

SECOND
STATEWIDE PARTNERSHIP
AGREEMENT ON
COMMUNICATION AND
CONSULTATION
between the
STATE GOVERNMENT
and the
LOCAL GOVERNMENT ASSOCIATION OF TASMANIA
on behalf of
TASMANIAN COUNCILS



DECEMBER 2008

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

BETWEEN

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

1.0 BACKGROUND

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

2.0 PREAMBLE

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

The parties:

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

3.0 AGREED PRINCIPLES

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

4.0 DESIRED OUTCOMES

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

5.0 REPORTING, EVALUATION AND REVIEW

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

6.0 RESOLUTION OF ISSUES RELATED TO THIS AGREEMENT

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

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

By the Hon David Bartlett, MP
Premier

} _____

SIGNED for and on behalf of ALL TASMANIAN
COUNCILS

By Cr Michael Gaffney
President
Local Government Association of Tasmania

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1.0 PROCESSES FOR INTERACTION BETWEEN THE STATE GOVERNMENT AND LOCAL GOVERNMENT

Issues

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

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

Actions and timeframes

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

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

Links to Tasmania Together

Goal: 8

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

Links to the Local Government Association of Tasmania Strategic Plan

Key Result Area 1: Representation

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

2.0 CONSULTATION REQUIREMENTS FOR CABINET CONSIDERATION

Issues

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

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

Actions and timeframes

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

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

Links to Tasmania Together

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Links to the Local Government Association Strategic Plan

Key Result Area 1: Representation

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

3.0 CONSULTATION ON LEGISLATION

Issues

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

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

Background information

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

Actions and timeframes

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

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

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

Links to Tasmania Together

Goal: 8

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

Links to the Local Government Association Strategic Plan

Key Result Area 1: Representation

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

Key Result Area 2: Leadership

Provide leadership and promote continuous improvement in local government

4.0 COMMUNICATION ON BUDGETARY MATTERS

Issues

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

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

Actions and timeframes

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

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

Links to Tasmania Together

Goal: 8

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

Links to the Local Government Association of Tasmania Strategic Plan

Key Result Area: Finance and Resources

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

5.0 COMMUNICATION AND CONSULTATION ON COMMONWEALTH-STATE ISSUES

Issues

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

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

Actions and timeframes

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

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

Links to Tasmania Together

Goal: 8

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

Links to the Local Government of Tasmania Strategic Plan

Key Result Area: Finance and Resources

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

6.0 COMMUNICATION AND CONSULTATION RELATED TO ONGOING SERVICES AND FUNCTIONS

6.1 STRATEGIC ISSUES

Issue

The parties agree the key issues to be addressed are:

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

Background

The matters listed in this schedule are strategic issues of mutual interest between the State Government and local government. They are key areas of activity which the State Government and local government will focus on over the next 12 months.

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

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

PREMIER'S LOCAL GOVERNMENT COUNCIL (PLGC)

The parties are committed to joint communication and cooperation through the PLGC and to this end are committed to progressing the following priorities of the PLGC annual work plan.

Water and Sewerage Reform

The PLGC has agreed that there are benefits to be achieved from reforming the water and sewerage sector and that there are significant challenges facing the sector in some parts of Tasmania.

The PLGC will continue to play a role in the reform of the water and sewerage sector by providing advice and support in the implementation of the *Water and Sewerage Industry Act 2008* and the *Water and Sewerage Corporations Act 2008*.

Local government sustainability

The PLGC has agreed that the State Government and local government will work together to identify and address, in an integrated way, a number of issues that are impacting on the broad sustainability of services and outcomes for local communities.

This is being progressed through the *Stronger Councils, Better Services* initiative. The aim of the initiative is to strengthen local government throughout Tasmania and in 2008-09 the State Government will contribute \$200 000 towards this initiative.

The LGD will work with LGAT and councils to:

- strengthen the financial sustainability of the local government sector through improved financial and asset management practices, implementation of the National Financial Sustainability Frameworks, and national financial arrangements for the local government sector
- improve governance in the local government sector
- improve service delivery of councils by promoting and supporting resource sharing and innovation.

Climate Change

The PLGC considers that climate change is a major issue for governments that requires joint work and collaboration. The PLGC has endorsed the following proposed actions:

1. that local government consider adopting the principles in the framework for action prepared by Dr Kate Crowley for the State Government
2. that the State Government and local government work together to:
 - a. share methodologies on assessing the carbon footprints of local councils
 - b. undertake joint community consultation and education programs
 - c. assess the impact of climate change scenarios on local government infrastructure and develop workable adaptation strategies, with particular reference, but not limited to, coastal impacts and remedies
 - d. share knowledge gained from successful climate change initiatives across jurisdictions, as well from and within the community.

These actions are being progressed through a statewide partnership agreement on climate change.

Housing Affordability

The State Government will work collaboratively with local government to maximise the impact of affordable housing initiatives. The PLGC has agreed to:

- explore the potential for collaborative or individual applications for HAF funding (Housing Affordability Fund), including the development of innovative projects under the scheme
- support cooperation between the State Government and local governments to:

- streamline planning and infrastructure requirements for affordable housing developments under HAF, the National Rental Affordability Scheme and A Place to Call Home
- share information to facilitate land audits and National Housing Supply Council initiatives.
- support a collaborative approach between the State Government and local government to pursue initiatives and innovation in delivering affordable housing:
 - through identification of land for release or rezoning
 - by reducing costs and increasing efficiencies in planning and infrastructure through addressing contributing factors such as skill shortages, streamlining council planning processes, and reviewing lengthy appeal mechanisms
 - through the provision of Commonwealth incentives to local councils to lower infrastructure and regulatory burdens currently priced into the cost of a new home.

Population Ageing

The PLGC recognises the implications for State and local government policy and will continue its work on population ageing through the Tripartite Agreement for Population Ageing in Tasmania and involvement in the Demographic Change Advisory Council.

Planning Policy and Legislation

The PLGC will continue to provide a forum for discussion on the Better Planning Outcomes program and continue to have input into the State Policy on the Protection of Agricultural Land.

COMMUNITY WELLBEING

Social Inclusion

The State Government is committed to developing solutions to disadvantage that deliver practical results in the Tasmanian community. It promotes inclusive communities where all people are kind and connected and can participate in the social and economic life of Tasmania.

Local government has an important role in developing these solutions. The Social Inclusion Unit (DPAC) will:

- consult with councils and LGAT on social inclusion to address disadvantage in Tasmania
- work with councils to raise awareness that a whole-of-community response is required to address issues of homelessness and literacy
- work with councils to share information and identify opportunities for social inclusion in the development of the State Government's Social Inclusion Strategy.

Stronger Learning Pathways

The State Government is committed to enabling communities and regions to plan for, develop, attract and retain the skills required to meet local community and industry needs.

The Department of Education (DoE) will work with councils on initiatives that support *Tasmania: A State of Learning*, the State Government's strategy for post-year-10 education and training, specifically:

- increasing the employment of apprentices and training
- increasing participation rates in post-year-10 education and training activities
- supporting local area taskforces in fostering responsive and coordinated service delivery for young Tasmanians aged 15-24 years.

6.2 GENERAL ISSUES

Issue

The parties agree the key issue to be addressed is:

- further strengthening and development of positive and collaborative working relationships between the State Government and local government to optimise outcomes for Tasmanian communities.

Background

Since the first bilateral partnership agreements between the State Government and local governments were signed in 1999, there have been matters that involve ongoing communication and consultation between State agencies and councils, or communication and consultation under certain circumstances. These matters have generally been listed in every bilateral partnership agreement.

It has been agreed that such matters are best addressed through the protocols and guidelines established through this statewide partnership agreement rather than listed in every bilateral agreement. This will reduce the workload for both parties and provide an effective framework for ongoing work on these matters. The matters are:

LAND AND ENVIRONMENT

Natural Resource Management

The Department of Primary Industries and Water (DPIW) will work with councils to effectively implement the Natural Resource Management Framework.

Land Information Data Sharing

DPIW will work with councils to facilitate:

- the development of service level agreements, which will encompass and expand upon existing data share agreements between the State Government and councils relating to the sharing of land information
- improving the accuracy of attributes relevant to land information in which both the State Government and councils have a mutual interest.

Biosecurity Emergency Preparedness

DPIW will work with councils to prevent, prepare for, and if necessary respond to and assist recovery from, a biosecurity emergency that may include an outbreak of an emergency animal disease, an emergency plant pest or a marine pest emergency. This could include identification and approval of potential sites for mass disposal of carcasses and other waste and access to support resources such as forward command post sites.

Environmental Complaints

The Department of Environment, Parks, Heritage and the Arts (DEPHA) will

work with councils to provide greater clarity with respect to which authority (for example, the Environment Protection Authority or councils) deals with different environmental complaints, such as noise from motor vehicles, pollution from pleasure craft and noise from licensed premises.

CULTURE AND HERITAGE

The Arts

Arts Tasmania (DEPHA) will work with councils to further develop cultural planning for their region and the involvement of artists in cultural development. Arts Tasmania would also like to work with councils in the development of opportunities for increased participation, employment and investment in cultural activities and culturally based enterprises.

Arts Tasmania would like to work collaboratively with councils on selected programs that it delivers, such as Tasmania Performs, Tasmanian Living Writers' Week, Tasmanian Living Artists' Week and Amplified.

Heritage Surveys

Heritage Tasmania would like to assist councils in a heritage survey of their municipal area to further explore the cultural heritage significance of the area and to work with Tourism Tasmania and councils to determine what, if any, new tourism ventures may arise from that information.

EDUCATION

Learning and Development

The Training Consortium, Public Sector Management Office (DPAC) will work with councils to enable liaison and information sharing in the area of learning and development, with a view to developing a closer working relationship between the State Government and councils in this area.

The key issues to be explored are:

- increasing the involvement and interaction between council and State Government staff through learning and development programs
- increasing the participation of council staff in learning and development programs organised by the State Government.

ECONOMIC DEVELOPMENT

The Department of Economic Development and Tourism (DEDT) will progress with councils the following business, investment and tourism-related initiatives:

- support for the growth and development of businesses
- improving the capacity of businesses to attract and retain skilled labour, respond to skills shortages and identify sustainable employment opportunities for the long-term unemployed and disadvantaged job seekers
- identifying and collaborating on new investment opportunities
- promoting the new statewide zone marketing approach to tourism

- collaboration on the impending Tourism Infrastructure Investment Project.

COMMUNITY WELLBEING

Tasmania *Together* 2020

The Tasmania *Together* Progress Board will work with councils, providing advice and information on how Tasmania *Together* 2020 goals and benchmarks can be incorporated into council strategic plans.

Positive Ageing

The Seniors Bureau (DPAC) will work with councils to:

- discuss positive ageing initiatives
- encourage councils to identify priorities and initiatives that support positive ageing either through the Positive Ageing Small Grants Program or other positive ageing initiatives for the municipal area.

Children and Youth Affairs

The Office of Children and Youth Affairs (DPAC) will work with councils to explore ways to achieve positive initiatives for supporting children and young people in decision making, specifically:

- liaising with councils on the further development and review of existing youth policies and strategies
- working with councils to raise awareness of the benefits of expanding their youth policies to include children (0-11 years)
- supporting councils to identify priorities and initiatives that could be funded under the following grant programs:
 - Child and Youth Advisory Services
 - National Youth Week
 - Include innovate, Develop
 - Tasmanian Early Years Foundation
- working with councils to explore ways to maintain sustainable Youth Advisory Committees.

Sport and Recreation

Sport and Recreation Tasmania (DEDT) will work with councils to ensure the sustainable provision of community sport and recreation infrastructure and opportunities through:

- the essential places and spaces project
- recreation planning guidelines
- the open space planning project
- the trails tool kit for planners and community groups
- the Tasmanian Physical Activity Plan.

INFRASTRUCTURE

Transport and Traffic

The Department of Infrastructure, Energy and Resources (DIER) will progress with councils the following transport and traffic related issues:

- consultation on B-double routes
- implementation of performance-based standards networks for freight vehicles in Tasmania, in accordance with COAG commitments
- early discussion and consultation on land use planning, and on industrial or commercial developments, that may impact on the State's road network and traffic flows.

Roads on Parks and Wildlife Service reserves

DEPHA will work with councils to maintain access roads which are on Parks and Wildlife Service reserves and which access rated properties.

Actions and timeframes

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

<i>Action</i>	<i>Timeframe</i>	<i>Lead Agency</i>
Appropriate communication and consultation on the above matters.	Ongoing	Relevant agency depending on the issue
Agencies will advise LGD, on an annual basis, of any instances of relevant communication and consultation.	Ongoing	Relevant agency depending on the issue
LGAT will provide feedback to LGD on omissions or gaps it becomes aware of in consultation or communication on the above matters.	Ongoing	LGAT
This schedule (6.0) will be reviewed annually for the purposes of adding or removing issues.	Annually	LGD/LGAT

Links to Tasmania Together

Goal: 8

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

Links to the Local Government Association of Tasmania Strategic Plan

Key Result Area 1: Representation

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

Key Result Area 2: Leadership

Provide leadership and promote continuous improvement in local government

7.0 RESOLUTION OF ISSUES RELATED TO THIS AGREEMENT

Issue

The parties agree the key issue to be addressed is:

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

Actions and timeframes

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

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

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

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Key Result Area 1: Representation

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APPENDIX 1: GUIDELINES FOR COMMUNICATION AND CONSULTATION BETWEEN THE STATE GOVERNMENT AND LOCAL GOVERNMENT

APPENDIX 1A CONSULTING AND COMMUNICATING WITH THE STATE GOVERNMENT - HOW AND WHY?

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

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

Communicating with the State Government

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

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

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

Consulting the State Government

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

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

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

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

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

How to consult the State Government

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

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

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

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

The second statewide partnership agreement on communication and consultation is available on the Local Government Division website at

http://www.dpac.tas.gov.au/divisions/lgd/plgc/communication_and_consultation_partnership_agreement.

APPENDIX 1B CONSULTING AND COMMUNICATING WITH LOCAL GOVERNMENT - HOW AND WHY?

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

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

Communicating with local government

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

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

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

Consulting local government

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

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

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

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

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

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

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

How to consult with local government

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

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

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

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

The second statewide partnership agreement on communication and consultation is available on the website at

http://www.dpac.tas.gov.au/divisions/lgd/plgc/communication_and_consultation_partnership_agreement.

APPENDIX 2: PROTOCOLS FOR CONTACT AND REPRESENTATION AT MEETINGS

APPENDIX 2A CONTACT

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

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

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

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

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

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

3. Officer communicates with officer

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

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

APPENDIX 2B REPRESENTATION AT MEETINGS

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

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

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

APPENDIX 3: DEFINITIONS

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