleconference on Award Modernisation and National Workforce Strategy.
• Resource Recovery re Household Hazardous Waste Project.
• MAV Insurance.
• DIER re speed limits around childcare centres.
• Interagency Working Group on Drugs.
• Alcohol Advisory Group.
• EPA re Environmental Dispute Mediation Service Trial.
• Regional Councils Climate Adaptation Project Steering Committee Meeting.
• Tasmanian Planning Commission re coastal management.
• Glenorchy Council Mayor and General Manager.

Media
• Environmental Dispute Mediation.
• Schools viability.
• Local Government Reform – TCCI project.
• Water and sewerage – proposal for single corporation.
• Planning – HCC approval of Lenah Valley subdivision.
Key LGAT Activity – November 2011

Policy/Project Activity

- Further editorial work on the Councillor Resource Kit. The latest version is available on the LGAT website.
- Information to the productivity commission on regulatory responsibilities and feedback on draft questionnaire instruments.
- Policy Director participated in the Council of Local Authorities for International Relations (Japan) Exchange Seminar program.
- Contract with IPWEA for maturity assessments under the Local Government Financial and Asset Management Project – nine to be conducted before Christmas.
- Progression of the Environmental Mediation Project – LGAT hosted meeting between the Environmental Protection Agency and council Environmental Health Officers to progress the development of criteria.
- 4 Household Hazardous Waste Collection Days.

Training and Development

- National Local Government HR Conference – session chairing and steering committee.
- Mayors workshop
- Received workforce data from 20 council’s, and sent reminders to 8 councils so that a workforce planning database can be created
- Advised councils of two State government grants, one for VET level training called 'PPP+' and one for literary issues

Meetings and Communication

- General Meeting
- Metropolitan Councils Group Meeting
- Premier’s Local Government Council Officials Meeting
- Australian Local Government Association Board Meeting
- Household Hazardous Waste Steering Committee
- Local Government Division Data Collection workshop.
- TCCI Local Government Forums (South, North, Northwest)
- Local Government Financial and Asset Management Project Steering Committee.
- Business Tasmania Online working group
- Business Tasmania Online Steering Committee
- Workshop – Clean Energy Future Plan for Tasmania
- Local Government Workforce Development Group Meeting
- Public Health Emergencies Subcommittee
- Active Tasmania Awards
- Carbon Price Roundtable
- ACELG Community Engagement Workshop
- Environmental Dispute Mediation Project Meeting
• Tasmanian Chamber of Commerce and Industry Local Government Forums
• Road Safety Advisory Council
• National Local Roads Congress
• Food Security Council planning workshop
• Healthy Communities Toolkit Reference Group
• Public Health Emergency Sub Committee
• Electronic Development Assessment Project Steering Committee
• Interagency Working Group on Mental Health Meeting
• Premier’s Physical Activity Council Local Government Regional Forum – East Coast
• Climate Change Adaptation Workshop (DPIWE)
• Section 51 Grant Funding Applications Workshop
• OTTER Consultative Committee
• ALGA Teleconference on a national disability policy.
• Workshop on Community Engagement with Australian Centre for Excellence for Local Government.
• LGAT Newsletter
• Cradle Coast region councils re State-wide Directions Paper on Overnight RV Camping

Media
• STCA Report/Tasmanians for Reform
• Water and Sewerage Proposals
• Burnie City Council and Devonport City Council governance
• Amalgamations

Key Outputs
• Submission to the Expert Panel on the Constitutional Recognition of Local Government
• Submission on the draft Tasmanian Bushfire Policy
• More than 1000 people participated in the Household Hazardous Waste Collection Days.
• Think Big, Work Local TV ads running.
• Submission to Housing Tasmania on homelessness.
Key LGAT Activity – October 2011

Policy Activity

- Council Provision of Overnight Camping Services for Recreational Vehicles – development of Directions Paper
- Forum for councils staff on changes to Division 81 Legislation with the Australian Taxation Office (ATO)
- Appointed provider (with EPA) for environmental dispute mediation pilot project.
- Assessment of pre-compliance activities undertaken by councils in relation to PD4
- Feedback to ALGA on flood data
- Assessment of new information supplied under request for quotation for Local Government Financial and Asset Management Project.
- Further feedback on the Future Directions for Older Tasmanians policy paper.
- Updating of the new Councillor Resource Kit for distribution after elections.
- Feedback to State Government on concerns related to the draft Municipal Emergency Management Plan.

Training and Development

- Forum for council staff on changes to Division 81 (GST) legislation.
- Regional LocalBuy Workshops for procurement officers.
- Provided input ACELG on what may and may not help councils with strategic workforce development.

Consultation/Submissions

- Initial feedback in relation to areas of concern in the draft Tasmanian Bushfire Policy.
- Commenced survey of Mayors and General Managers in relation to LGAT Strategic Planning.

Meetings and Communication

- The Premier – range of issues
- Minister Brian Wightman on waste issues.
- Valuation and Rating Review Steering Committee
- Water and Sewerage Regional Briefings.
- Southern Tasmanian Councils Authority (STCA) Reform Project Expert Panel
- Household Hazardous Waste Steering Committee
- School Viability Reference Group – Community Forums
- Low Carbon Economy Forum
- Office of the Tasmanian Energy Regulator (OTTER)
- Council of the Ageing Tasmania (COTA)
- Local Buy Workshops
- Coastal Hazards Reference Group
- DPIWE re soil and water management plans.
- Forest practices advisory committee.
- Landslip Hazards Reference Group
- National Heavy Vehicle Regulator engagement meeting.
- Climate change and intergenerational equity.
• Constitutional Recognition Expert Panel community forum.
• LGAT report to LGMA Conference.
• Alcohol Advisory Group
• Advisory Panel on the Economic Potential of Senior Australians.
• Local Government Division re annual data collection.
• Local Government Division re code of conduct legislation.
• Fortnightly electronic newsletter.
• Initial meeting with EPA and consultant Provider for environmental dispute mediation pilot project.
• Tasmanian Coastal Adaptation Pathways (TCAP) Project Team

Media
• Council amalgamations
• Water and sewerage
• Selected a consultant to produce some videos for the www.thinkbigworklocal.com.au website that will describe more council jobs to job seekers.
• Received quotes and scheduled the Think Big TV advertisement to run from October 2011 to June 2012 on a variety of channels, including SBS and utilising a number of free bonus spots.

Key Outputs
• State-wide Directions Paper - Council Provision of Overnight Camping Services for Recreational Vehicles - released for consultation/comment
• Submission on the Commonwealth Government’s Low Carbon Communities ‘Community Energy Efficiency Program’ design options consultation paper
Key LGAT Activity and Outcomes – September 2011

Policy Activity

- Draft Financial Plan Template distributed and excel version created.
- Updating of Councillor Resource Kit
- Assessment of Request for Quotation for Local Government Financial and Asset Reform Project
- Preparation of Annual Report
- Standards Panel
- Feedback to the Tasmanian Planning Commission on technical issues related to PD4
- Feedback on Land Titles Amendment Bill
- Feedback on broad Aboriginal Heritage proposals.
- Feedback on draft Seniors Bureau strategy (Future Directions for Older Tasmanians)

Training and Development

- General Managers’ Workshop
- Provided training funding advice to Huon Valley Council
- Provided council careers promotional resources to Burnie City Council and to Meander Valley Councils

Consultation/Submissions

- Guidelines for Assessing Historic Heritage Significance.
- Public Health Amendment Bill (Tobacco)

Meetings and Communication

- Premier’s Local Government Council
- Water and Sewerage Working Group
- Local Government Financial and Asset Reform Project Steering Committee
- Quarterly issue of LGAT News Magazine
- Fortnightly electronic newsletter
- Business Online Tasmania Working Group
- Natural Hazards and Land Use Planning Steering Committee
- Landslide Hazard Statement Reference Group
- National Trust
- ALGA Roads Teleconference
- Youth Parliament – Local Government Bill
- School Viability Reference Group
- Chief Commissioner – Integrity Commission
- Local Government Division
- Adult Learner’s Week – Hobart Older Persons Group
- Electronic Development Assessment Project Steering Committee
• DIER re speed limits around childcare centres
• Latrobe Council re Caravan Parks
• Civic Mutual Plus Board Meeting
• Devonport City Council re Constitutional Recognition
• Local Government National HR Conference Steering Committee (teleconference)
• Peak Oil
• LED Innovations
• DIER re Forestry
• Tasmanian Climate Adaptation Program (TCAP) Project Steering Committee and project meetings and forum
• CEO Tasmanian Farmers and Graziers
• NTC Road Safety Forum
• Launch of the Small Business Strategy
• DPIWE re soil and water management plans
• LGAT Sponsors Appreciation Event
• Tobacco Coalition
• Climate Change Partnership Committee
• Rating and Valuation Steering Committee
• Meetings with Chair of Water and Sewerage Corporations
• Tasmanian Training Consortium Committee

Media
• Water and Sewerage – Single Corporation Proposal
• Amalgamation of Councils
• School Viability Issues
• Public Open Space Contributions
• Elections
• Received quotations to produce careers promotional videos
Water and Sewerage Governance Arrangements Update

Background

Following the distribution of the governance document and the due diligence paper associated with the proposal to establish a single water and sewerage corporation, a number of councils have contacted the Association seeking advice on the process from hereon and the resolutions that should be being sought from councils. Others have requested details of regional forums, while others have requested that the governance document be more explicit and provide detailed options.

On this basis, the Water and Sewerage Working Group established at the August General Meeting reconvened last week to consider these matters, develop a more detailed document to assist councils with their deliberations and establish an appropriate process to bring this matter to some conclusion.

Governance

It is important to note that the present situation is not supported by anyone. This was made clear during the process of collecting inputs from owner councils for the provision of a submission and evidence to the House of Assembly Select Committee on Water and Sewerage. The current structural model involving a common services provider is considered unacceptable, the common director arrangements are not supported, the owners’ representative system does not provide owners with satisfactory input and communications with the corporations, Board selection processes continue to be influenced by the State Government and there are a series of legislative arrangements that involve continuing State Government involvement in the governance of the water and sewerage corporations.

On this basis it would seem that there are two distinct governance options for the water and sewerage corporations.

Option 1

Establish three separate regional water and sewerage boards

This proposal was the one put to the Select Committee and would involve the following characteristics:

- an independent skills based board for each region comprising up to five or six members
- selection of Board members via a selection committee comprising Local Government members
- dissolution of Onstream
- owners’ representatives to be replaced by the establishment of regional representative committees comprising membership of each owner council
- regular meetings to be held between regional board and regional representative committee
- no ongoing role for the Treasurer or the Parliament in relation to the operations or oversight of the water and sewerage corporations
- distribution of profit to be based on equity
The matter of voting was not canvassed or raised in the previous round of consultations but two possibilities arise – the current voting arrangements under the legislation which provide one vote per owner council or voting based on equity holding.

Option 2

*Establish a single water and sewerage corporation*

This proposal identifies the specific characteristics that could be attributed to a single entity

- an independent skills based board comprising up to five or six members
  - an option of selecting the best skilled/experienced people for the Board regardless of regional alliance or building in a regional requirement
- establishment of selection committee to make recommendations to owner councils on Board membership with committee to comprise chair (once appointed) and regional representatives based on equity considerations (i.e. 2 south, 1 north, 1 north-west)
- the option could exist here for the selection committee to make the appointments to the board or, alternatively, decisions on board membership could be made by owners based on equity holdings
- owners’ representatives to be replaced by the establishment of regional representative committees in each region comprising membership of each owner council
- quarterly regional meetings to be held with corporation Chair and CEO
- two statutory meetings comprising all owner councils to be held each year (AGM and corporate plan sign off)
- no ongoing role for the Treasurer or the Parliament in relation to the operations or oversight of the water and sewerage corporations
- distribution of profits to be based on equity
- all voting to be based on equity

*Equity Considerations*

In considering these options, particularly relating to the matters associated with equity, there needs to be some consideration given to the equity base. There are some councils that may consider that asset holdings at the commencement of the operations of the entities is an appropriate base. Other may consider that the asset base as at the time of moving to a new structure would be appropriate, while others may consider income or revenue flows an appropriate base for equity distribution.

It is important to understand that the proposition put forward by the Chairman of the Corporations was based on an outcome that would see all regions and all councils being better off. Of course there are some relativity issues associated with this proposition – some would reduce their share, others would gain – but the intention was to provide a solution where all were better off under a single entity.

The attached table provides a comparison of the varying equity arrangements and demonstrates that there are slight adjustments across the board to achieve an outcome that provides an improved outcome over current arrangements for all councils on the basis of a single entity scenario.
Process Issues

It is important that councils have the opportunity to fully consider all matters related to these proposals. It was suggested at the November General Meeting that there be a series of regional forums to clarify any matters of concern or raise any issues that had not been satisfactorily addressed. It is understood that at least one region is contemplating additional work on structures, governance and financials to ensure that its situation is fully understood.

On this basis, it is proposed to conduct a series of regional forums in early February with a view to having the matter ultimately addressed at the Association General Meeting of 28 March 2012. At that time it is expected that all councils will be in a position to assess their particular circumstance and all regions will be able to assess the impact on their regional corporation and environment.

With regard to a potential timeframe for commencement of a new entity if that proposal was supported, this would be dependent upon Parliamentary sitting times and how the fundamental requirements of the corporations require transitioning to one organization. The fact remains that any date in the calendar is possible, the important issue will be ensuring that all the arrangements and processes are correct.
## TWSC PROPOSED MERGER
### EQUITY SHARE COMPARATIVES

<table>
<thead>
<tr>
<th>As Is</th>
<th>Contributed Net Assets Per Treasurers Allocation Based on Assets</th>
<th>10 Year Average Equity Share Based on Income</th>
<th>Year 10 Equity Share Based on Income</th>
<th>Chairmans Proposed Equity Shares</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$'000</td>
<td>$'000</td>
<td>$'000</td>
<td>$'000</td>
</tr>
<tr>
<td>Break O day</td>
<td>10488</td>
<td>56108</td>
<td>1.105</td>
<td>1.86%</td>
</tr>
<tr>
<td>Dorset</td>
<td>5244</td>
<td>28314</td>
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<td>992</td>
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<td>0.18%</td>
</tr>
<tr>
<td>George Tn</td>
<td>6094</td>
<td>32964</td>
<td>7,669</td>
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</tr>
<tr>
<td>Launceston</td>
<td>73557</td>
<td>395535</td>
<td>92,026</td>
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</tr>
<tr>
<td>Meander</td>
<td>15023</td>
<td>80747</td>
<td>18,787</td>
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</tr>
<tr>
<td>Northern Midlands</td>
<td>12614</td>
<td>67449</td>
<td>15,693</td>
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<tr>
<td>West Tamar</td>
<td>17716</td>
<td>94810</td>
<td>22,059</td>
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<td>141,728</td>
<td>761,436</td>
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<td>25.17%</td>
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<td>Burnie</td>
<td>24409</td>
<td>110,014</td>
<td>25,617</td>
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<tr>
<td>Central Coast</td>
<td>28111</td>
<td>126,458</td>
<td>29,422</td>
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</tr>
<tr>
<td>Circular Hid</td>
<td>9525</td>
<td>42,132</td>
<td>9,803</td>
<td>1.66%</td>
</tr>
<tr>
<td>Devonport</td>
<td>82225</td>
<td>145,278</td>
<td>33,801</td>
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</tr>
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<td>kentish</td>
<td>2605</td>
<td>16618</td>
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<tr>
<td>King Island</td>
<td>1920</td>
<td>8325</td>
<td>1,537</td>
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</tr>
<tr>
<td>Iatrobe</td>
<td>11245</td>
<td>50,850</td>
<td>11,831</td>
<td>2.00%</td>
</tr>
<tr>
<td>Waratah Wynyard</td>
<td>16653</td>
<td>75,020</td>
<td>17,454</td>
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<tr>
<td>West Coast</td>
<td>10696</td>
<td>47,996</td>
<td>11,167</td>
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<td>Total CMW</td>
<td>137,129</td>
<td>617,781</td>
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<td>Brighton</td>
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<td>78331</td>
<td>18,220</td>
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<td>2843</td>
<td>13316</td>
<td>3,098</td>
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<tr>
<td>Clarence</td>
<td>62354</td>
<td>28,2719</td>
<td>65,778</td>
<td>11.06%</td>
</tr>
<tr>
<td>Derwent Valley</td>
<td>7675</td>
<td>34699</td>
<td>8,073</td>
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<tr>
<td>GSB</td>
<td>11655</td>
<td>53266</td>
<td>12,933</td>
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<td>Glenorchy</td>
<td>61117</td>
<td>278,105</td>
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<td>64,614</td>
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<td>12,691</td>
<td>2.12%</td>
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<td>157,831</td>
<td>36,721</td>
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<td>Sorell</td>
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<td>9,675</td>
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<td>4264</td>
<td>19852</td>
<td>4,619</td>
<td>0.76%</td>
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<td>Tasman</td>
<td>284</td>
<td>1290</td>
<td>300</td>
<td>0.05%</td>
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<td>Total SW</td>
<td>284,264</td>
<td>1,293,236</td>
<td>300,887</td>
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<td>Grand Total</td>
<td>563,121</td>
<td>2,672,453</td>
<td>621,778</td>
<td>100.00%</td>
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House of Assembly Standing Committee on Community Development

Inquiry into Local Government Elections

February 2012

Contact:
Dr Katrena Stephenson – Policy Director
GPO Box 1521, Hobart 7001
Ph: 03 6233 5973
Introduction

The Local Government Association of Tasmania (LGAT) is the representative body of Local Government in Tasmania. Established in 1911, the LGAT is incorporated under the Local Government Act 1993 with membership comprising 28 of the 29 Tasmanian councils.

The objectives of the Association are:-

− To promote the efficient administration and operation of Local Government in the State of Tasmania;
− To watch over and protect the interests, rights and privileges of municipal Councils in the State of Tasmania;
− To foster and promote relationships between Local Government in the State of Tasmania with both the Government of Tasmania and the Government of the Commonwealth of Australia;
− To represent the interests of the members of the Association generally, and in such particular matters as may be referred to the Association by its members; and
− To provide such support services to the members of the Association as the Association may by resolution in meeting determine.

General Comments

This submission is based on the formal policy position of the LGAT as determined through a vote at a General Meeting. It represents a majority rather than unanimous position of the sector. Member councils have been encouraged to make their own submissions to the Inquiry.

History

Motions in support of compulsory voting have been considered by LGAT members on a number of occasions, particularly during the review of the Local Government Act 1993 and at the 2008, 2010 and 2011 General Meetings associated with the LGAT AGM and Annual Conference.

At the Annual Local Government Conference in 2008, the then Premier, David Bartlett announced that his Government would be introducing compulsory voting for Local Government. A working group was formed, with LGAT represented, and a discussion paper released to councils for comment.

Although LGAT was represented on the Working Group, compulsory voting was not supported by LGAT on the basis of its present policy position. However, a recommendation by others on the Working Group was submitted to the Premier favouring compulsory voting.

The State Government has argued that compulsory voting at Local Government elections would result in:

- Significantly increased voter turnout.
- Greater involvement in local government issues.
- Enhanced status of local government.
- Councils that are more representative of the broader community.
However, evidence to support those arguments is scarce for all but the issue of voter turnout and even that must be treated with some caution given that some Tasmanian councils are already attaining turn-out rates equivalent to those experienced where compulsory voting is in place.

For information, a brief comparison of Local Government election conditions and turn out to other jurisdictions is provided in Appendix 1.

The outcome of the most recent vote on the matter by LGAT members, on 20 July 2011, was as follows: The motion was LOST: 22/31 (see Table 1).

| Table 1: Record of votes on compulsory voting at LGAT General Meeting July 2011* |
|---------------------------------|-----|-----------------|-----------------|
| Councils For                    | Card| Vote            | Councils Against| Card| Vote |
| George Town Council             | Red | 1               | Burnie City Council | White | 2   |
| Launceston City Council         | Green | 4               | Circular Head Council | Red | 1   |
| West Tamar Council              | Blue | 3               | Central Highlands Council | Red | 1   |
| Huon Valley Council             | White | 2               | West Coast Council | Red | 1   |
| Hobart City Council             | Green | 4               | Latrobe Council | White | 2   |
| Derwent Valley Council          | White | 2               | Dorset Council | Red | 1   |
| Central Coast Council           | Blue | 3               | Sorell Council | White | 2   |
| Kentish Council                 | Red | 1               | Clarence City Council | Green | 4   |
| Northern Midlands Council       | White | 2               | Kingborough Council | Blue | 3   |
|                                 |     |                 | Flinders Council | Red | 1   |
|                                 |     |                 | Tasman Council | Red | 1   |
| Glamorgan Spring Bay Council    | Red | 1               | Meander Valley Council | White | 2   |
|                                 |     |                 | Break O’Day Council | Red | 1   |
| Devonport City Council          | Blue | 3               | Brighton Council | White | 2   |
| Waratah Wynyard Council         | White | 2               | Southern Midlands Council | Red | 1   |
| Total                           | 22  |                 | Total           | 31   |

*King Island Council were not present at the Meeting.

The 2011 vote on the matter reflected a shift away from support for compulsory voting compared to 2010 (i.e. less councils voted in support of the motion).

**LGAT Position**

The Local Government Association of Tasmania does not support compulsory voting in Local Government Elections as determined through a vote of members.

Reservations around the introduction of compulsory voting are linked to the following:

- The introduction of postal voting resulted in a significant increase in the number of people voting in Local Government elections. This is done on a voluntary basis because people want to vote and to be involved. The introduction of compulsory voting might marginally increase the number of people voting but it would also bring with it the responsibility to pursue those who do not vote and the consequent enforcement costs.

- Compulsory voting has the potential to result in increased informal voting as people are being forced to vote rather than exercising their democratic right by choice.

- Compulsory voting may lead to an increase of party politics in Local Government with detrimental effect on community representation.
Regardless of the lack of support from the Local Government Sector for compulsory voting, a number of key issues would need to be resolved should the State Government decide to move forward. These include:

- Postal or Ballot box? (integrity of the system vs cost and intensity).
- Relationship with other electoral reforms – eg terms of Mayors, all in – all out.
- The voting franchise ie, is voting limited to individuals in the same way as State and Federal elections or do businesses continue to have a vote?
- Do property owners in different municipalities have a vote per property or a single vote as per other elections?
- Will the absentee landlord living outside the state or country be liable to a non-voting penalty?
- Cost vs benefits of implementation and compliance.
- Penalties for non-compliance and identification of acceptable reasons for failure to vote.

Further, it should be noted that a feature of the conversations between the State Government under David Bartlett’s Premiership was that the State Government would meet any new costs related to implementation, compliance monitoring and enforcement.

The Local Government Division have estimated (in the Joint Working Group Issues Paper) that “compulsory voting would cost an additional 20 per cent and compulsory attendance voting would double the current cost of local government elections”\(^1\).

\(^1\) Although this might be reduced if elections were held every four years instead of every two years.
### APPENDIX 1.

<table>
<thead>
<tr>
<th></th>
<th>COMPULSORY</th>
<th>% OF RETURNS AT LAST ELECTION</th>
<th>PARTY POLITICAL</th>
<th>TERMS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TAS</strong></td>
<td>NO</td>
<td>Average statewide participation rate of 54.31% in 2011. Best return rate was 77.52% Postal Voting</td>
<td>No, although some ‘green’ candidates in recent elections</td>
<td>Four Years Half in, half out every two years October 2007. Popularly elected Mayors and Deputy Mayors. Two year terms. Mayors/Deputy Mayors must be elected to council.</td>
</tr>
<tr>
<td><strong>NSW</strong></td>
<td>Yes for residents, optional for non-resident ratepayers.</td>
<td>Average overall participation rate 83.4% in 2008. Attendance Voting</td>
<td>Yes, parties can register</td>
<td>Four Years. All in-all out. May be popularly elected Mayor. A Mayor is councillor by virtue of being a Mayor. 4 year Mayoral terms if popularly elected. 1 year Mayoral terms if councillor elected.</td>
</tr>
<tr>
<td><strong>QLD</strong></td>
<td>Yes</td>
<td>79.6% (Postal Voting), 85% (Attendance Voting)</td>
<td>Yes</td>
<td>Four Years. All in-all out. March 2008. Popularly elected Mayors with 4 year terms.</td>
</tr>
<tr>
<td><strong>WA</strong></td>
<td>No</td>
<td>Average participation rates 33.4% in 2009 (Postal Voting). (2011 figures not yet on electoral commission website)</td>
<td>No</td>
<td>Four Years Half in, half out every two years Mayors may be popularly elected or council elected.</td>
</tr>
</tbody>
</table>
Postal voting only fully rolled out in 2011.

| State | Allowance | Average Participation Rate | No, although six endorsed ‘green’ candidates at recent elections | Term
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>SA</td>
<td>No</td>
<td>32.9% in 2010</td>
<td>Fours years. All in-all out.</td>
<td></td>
</tr>
<tr>
<td>NT</td>
<td>Yes</td>
<td>49.8%</td>
<td>Fours years.</td>
<td></td>
</tr>
<tr>
<td>VIC</td>
<td>Yes, for those on roll which includes residents</td>
<td>74.68% (Postal Voting) vs 70% (Attendance Voting)</td>
<td>Four years. All in-all out.</td>
<td></td>
</tr>
</tbody>
</table>
Progress Update
Regional Planning Initiative and Planning Reform

Prepared by the Tasmanian Planning Commission, February 2012
for the Local Government Association of Tasmania

Regional Planning Initiative (RPI)
Memoranda of Understanding (MOU) signed between the then-Minister for Planning and the three regional council organisations and their member councils specified four basic reforms under the Regional Planning Initiative (RPI). Subsequent amendments to the Land Use Planning and Approvals Act 1993 specified two additional elements of the RPI reform program to be undertaken by the Tasmanian Planning Commission (TPC).

Progress with each of these six reform elements is documented below. While completion of these elements has exceeded original timeframes envisaged in the respective MOU’s, the regional council organisations, Councils and the TPC recognise the significant workload and complexity associated with such comprehensive reform.

The results delivered so far represent a significant commitment by local government to bring all new schemes into alignment with state and regional planning scheme templates and regional land use strategies.

This hard work has, and is continuing to, produce positive results. The following progress updates the key reform elements in the order in which they have been completed or are targeted to be completed.

1. **Revised Single Planning Scheme Template for Tasmania (Planning Directive No.1)**

Preparation of the draft Template commenced in August 2009 and the formal assessment process was completed in May 2011, when the Minister for Planning approved the Planning Directive.

The Template provides the foundation for all planning schemes in Tasmania to have a consistent structure and format. It reforms the way land use and development is addressed and drafted in new interim planning schemes. It is designed to create greater consistency, certainty and clarity in planning schemes across the State.

The performance of the Template will be monitored and further refinements made overtime, as required.

2. **Regional Land Use Strategies**

The three strategies have been prepared by the three regional council bodies and councils; independently assessed by the Tasmanian Planning Commission (TPC); and declared by the Minister for Planning in October 2011.

This is the first time in Tasmania’s history that Councils in each region have joined together and prepared a regional land use strategy that will be implemented through new interim planning schemes.
A central element of this reform is the establishment of an ongoing governance arrangement to ensure the performance and currency of regional strategies is maintained. This is addressed in item 6 below.

3. **Regional Model Planning Schemes**

   The regional model planning schemes provide the regional layer of consistency in the population of the statewide planning scheme template. The aim is to further increase the level of consistency in the content of planning schemes within each region. The principal objective is for planning scheme provisions to be regionally consistent unless there is a sound strategic reason for them to be different.

   The northern region has completed its regional model, including informal comment by the TPC.

   The cradle coast region has submitted its draft regional model to the TPC for comment and is expected to forward a final draft to member Councils in the first half of 2012.

   The southern region has prepared the first draft of its regional model and is currently conducting Council consultations and legal vetting of the draft prior to it being submitted to the TPC for comment.

   In the same way that the statewide Template will be monitored, the performance and content of each regional model will be regularly reviewed and, as required, updated to achieve greater consistency, certainty and clarity.

4. **Interim Planning Schemes**

   The final critical element of the RPI is the preparation and finalisation of interim planning schemes consistent with the statewide Template, the regional model planning schemes and regional land use strategies.

   Councils in the northern region are very close to finalising and submitting their interim schemes to the TPC for comment. Following consideration of the TPC’s comments, the regional council bodies and Councils will forward their schemes to the Minister for declaration. The formal assessment of interim schemes, including public representation and hearing processes will then commence.

   It is understood that the cradle coast region is targeting mid-year for the completion of exposure drafts of their Councils’ interim schemes.

   The southern region is targeting 30 June 2012 for all Councils to have workedshopped the first draft of their respective interim schemes and April 2013 to submit the final drafts to the TPC for comment.

5. **Statewide Planning Provisions, including Codes**

   The first statewide planning code on single residential dwellings on a single lot was finalised and incorporated into existing planning schemes through a planning directive issued in August 2011. The code is also ready for inclusion in interim planning schemes although some of the standards will be amended to bring them into line with modifications made to the standards relating to existing planning schemes.

   A further five statewide planning codes (bushfire, landslide, flooding, contamination, and road and rail) are being formally assessed by an independent panel. The panel is currently finalising the bushfire code and redrafting elements of the landslide code after detailed consultations with Councils, state agencies, industry representatives and relevant professionals.
It is anticipated that formal assessment of these codes will be progressively completed by mid-2012 although the independent panel has advised that there are complex legal issues to be resolved prior to completion of their assessments.

Additional statewide planning provisions and codes have been drafted covering multiple dwellings, coastal hazards, local historic heritage, attenuation distances and air quality, vegetation and water quality management, solar and wind energy, and telecommunications infrastructure. Background reports and clause notes on each matter were completed in September 2011.

The two priorities being progressed are multiple dwellings and coastal hazards. Advisory Committees have been established to conduct quality assurance and informal consultations with Councils and key stakeholders on both matters before being submitted to the Minister for Planning for approval to commence the formal assessment process.

Quality assurance and informal consultations on the remaining codes will be depend on the availability of resources.

6. Ongoing Regional Governance Structure

A draft discussion paper on regional governance principles, functions and options for ongoing integrated regional land use planning has been prepared following discussions with representatives of the three regional planning committees and the capital city steering committee.

Subsequent consultations with the northern and southern regions identified the need to prepare specific regional governance proposals. These discussion papers are currently being prepared for further consultation with Councils, the regional council bodies and Government agencies.

Legislative Reform Initiatives

The TPC has established a Legislation Review Committee to oversee the legislation review program. The Committee has considered a list of potential legislative amendments to planning related Acts, particularly the Land Use Planning and Approvals Act 1993 (LUPAA). The Committee will present a draft list of possible amendments to the Commission at its March 2012 meeting.

Many of the amendments have been generated from issues raised by local government, for example, improved enforcement provisions in LUPAA.

The amendments have been categorised as short, medium or long term depending on their priority and complexity.

There will be opportunities for local government and other stakeholders to comment on the proposals throughout the review program.
Caravan Parks – FAQs (from 2 December 2011)

- **If this Directions Paper applies to councils, why doesn’t it apply to State Government run camp sites, operated by entities as Parks, Hydro and Forestry?** It has been acknowledged by working group members, including Treasury, that if ‘tested’, the same competitive neutrality principles would apply to state government run camping sites. The reason this is not touched upon in the Paper is because the development of this document came about as a result of the meeting held by councils in June, and a request from those councils that attended to provide a document that would assist in this space; hence the specific focus on trying to assist councils. I have been verbally informed by Treasury however that state government departments will be informed of their obligations in relation to competitive neutrality.

- **Collecting fees will be very difficult in some cases. What about instigating a statewide approach? i.e. develop a system whereby visitors to the state can purchase a camping ‘pass’ which allows them to stay at a multitude of sites around the state, most likely for a maximum period (e.g. 48 hrs or similar) without having to pay ‘onsite’ as they go.** This is an idea that could be developed further. This was raised in a meeting I attended with councils from the Cradle Coast region last week. Certainly there is a potential opportunity here to capture the patronage of the growing market if we can promote Tasmania as a caravan and campervan friendly destination with buy in from all regions and operators. This certainly warrants further discussion, and could perhaps be driven from a tourism perspective. It is important to note that the Directions Paper is aimed at equipping councils with the requisite information to abide by the competitive neutrality principles as they currently apply to council business activities, whilst encouraging councils to discuss with their communities and local business sectors the sorts of approaches and solutions that will work in practice in their area.

- **The definition of ‘Significant Business Activity’ (SBA) should be reconsidered by state government.** There has been some discussion about the way the Tasmanian Government defines a SBA; when the national competition agreement was signed by the Commonwealth and the states, it was left to the states to determine SBAs within their jurisdictions. Some states such as NSW, have placed a monetary threshold against the term: i.e. if the business activity has a turnover over $2M pa, it is deemed ‘significant’. In Tasmania, the term is defined by looking at the market within which the business activity operates, and determining whether that market is competitive or potentially competitive. This allows for a comparison of all markets, no matter what the turnover of the government activity, which obviously allows for much smaller operations to be captured. Some councils are looking to make submissions which suggest that the state government should reconsider its definition of SBAs.

- **There has been a suggestion that the CMCA should be approached and some of their ‘criteria’ for ‘RV Friendly Town’ status highlighted as problematic i.e. the need for camp sites to be between $5-$10 and for them to be located in close proximity to a number of amenities and services.** This is something LGAT has taken on board, and I’m happy to discuss further with councils whether they would like us to approach CMCA on their behalf to talk about the situation in this state and what is realistic in our circumstances. I’m also aware that if we were to look at progressing the notion of a statewide approach as outlined above, this may alleviate some of this issue
- **Is the approach outlined in the Directions Paper ‘compulsory’?**  Technically, the Directions Paper has been developed in order to assist councils to adhere to competitive neutrality principles; ultimately this will aid councils to avoid further complaints being made to the economic regulator on this issue. The Regulator itself has no power to ‘enforce’ its findings, but does refer findings to the Minister for Local Government. At this point in time the state government is trying to take the ‘encourage’ approach and allow councils to implement the actions outlined in the Directions Paper, without resorting to state-wide regulation or more firm-handed approaches. It is fair to say however, that if future complaints in relation to competitive neutrality are made and upheld by the Regulator, the State Government is likely to look at other methods of enforcement, which may not give councils the same level of autonomy. N.B. that’s me talking by the way, not as a mouthpiece for SG – I don’t actually know definitely how SG would respond if further complaints were upheld!

- **State Policy versus LGAT Policy:** it’s worth mentioning for the sake of clarification that the policy behind competitive neutrality principles outlined within the Directions Paper, and other state government published documents referred to within it, relate to state government policy. The LGAT RV Policy document attached to the Directions Paper refers to competitive neutrality as a principle that needs to be taken into account, however it is not an ‘LGAT Policy’ as such. Just useful to bear this in mind in terms of context for submissions etc. and I have noticed a little confusion on that issue!
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<th>Mar</th>
<th>Apr</th>
<th>May</th>
<th>Jun</th>
<th>Jul</th>
<th>Aug</th>
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<td>End 9 Mar</td>
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<td>Region end Feb</td>
<td></td>
<td>pre NAMS training</td>
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<tr>
<td>NAMS.Plus Training</td>
<td>Hobart</td>
<td>Week of 7th</td>
<td>Week of 18th</td>
<td>July 24</td>
<td>Aug 21</td>
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<td>Week of 21st</td>
<td>Week of 18th</td>
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<td>Burnie</td>
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<tr>
<td>AM4SRRC Training</td>
<td>Hobart</td>
<td>Week of 21st</td>
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<td>NAMS Plus Refresher</td>
<td>Hobart</td>
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<td>Week of 18th</td>
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<tr>
<td>GM/ Staff Seminar  1-4pm</td>
<td></td>
<td></td>
<td>Week of 16th</td>
<td>hobart, launceston and burnie</td>
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<tr>
<td>Elected Member Seminar  5-9pm</td>
<td></td>
<td></td>
<td>Week of 16th</td>
<td>hobart, launceston and burnie</td>
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<tr>
<td><strong>Advertising</strong></td>
<td><strong>Careers Booth</strong></td>
<td>Develop a custom designed careers booth for the Think Big Work Local campaign. Purchase a banner to match the Think Big Work Local campaign.</td>
<td>Transportable banner wall booth, and pull up lectern banners with branding have been designed and are being fabricated in Feb 2012.</td>
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<td>A touchscreen computer is held at user height on a stand and the campaign website is displayed on the screen for careers expo use.</td>
<td>The whole kit can be sent to councils in 3 secure containers.</td>
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<tr>
<td><strong>Advertising</strong></td>
<td><strong>Careers Fairs</strong></td>
<td>Attend 5 careers events.</td>
<td>Attended 8 careers events, including UTAS. UTAS foreign students showed interest in council work. High schools responded to use of prizes for filling in a simple marketing survey. No college careers events were discovered 2010-2012. Australian Computer Society event attracted 2 job seekers to apply for a council vacancy.</td>
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<tr>
<td><strong>Advertising</strong></td>
<td><strong>Careers Website</strong></td>
<td>Update information to students on training courses available for 2010/11.</td>
<td>Updated information to students on training courses for 2011/12.</td>
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<td>Add job seekers email alert function and other marketing, for site visitors registering details.</td>
<td>Not possible to date due to consultants for SALGA becoming unavailable to create software through the project period. Benefit of pursuing this option has decreased as many councils have moved away from the Unity brand of website software created to link them previously. These councils cannot be linked easily.</td>
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<td>New careers testimonials (video files) from Tasmanian council staff and add to the website.</td>
<td>4 careers website videos are being created in February 2012 by consultants.</td>
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<td>New careers testimonials (text and photos) and add to the website.</td>
<td>New careers testimonials will be created on volunteers used in the videos.</td>
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<td></td>
<td>Increase visual interactivity and add new viewer customised functions to the website.</td>
<td>Incomplete at this stage.</td>
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<tr>
<td><strong>Advertising</strong></td>
<td><strong>Other</strong></td>
<td>Investigate other advertising to support campaign: editorial, cinema, internet, bus/taxi backs, print, radio, billboards.</td>
<td>Incomplete at this stage.</td>
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<tr>
<td>Advertising</td>
<td>Television Commercial</td>
<td>Create new advertisement derived from the old.</td>
<td>New advertisement derived from old footage proved unfeasible.</td>
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<td></td>
<td>Screen television commercial for 4 weeks.</td>
<td>Screened television advertisement on all commercial channels and SBS. Duration of advertising was increased to 6 months by lowering frequency, and lower prices being negotiated.</td>
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<td>Decide advertising strategy.</td>
<td>Advertising strategy is that: moderate level TV advertising against selected quality programs, at any time of year is sufficiently effective to maintain 1350 unique web visits per month. Time of year matters little, because on average vacancies rise to a plateau in January and only diminish briefly for the Christmas New Year holiday and then return to a plateau again and repeat. In 2011 peaks were observed. These are consistent in timing with the rush to complete work before Christmas, and pre and post financial year effects.</td>
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<tr>
<td>Data</td>
<td>Annual Tasmanian Councils Workforce Survey</td>
<td>Coordinate survey with all councils to gather workforce data (position title, DOB, sex, ethnicity, training etc.).</td>
<td>In consultation with council HR officers a survey template was produced, distributed. Over 20 councils have returned the survey, 1 council officer has indicated participation is not possible due to resource issues. As a result we cannot model the council workforce, but will instead use the data to produce a study. Awaiting the last of council survey returns. A technical report will be produced that summarises the study.</td>
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<td>E-newsletter</td>
<td>Maintain monthly contact with careers contacts in councils.</td>
<td>Ongoing.</td>
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<tr>
<td>Data</td>
<td>Individual Council Workforce Planning Surveys and Reports</td>
<td>Conduct workforce planning surveys on part of 2 council’s workforces, to a limit of 150 staff in total.</td>
<td>No council requested a workforce planning survey and report. A previous request was completed in project period however, the council Workforce Development Officer worked with UTAS to extend the LGAT method to the whole of the council. Report was produced for the council. Surveys and report are a good tool however there was</td>
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<tr>
<td>Data</td>
<td>Job Advertisements Figures</td>
<td>Monitor the Mercury, Examiner and Advocate, and LGAT website job advertisements for 12 months. Produce a summary of figures.</td>
<td>Completed.</td>
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<tr>
<td>Data</td>
<td>LGAT Website</td>
<td>Support management capacity to retain and recruit staff by placing previously identified resources on LGAT website.</td>
<td>Incomplete at this stage.</td>
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<tr>
<td>Data</td>
<td>Policy Input</td>
<td>Have input only to high priority forums dealing with workforce.</td>
<td>Completed.</td>
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<tr>
<td>Data</td>
<td>Skills &amp; Training Working Group</td>
<td>Meet bi-annually.</td>
<td>After a planned meeting failed attract sufficient numbers, a 2010 meeting was cancelled. After phone and email contact it was decided to the group should receive email bulletins, along with a wider audience of corporate and HR officers in all councils. The group was created prior the 2008-2010 careers project, once the schedule of work was set this group had insufficient reason to donate time to travelling and meet. Some retirements, job changes also occurred. Discontinue.</td>
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<tr>
<td>Data</td>
<td>Student/Public Survey</td>
<td>Public awareness survey of council careers.</td>
<td>Utilising the careers events audience we conduct a simple marketing survey that determines reach of advertising, understanding on what council does, and willingness to work for a council. Results available at the end of the project.</td>
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<tr>
<td>Training</td>
<td>Policy Input</td>
<td>Attend significant meetings on training policy.</td>
<td>Attended meetings to deliver policy input to Commonwealth and State on training policy for local government.</td>
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<tr>
<td>Training</td>
<td>Training Advice Service</td>
<td>Advise management and staff in response to requests for.</td>
<td>Advised management and staff in response to requests for information on any National (AQTF) VET and UTAS training:</td>
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<td>• course availability</td>
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<td>• course costs</td>
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<tr>
<td>Training</td>
<td>Training and Pathways Map</td>
<td>Update and distribute training and pathways information into a visual map for use by council HR and managers, careers advisors and training providers.</td>
<td>Created a number of maps of training system, funding and pathways information. Copies of map diagrams are available.</td>
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<tr>
<td>Training</td>
<td>Training Broker Service</td>
<td>Manage funding applications, for up to 100 students. Advise management and staff on:</td>
<td>Obtained a Commonwealth grant for $200,000 to pay for 50-90% of council costs for VET qualifications for 79 staff in 13 councils. The injection of money was used to help stimulate RTOs to offer new local government training. Four training partners are contracted with LGAT and GSA, including one NSW RTO which had to be brought in at short notice to replace the RTO that couldn’t fulfil part of its contract.</td>
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|               |                                           | • identify training funding sources  
• seek EOI from councils  
• develop submissions  
• help develop courses  
• administer funding (to a limit of 100 student places)  
• organise enrolments                                                                                                           |                                                                                                                                                                                                             |
<p>| Training      | Training Development &amp; Review Service     | Create some training content for shared use by all providers. Seek subject matter experts from within council and external to council.                                                                            | Learning manuals were produced to support RTOs to deliver VET level local government qualifications by supplying these core units free. Three complete drafts have been completed.                                           |
| Training      | University Research Topics                | Identify new research topics, seek EOI from council officers to act as mentors, seek UTAS School support and student uptake.                                                                               | We did not attract sufficient interest from students over two years.                                                                                                                                          |
| Training      | University Scholarships                   | If there is sufficient support for HECs free scholarships at UTAS                                                                                                                                                                                                 | We did not attract sufficient interest from councils over two years. Discontinue until demand is expressed.                                                                                             |</p>
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<th>Key Outcomes</th>
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<td>from the 2008 to 2010 project - then a course selection, staff numbers and locations will be managed.</td>
<td>Launceston City Council have created their own engineering scholarship to attract engineers north.</td>
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<td>Type</td>
<td>Item</td>
<td>Budget for 2 Years</td>
<td>Budget for 1 Year</td>
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<tr>
<td>Project Management</td>
<td>Project Manager including: on costs, administration.</td>
<td>$100,000</td>
<td>$50,000</td>
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<td>Project Management of the following.</td>
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<td>Advertising including: promote council jobs at careers events, maintain and grow website, student marketing survey/competition/prizes/draw.</td>
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<td></td>
<td>Data including: job adverts monitoring, technical report on relevant data from the project, update council workforce study.</td>
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<td>Training including: advice to councils on training system and grants, administer EBPPP grant, apply for and administer 1 new grant multiple councils, get LGATs training material into RTOs, VET in colleges and schools.</td>
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<td>Travel</td>
<td>$4,000</td>
<td>$2,000</td>
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<tr>
<td>Marketing</td>
<td>Advertising including: schedule TV commercial screening, add a scrolling banner to TV commercial to advertise student survey/competition, website hosting maintenance, freight for careers events, cost of survey/competition prizes.</td>
<td>$102,900</td>
<td>$51,450</td>
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<td>3-4 more website videos</td>
<td>$9,500</td>
<td>$4,750</td>
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<td>Bus tour (1 x pilot) for schools/college students showcasing council jobs</td>
<td>$13,500</td>
<td>$6,750</td>
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<td>Design A4 flyers on various careers, suitable for professional printing, and print</td>
<td>$19,000</td>
<td>$9,500</td>
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<td>Subtotal</td>
<td></td>
<td>$248,900.00</td>
<td>$128,450.00</td>
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<tr>
<td>Optional add-on</td>
<td>Centralise jobs advertising, auto post to council websites, auto orders newspaper advertising for individual councils</td>
<td>$88,000</td>
<td>$44,000</td>
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<tr>
<td>Total with add-on</td>
<td></td>
<td>$336,900</td>
<td>$168,450</td>
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5 April 2011

Mr Robert Dobrzynski
The General Manager
Launceston City Council
PO Box 396
LAUNCESTON TAS 7250

Dear Mr Dobrzynski

UNSIGHTLY ACCUMULATIONS

I refer to our recent telephone discussion. You have asked me to outline council’s powers (or lack thereof) in dealing with what might be described as accumulations of junk on private land when visible from public places, such as highways.

You outline to me that often council receives complaints about the accumulation of such things as cars, car bodies and car parts within the boundaries of private homes, particularly front yards. As I understand it council has had difficult in having such debris removed in a satisfactory way. Council does not consider that it has adequate statutory powers to deal with this.

As I further understand it a person or persons within the State Government disagrees and contends that there is more than adequate power which already exists.

Sections 199 – 204 of the Local Government Act 1993 deal with nuisances. Section 199 defines a nuisance as including:

“An unsightly article or rubbish”.

Clearly, depending on the facts, your example of car bodies in various states of dismantling may constitute an unsightly article or rubbish if visible from a highway and within the front yard of private land. Where that is so council, and I assume there is a relevant delegation in place, council’s delegate may serve a notice under section 200. The notice must be directed to the person whose act or default contributes to or causes the nuisance. If that person cannot be found the notice may be addressed to the owner or occupier of the land.
There are some prescriptive requirements of a notice which are set out at section 200(2). Amongst other things it must specify what action is to be taken to remove the nuisance and the period within which that is to occur.

By section 200(3) a person served with such a notice must comply with it unless an appeal is lodged. The penalty is 20 penalty units, a little over $2,000.

There is a right of appeal under section 200(5) within 14 days of service of the notice. The appeal must be lodged with the Magistrates Court. The appeal is against the existence of the nuisance or the asserted unreasonableness of the requirements of the notice.

After a hearing in the Magistrates Court a Magistrate may order that the person comply with the notice, may modify the notice or order that it be withdrawn.

By section 201 the General Manager may take such action as is necessary to abate the nuisance if the notice has not been complied with, amongst other things. For this purpose the council may by it’s employees or contractors enter the land and deal with the nuisance presumably by removing, in your example, the motor vehicles.

In addition to the imposition of a fine for noncompliance with an abatement notice the Magistrates Court may order the person to comply with it. There is a costs recovery provision at section 204.

In theory these provisions do empower council to deal with the types of nuisance which you have described. The problem is that the theory is much removed from the reality. Having to go to the Magistrates Court, on an appeal, is a costly and time consuming process. The Magistrates Court is not adequately resourced to deal with Local Government and land use planning matters. We have a Tribunal established expressly for the purpose of dealing with land use matters under the Resource Management and Planning Appeal Tribunal Act 1993. It is not however given jurisdiction under these provisions.

By contrast to the practices, procedures and speed of the RMPAT, appeals to the Magistrates Court tend to be:

- time consuming;
- technical; and
- costly.

The Magistrates Court has a different onus of proof. It is bound by the rules of evidence. It does not facilitate an early directions hearing. It does not have in place established practices and procedures for mediation. A Magistrate is no required to deal with an appeal within 90 days from the date that it is lodged.
All of these factors deter councils, in general, from seeking to enforce abatement notices in the Magistrates Court. Further even if the person who was served with the notice does not appeal, in order to have a fine imposed a council must prosecute in the Magistrates Court. This is also a complicated, costly and time consuming procedure. If a matter is successfully prosecuted then generally speaking only small fines are imposed, for first offences.

Thus I agree in theory that there is already ample power to deal with nuisances in the Local Government Act 1993. The problem is that the utilisation of these powers is technical and I suspect this deters most councils from taking the procedures which are prescribed. A simple amendment to these provisions so as to confer jurisdiction on the RMPAT would, I suspect, result in a much more enforceable, flexible and quick means of dealing with unsightly accumulations.

If you have more queries please contact me.

Yours faithfully,

S B McELWAINE