



Agenda  
Ordinary Council Meeting  
13 December 2023





## CERTIFICATION

"I certify that with respect to all advice, information or recommendation provided to Council with this agenda:

1. The advice, information or recommendation is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation, and;
2. Where any advice is given directly to Council by a person who does not have the required qualifications or experience that person has obtained and taken into account in that person's general advice the advice from an appropriately qualified or experienced person."

Note:

S65(1) of the *Local Government Act 1993* requires the General Manager to ensure that any advice, information or recommendation given to the Council (or a Council Committee) is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation. S65(2) forbids Council from deciding any matter which requires the advice of a qualified person without considering that advice.

Dated this 08 December 2023

Jade Boyes  
**ACTING GENERAL MANAGER**



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**FLINDERS COUNCIL ORDINARY MEETING – AGENDA**  
**Wednesday 13 December 2023 at 1.00PM**  
**Rose Garden Room, Flinders Arts and Entertainment Centre**

**1 Attendance**

**Elected Members**

- Mayor Rachel Summers
- Deputy Mayor Vanessa Grace
- Councillor Garry Blenkhorn
- Councillor Aaron Burke
- Councillor Carol Cox
- Councillor Peter Rhodes
- Councillor Ken Stockton

**Apologies**

Warren Groves | General Manager

**Staff and Consultants**

- Jade Boyes | Acting General Manager
- Sammi Gowthorp | Community Services Coordinator
- Richard Harley | Acting Infrastructure Manager
- Kyra Newman | Executive Assistant (Minute Taker)
- Sue Mythen | Executive Officer (Minute Taker)
- Jacci Smith | Development Services Coordinator

**2 Acknowledgement of Country**

The Mayor will begin by acknowledging the Traditional Owners of the land on which we meet today, the palawa people of the trawulwai Nation. She will recognise their continuing connection to the land, waters and culture of this island, and pay respects to Elders past, present and emerging.

**3 Confirmation of Minutes**

**3.1 Confirmation of Minutes - Ordinary Council Meeting 22 November 2023**  
**Annexures**

**RECOMMENDATION**

**That the Minutes from the Ordinary and Closed Council Meetings held on 22 November 2023 be confirmed.**



## **4 Public Question Time**

### **4.1 Public Question Time**

*In accordance with Section 31 (1) of the Local Government (Meeting Procedures) Regulations 2015 and the Flinders Council Public Question Time – Council Meeting Procedure, the following are to be adhered to at public question time.*

*Public Question Time is permitted at Ordinary Council Meetings, during which, members of the public may ask questions of the Council relating to Flinders Council matters.*

*The basis on which questions may be asked is:*

- 1. All questions will be addressed through the Chair (being the Mayor in normal circumstances) who will answer them as she/he sees fit. Under no circumstances will members of the gallery be permitted to address or question either elected members or officers of the Council. The Chair may delegate answers to the appropriate Councillor or staff member if required.*
- 2. Persons addressing the Chair must pay the respect due to that office. Failure to do so may mean their address is terminated without notice.*
- 3. Where the answer cannot be provided immediately, it will be provided in writing within 14 days and tabled at the following Ordinary Council Meeting.*
- 4. All questioners are encouraged to register their intent to question with the General Manager before the meeting. Preference will be given to those who have so registered.*
- 5. Question time shall not extend longer than 30 minutes and may be divided into two 15 minute sessions.*
- 6. The actual timing of the session(s) is to be immediately after the opening of the meeting and advertised with the notice of meeting.*

## **5 Response to Public Questions**

### **5.1 Response to Public Questions from 22 November 2023**

There were no public questions asked at the 22 November 2023 Ordinary Council Meeting.

## **6 Councillors' Questions Without Notice**

### **6.1 Councillors' Questions Without Notice - Minutes**

*Regulation 29 of the Local Government (Meeting Procedures) Regulations 2015 specifies that in putting a Question Without Notice a Councillor must not offer an argument or opinion, draw any inference or make any imputations except so far as may be necessary to explain the question. The Chairperson must not permit any debate of a Question without Notice or its answer.*

## **7 Responses to Councillors' Questions Without Notice**

### **7.1 Responses to Councillors' Questions Without Notice from 22 November 2023**

There were no Councillors' Questions Without Notice at the 22 November 2023 Ordinary Council Meeting.



## **8 Late Agenda Items**

*Under R8(6) of the Local Government (Meeting Procedures) Regulations 2015, the Council may, by absolute majority vote, consider late agenda items at this meeting.*

## **9 Declarations of Pecuniary Interest**

*In accordance with Regulation 8 of the Local Government (Meeting Procedures) Regulations 2015, Councillors are required to declare any pecuniary interest that they, or any of their close associates, may have in any matter appearing on the agenda, or any supplementary item to the agenda, before any discussion on that matter.*

## **10 Conflicts of Interest**

*In accordance with Part 2, paragraph 6 of the Local Government (Model Code of Conduct) Order 2016, Councillors are required to declare any conflict of interest, be in actual, perceived or potential, that they may have regarding any matter appearing on the agenda, or any supplementary item to the agenda before any discussion on that matter commences.*

## **11 Policies**

### **11.1 Adopted Policies**

The following Council policies were adopted at the 25 October 2023 Ordinary Council Meeting and no submissions were received throughout the 28 day public consultation period. As per the requirements of the Council Policy and Procedure Framework, the policies are now considered to be adopted:

- Customer Service Charter
- S-07 Visits - Cape Barren Island Policy



## 12 Workshops & Information Forums

### 12.1 Workshops & Information Forums

**Action** For Noting

**File Reference** COU/0205 Workshops & Information Forums

#### Council Workshop – 22 November 2023

Council held a workshop on the following subjects:

- Item 1 Waste Management Strategy
- Item 2 Northern Tasmania Development Corporation (NTDC) Presentation
- Item 3 Workshop Dates 2024
- Item 4 rPPP - Regional community precincts with local partners grant funding
- Item 5 General Manager's Update

Councillors	In Attendance
Mayor Rachel Summers	Yes
Deputy Mayor Vanessa Grace	Yes
Councillor Garry Blenkhorn	Yes
Councillor Aaron Burke	Apology
Councillor Carol Cox	Yes
Councillor Peter Rhodes	Yes
Councillor Ken Stockton	Apology

Staff and Consultants	In Attendance
Warren Groves   General Manager	Items 1-5
Sabrina Carter   Waste Supervisor	Item 1
Chris Griffiin   CEO NTDC	Item 2
Dr Allison Anderson   Chair NTDC Board	Item 2
Sammi Gowthorp   Community Services Coordinator	Items 1 & 4
Richard Harley   Acting Infrastructure Manager	Items 1-5
Jacci Smith   Development Services Coordinator	Item 4
Sue Mythen   Executive Officer (NoteTaker)	Items 1-5

#### Voting Requirement

Simple Majority.

#### RECOMMENDATION

That the Council Workshop held on 22 November 2023 be noted.



## 13 Publications and Reports Tabled for Information

### 14 Councillors' Reports

#### 14.1 Lady Barron Special Committee

<b>Action</b>	<b>For Noting</b>
<b>Councillor</b>	Cr Carol Cox
<b>File Reference</b>	COU/0204 Councillors
<b>Annexures</b>	Nil

#### **Councillor's Report**

The Lady Barron Special Committee (the Committee) and the Flinders Island RSL combined again this year to provide a Remembrance Day Service on the lawns beside the Memorial Garden at the Lady Barron Hall.

The Service was attended by around 30 people. This year the Committee members provided a morning tea with ANZAC biscuits and scones and cream to follow, enabling those attending a venue to catch up and have a chat following the service. This was a very successful addition to the service, and it is planned to do the same next year. A huge thank you to the Council staff for having the lawns freshly mowed for the service.

The Committee is especially excited that the Council application to the Open Spaces Grants Program has been approved and that the Lady Barron tennis court area will have a much-needed upgrade in 2024. The upgrade will include a new tennis court and fence, replacing the eastern most court as well as a BBQ facility. Whilst the grant will provide for the majority of the work to be completed the Committee will add community funding of around \$10,000 to this project. Thank you to all the community members who provided support letters for the grant application and on behalf of the committee and residents of Lady Barron, I send a special thank you to Council's Community Services Co-Ordinator, Sammi Gowthorp, for bringing the grant to the Committee's attention and for writing the grant application.

Cr Carol Cox  
Chair Lady Barron Special Committee

#### **Voting Requirement**

Simple Majority.

#### **RECOMMENDATION**

**That Councillor Carol Cox's Report on the Lady Barron Special Committee, as presented at the December 2023 Ordinary Council meeting, be noted.**





## 14.2 Sharp Access at Launceston Airport

<b>Action</b>	<b>For Noting</b>
<b>Councillor</b>	Cr Carol Cox
<b>File Reference</b>	COU/0204 Councillors
<b>Annexures</b>	Nil

### Councillor's Report

In October 2023 I started receiving complaints from Island residents that “parking” charges were being applied when they dropped-off/picked-up at the Launceston Sharp terminal, charges that had not previously been applied. I contacted Launceston airport staff in early November, receiving mixed messages and a promise of a phone back.

Through follow up conversations a meeting was set, and Councillors Grace, Stockton and Rhodes joined me in a Teams meeting with the Launceston airport staff. It was confirmed that the grace period for drop off through the undercover area had been reduced and apologies were offered that no notice had been given. The airport staff listened to our reasoning and committed to considering options. The CEO of Sharp Airlines has since advised the community that the grace period for drop off/pick up via the undercover park has been reinstated to 10 minutes and that the grace period using the drop off point in the open area car park has been increased to 20 minutes. Due to limited space the use of the open car park drop off is the preferred option.

We are having ongoing discussions with the Launceston airport staff to work through related issues, including communication of any changes.

Cr Carol Cox

### Voting Requirement

Simple Majority.

### RECOMMENDATION

**That Councillor Carol Cox's Report on the Sharp Access at Launceston Airport be noted.**



## 15 Mayor's Report

### 15.1 Mayor's Report

<b>Action</b>	<b>For Information</b>
<b>Councillor</b>	Mayor Rachel Summers
<b>File Reference</b>	COU/0600 Mayor's Report
<b>Annexures</b>	Nil

#### Appointments

Date	Description
13/11/2023	Furneaux Group Shipping Special Committee
20/11/2023	Meeting - Bay WA RE
21/10/2023	Dinner Meeting – Norther Tasmania Development Corporation (NTDC)
22/11/2023	Council Workshop
22/11/2023	Council Meeting
23/11/2023	Meeting – Flinders Island Business Inc. (FIBI)
24/11/2023	Meeting with community member
29/11/2023	Media Training

#### Correspondence In

Date	From	Subject
13/11/2023	Lynden Leppard, Local Government Association Tasmania (LGAT)	Interim Compliance Guidance Resource – Child and Youth Safe Organisations Framework
13/11/2023	Annette Dean, Regional Recovery Officer (North) Resilience and Recovery Tasmania   Policy and Delivery Division Department of Premier and Cabinet (DPAC)	Reminder: Evacuation Centre Training
13/11/2023	Rachel Williams, Editor – North-Eastern Advertiser	Regional Round-Up
13/11/2023	Emily Brophy-Brown	Minutes from LEG #3 – Early Childhood Education
13/11/2023	Ed Beswick, General Manager, Thrive Group	Duckpond Update
16/11/2023	Hon Nic Street, Minister for Local Government	Release of Future of Local Government Review Final Report
16/11/2023	Homes Tasmania	Release of Tasmanian Housing Strategy and Action Plan 2023-27
17/11/2023	Tasmanian Men's Shed Association	International Men's Day
19/11/2023	Planning Matters Alliance Team	Say no to Liberals planning panels
19/11/2023	Katrina Graham	Tasmanian Councils supporting climate healthy and resilient communities



20/11/2023	Mike Mogridge	Local Government Learning and Development Framework
20/11/2023	Andrew Thomson	Planning concerns letter 4.5.2023
20/11/2023	Sophie Underwood, State Director - PMAT (Planning Matters Alliance Tasmania)	Action needed pls: Say no to the Liberals planning panels
21/11/2023	Dianna Christine	Access to councillor online training
22/11/2023	Janie Finlay MP	Flinders Council Priority Projects
22/11/2023	Roads To Recovery	Funding boosts for local government roads
23/11/2023	Gerry Willis	Request to be Provided with Copy of Legal Advice
22/11/2023	The Hon Catherine King MP, Minister for Infrastructure, Transport, Regional Development and Local Government And THE Hon Kristy McBain MP, Minister for Regional Development, Local Government and Territories	Funding boost for local government roads
22/11/2023	Suki Hopgood, Principal Policy Analyst Renewables, Climate and Future Industries Tasmania	Offshore Renewable Energy Zone - Tasmanian Government
23/11/2023	Marcus Blackie, Mayor King Island Council	King Island Courier article
24/11/2023	Cricket Tasmania	Invitation: BBL Hurricanes V. Sixers
24/11/2023	Glenda Ballantyne	Levelling the Playing Field
27/11/2023	Ed Beswick, General Manager, Thrive Group	Confidential
27/11/2023	Rachel Williams, North-Eastern Advertiser	Cape Barren Island Water
28/11/2023	Mayor Marcus Blackie, King Island Council	Passenger Access and Egress – Sharp Terminal
28/11/2023	Alistair Dorward, CEO, Sharp Airlines	Passenger Access and Egress – Sharp Terminal
28/11/2023	Sam and Floyd, TasPop2023 project team,	Consultation now open - 2023 draft population projections for Tasmania and its local government areas



	Economic Policy, Department of Treasury and Finance	
29/11/2023	Emily Nixon, North- Eastern Advertiser	Invitation: Christmas Celebration
29/11/2023	Frances Henwood	Letter of Thanks – Gunter Street
29/11/2023	Joanna Klug	Mercy Flight & Palliative Bed
01/12/2023	Chris Lock Chair, State Grants Commission	State Grants Commission: 2024 Hearings and Visits dates
01/12/2023	Judy Jacques	Offshore Windfarms
04/12/2023	Dion Lester, Chief Executive Officer, Local Government Association Tasmania (LGAT)	FoLG Review Engagement – Save the Date

### Correspondence Out

Date	To	Subject
14/11/2023	Rachel Williams, Editor – North-Eastern Advertiser	Regional Roundup
19/11/2023	Katrina Graham	Tasmanian Councils supporting climate healthy and resilient communities
22/11/2023	Janie Finaly MP	Flinders Council Priority Projects
22/11/2023	Ed Beswick, General Manager, Thrive Group	Laundry Door
23/11/2023	Marcus Blackie, Mayor King Island Council	King Island Courier article
27/11/2023	Ed Beswick, General Manager, Thrive Group	Confidential
01/12/2023	Flinders Island Pony & Adult Riding Club	Community Grant Funding – Council Decision

### Voting Requirement

Simple Majority.

### RECOMMENDATION

That the Mayor's report be received.



## 16 Development Services

### 16.1 Development Applications Report for November 2023

<b>Action</b>	<b>For Information</b>
<b>Officer</b>	Rowena Gill - Development Services Officer
<b>File Reference</b>	PLN/0105 Development
<b>Annexures</b>	1. Development Applications Report November 2023 [16.1.1 - 2 pages]

#### Introduction

This report provides Councillors with an overview of the applications for the current period as per motion 249.09.2015, passed at the 24 September 2015 Council Meeting when Council requested monthly data from the West Tamar Council planning consultancy service. As of July 2020, Flinders Council now generates the data and prepares the Development Application Report monthly.

Permitted applications are assessed under section 58 of the *Land Use Planning and Approvals Act 1993* (the Act) and are not advertised. If applications classified as Permitted meet all development and use standards, they must be granted a permit, with or without conditions.

Discretionary applications are assessed under section 57 of the Act and are exhibited for a two-week period during which submissions may be received from the public. If a submission is received, the planner's report for that application is considered by Council. Discretionary applications where no submissions are received, as well as applications with a Permitted pathway, are approved under delegation to the General Manager.

The numbering of applications relates to the electronic filing system. Numbers are allocated to Planning (DA), Building (BA) and Plumbing (PA) applications as they are received. This may mean that planning numbers are not sequential, if for example, a development requires a building application but is exempt from a planning application.

#### Previous Council Consideration

Some items may have been considered at meetings of Council while the remainder have been approved under delegation by the General Manager.

#### Officer's Report

Refer to Annexure 1. Development Applications Report – November 2023.

#### Voting Requirement

Simple Majority

#### RECOMMENDATION

**That the Development Applications Report – November 2023 be received.**



## **17 Infrastructure**

### **17.1 Infrastructure Update December 2023**

<b>Action</b>	<b>For Information</b>
<b>Officer</b>	Richard Harley - Acting Infrastructure Manager
<b>File Reference</b>	WOR/3000 Infrastructure
<b>Annexures</b>	1. Infrastructure Manager Report Dec 2023 [ <b>17.1.1</b> - 6 pages]

#### **Introduction**

The purpose of this report is to provide Councillors with an update of monthly activities undertaken by the infrastructure department.

#### **Officers Report**

This report is provided monthly at the request of Council.

#### **Voting Requirement**

Simple Majority.

#### **RECOMMENDATION**

**That the Acting Infrastructure Manager's Report – December 2023 be received and accepted by Council.**



## 18 Governance

### 18.1 Exemption from Pecuniary Interest for Committee Members

<b>Action</b>	<b>For Decision</b>
<b>Officer</b>	Warren Groves - General Manager
<b>File Reference</b>	COU/0600
<b>Annexures</b>	Nil

#### Introduction

Council currently has several special committees that were established to allow communication, discussion and community input into decision-making on specific areas or activities of community and Council importance.

Special Committees include community members who are often nominated for membership due to their expertise in an activity and their involvement in the activity could be perceived as a pecuniary interest. Under the *Local Government Act 1993*, councils are authorised to provide exemption for community committee members for a period of 12 months.

#### Previous Council Consideration

326.12.2016	15 December 2016
297.12.2017	14 December 2017
344.12.2018	18 December 2018
328.12.2019	17 December 2019
250.12.2020	15 December 2020
248.12.2021	14 December 2021
256.12.2022	14 December 2022

#### Previous Council Discussion

Council Workshop 1 December 2016

#### Officer's Report

The membership of all Special Committees includes community members who are often nominated for membership due to their expertise in a business, community group or activity specifically related to the Special Committee. Under the *Local Government Act 1993*, this expertise could be perceived as a potential pecuniary interest, in which case the committee member would not be entitled to vote on matters being dealt with by the Committee.

Section 52(3) of Part 5 of the *Local Government Act 1993* enables a council to exempt community members who are Special Committee members from pecuniary interest for a period of 12 months if the community member has a potential pecuniary interest in a matter only because of being appointed as a member due to expertise arising from direct involvement in an activity that gives rise to that potential pecuniary interest.

Providing community members on Special Committees with an exemption from pecuniary interest supports their right to vote on matters being dealt with that might otherwise appear as though an interest should be declared.

Council resolved to grant exemption from pecuniary interest for Special Committee community members for a period of 12 months at the December 2022 Council Meeting and it is again time to consider this matter.



## **Statutory Requirement**

Local Government (Meeting Procedure) Regulations 2015  
*Local Government Act 1993*

## **Strategic Alignment**

### **GOOD GOVERNANCE**

**4.1** An organisation that provides good governance, effective leadership and high-quality services, within our means

**4.1.1** Council meets its statutory obligations to manage risk, achieve financial sustainability and model good governance.

**4.1.2** Improve communication channels between Council and Community to foster greater community participation and outcomes.

## **Budget and Financial Implications**

Nil

## **Risk/Liability**

Corporate: Low

## **Voting Requirement**

Simple Majority.

## **RECOMMENDATION**

**1. That Council agrees to grant an exemption from pecuniary interest to the community members appointed to all its Special Committees for a period of 12 months, from December 2023 to December 2024.**

**2. That Council considers the pecuniary interest of community members on its Special Committees at the December 2024 Ordinary Meeting of Council.**





## 18.2 Housing Working Group - November 2023

<b>Action</b>	<b>For Information</b>
<b>Officer</b>	Warren Groves - General Manager
<b>File Reference</b>	GOV/1102 Housing Working Group
<b>Annexures</b>	Nil

### Introduction

At the 25 January 2023 council meeting, Council resolved to form a Housing Working Group with the membership being Deputy Mayor Vanessa Grace, Cr Garry Blenkhorn, Cr Peter Rhodes, Cr Ken Stockton, the General Manager and the Development Services Coordinator. At this meeting, Council also requested a monthly report from the working group.

### Previous Council Consideration

18.01.2023	25 January 2023
32.02.2023	22 February 2023
91.03.2023	22 March 2023

A report will be presented monthly.

### Previous Council Discussion

25 January 2023	Council Workshop
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### Officer's Report

There have been no meetings of the Housing Working Group during November 2023. No report has been provided for this agenda item.

### Statutory Requirement

Nil

### Strategic Alignment

#### LIVEABILITY

**1.1** A viable population that enables the necessary services and activities required for the Community to prosper

**1.1.1** Encourage and support an increased supply of affordable accommodation for long-term residential rental and purchase.

### Budget and Financial Implications

Nil

### Risk/Liability

Nil

### Voting Requirement

Simple Majority.

### RECOMMENDATION

That Council notes that no report has been provided for the Housing Working Group for November 2023.



## 18.3 Interim Safeguarding Children and Young People Policy

<b>Action</b>	<b>For Decision</b>
<b>Officer</b>	Warren Groves - General Manager
<b>File Reference</b>	CSV/0600 Youth
<b>Annexures</b>	1. The- Child-and- Youth- Safe- Standards-poster-1 [18.3.1 - 1 page] 2. S- G 15 Safeguarding Children and Young People Policy- Draft [18.3.2 - 8 pages]

### Introduction

The Royal Commission into Institutional Responses to Child Sexual Abuse defined a role for Local Government under Recommendation 6.12 which states:

“With support from governments at the national, state and territory levels, local governments should designate child safety officer positions from existing staff profiles to carry out the following functions:

- developing child safe messages in local government venues, grounds and facilities;
- assisting local institutions to access online child safe resources;
- providing child safety information and support to local institutions on a needs basis; and
- supporting local institutions to work collaboratively with key services to provide child safe approaches that are culturally safe, disability aware and appropriate for children from diverse backgrounds.”

Under the new law, Tasmanian Local Government’s will have to comply with:

- the Child and Youth Safe Standards - a list of ten standards organisations must put into practice when engaging children and young people to protect the wellbeing and safety of children they come into contact with – see annexure 1, including the Universal Principle for Aboriginal Cultural Safety;
- the Reportable Conduct Scheme – A compulsory scheme that requires leaders to report and investigate concerns about conduct related to child abuse involving a worker to an independent regulator;
- the Independent Regulator – an independent regulatory body that will oversee the Framework and make sure organisations have support, advice and education required; and
- Information Sharing Provisions – specific rules in the legislation meaning leaders of organisations are permitted to share personal information in certain circumstances.

This new law requires existing policy to be reviewed and/or new policy to be implemented by Council.

In addition to Recommendation 6.12, the implementation of the Child and Youth Safe Organisation Framework (“Framework”), will take effect for Local Government from 1 January 2024.

The Local Government Association of Tasmania (LGAT) have advised they are seeking an extension to 1 July 2024 to ensure implementation is not problematic. As the extension has not been granted, Council needs to proactively take steps to be as compliant as possible with the Framework from 1 January 2024.

It is important to note that the Framework relates to allegations of Reportable Conduct which have occurred historically, as well as any potential future allegations of Reportable Conduct.



## Previous Council Consideration

Nil

## Previous Council Discussion

Nil

## Officer's Report

In developing this policy Council has been working with LGAT to understand how to best implement Recommendation 6.12 in the context of the legislation and our limited resourcing.

LGAT continues to advocate to the National and State government for more support to local governments (which has yet to be forthcoming). Without additional support, Recommendation 6.12 is not something we can currently fully embrace with our current resourcing.

Flinders Council acknowledges it has a leadership role in our community to support relevant organisations to be child safe and promote child safe practices and will work towards the functions of Recommendation 6.12 where possible.

It is anticipated that over time more resources may be made available to us from the State Government. Council may also decide to put more resources to this on its own accord. This policy should be reviewed and updated accordingly.

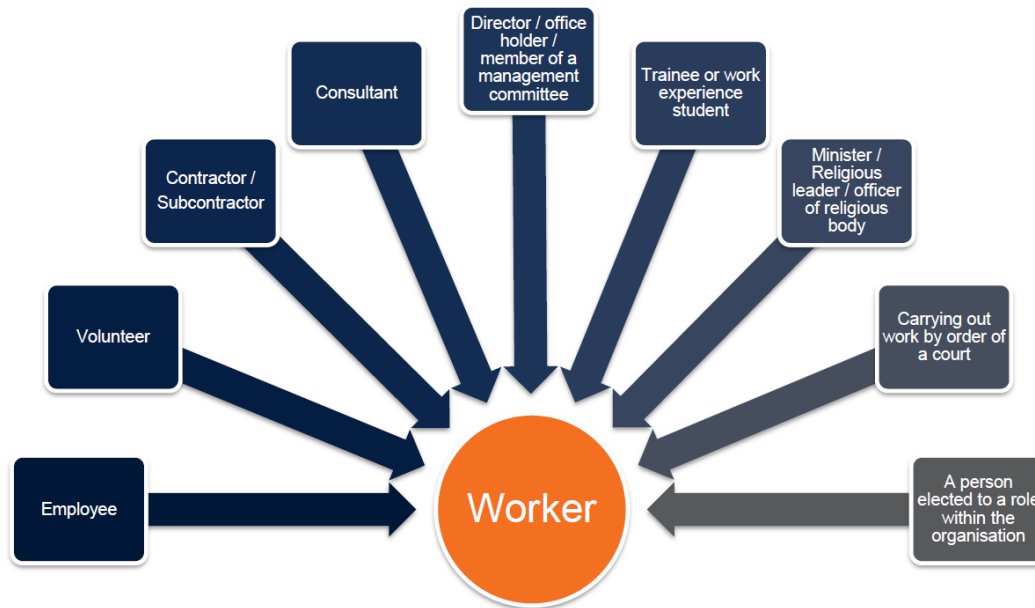
This report and proposed policy in relation to the Framework and Reportable Conduct Scheme is a legislative requirement imposed by the State Government. Recommendation 6.12 is a direct request from the Office of Local Government.

Council may wish to consider lobbying the State Government, or requesting LGAT lobby on its behalf, that fee exemptions for Working with Vulnerable People Checks and Police Checks for volunteers be implemented to reduce the financial burden/barrier to volunteers obtaining these.

The implementation of the Framework will have wide reaching impacts on Council, including:

- a culture change so that the wellbeing and safety of children and young people is a core principle of Council;
- creation of new policies and procedures;
- training of staff in relation to the new legislative requirements;
- training of staff in response to complaints received – ie how to respond if someone approaches them in public and makes a complaint;
- potential change to Council procedures so that Officers/Workers are not attending events or tasks involving children and young people alone – effectively implementing a “two up” policy;
- impacts on Council's Youth Programs;
- financial implications arising from mandatory investigations required to be compliant with the Reportable Conduct Scheme;
- the creation of a new officer role (Child Safe Officer) which, given the anticipated workload, will be a fulltime position and not one recommended to be a shared service with another Local Government Authority;
- the definition of “worker” is defined as:

## Who is a worker?



The legislative requirements will impact on Council's 'workers' (i.e. mandatory working with vulnerable people checks for all volunteers, regular police checks) – this is anticipated to be negatively received (although unavoidable to be compliant) and may result in the loss of some volunteers.

While Council may receive negative feedback or pushback from the community or people directly impacted by the implementation of the Standards and new policy, as these changes are mandated in legislation, Council has no option but to implement the changes.

There may need to be a greater emphasis on education, so people are informed correctly of Council's processes, policy, procedure and reasons behind the changes. It is envisaged that the implementation of the Framework will take a similar path as the *Work Health and Safety Act 2012* legislative requirements when they were implemented and once the process becomes standard, it may be more accepted.

Council Officers are aware that the implementation of the Framework will be an ongoing task, with suggested reviews of all applicable policies and procedures on an annual basis, or upon guidance from the Office of Local Government, LGAT or the Regulator of the Reportable Conduct Scheme.

### Statutory Requirement

*Local Government Act 1993*

*Work Health and Safety Act 2012*

*Child and Youth Safe Organisations Act 2023*

### Strategic Alignment

#### LIVEABILITY

**1.2** A harmonious and healthy community actively engaged in employment, recreation, volunteering, arts and culture

**1.2.1** Provide recreational facilities and assist community groups to encourage an active and healthy lifestyle.

## GOOD GOVERNANCE

**4.1** An organisation that provides good governance, effective leadership and high-quality services, within our means

**4.1.1** Council meets its statutory obligations to manage risk, achieve financial sustainability and model good governance.

### Budget and Financial Implications

There are significant financial risks should Council not be compliant with the legislation, including:

- A failure to report Reportable Conduct to the Independent Regulator by the General Manager within three working days of receipt of the same - \$23,400 **per offence**; and
- \$70,200 **per breach** of the Standards.

There will be financial implications associated with independent investigations undertaken in response to complaints received (it is not appropriate that Council Officers undertake this task due to a lack of training, experience, resources and due to the close-knit nature of the Community. An initial estimate from a third party provided sources by LGAT is:

- A straightforward investigation (1-2 witnesses, single allegation, cooperative witnesses) – approximately \$2,500 - \$3,500 + GST plus disbursements; and
- A complex investigation (5 or more witnesses, multiple/serious allegations) – approximately \$10,000 - \$15,000 + GST and disbursements.

“Front line” staff who have greater interaction with the community, including children and young people, should hold current Working with Vulnerable People Cards. Should any existing ‘front line’ staff not currently have one (i.e., works department staff), it is strongly recommended Council pays for those members to obtain one. The cost of an employment/volunteer class is \$124.60, and cards are valid for five years. It is strongly recommended that it become a requirement for all new employees that they hold a Working with Vulnerable People Card as a condition of their employment and obtain one at their own cost. This would be the gold standard for a Child Safe Organisation, which Council is committing to being.

It is anticipated that, due to the broad nature of the definition of “worker” (as above), there will be greater financial burden on Council to pay for Working with Vulnerable People Checks and Police Checks for Council’s volunteers (at a minimum). There may be other groups who fall within the “worker” definition which this will need to be considered for. A Police Check currently costs \$45.00 (with a concession rate available for volunteers of \$5.00) and a Working with Vulnerable People Check for volunteers only costs \$21.36.

To date, the State Government has not announced whether it will assist Councils financially with the implementation of, or compliance with, the legislative requirements.

### Risk/Liability

Organisational: As the recommended policy is a legislative requirement of the Framework and Reportable Conduct Scheme, Council is unable to determine not to implement the proposed policy.

If Council does not accept the new legislation, including the Standards, Framework and Recommendation 6.12, it will not be compliant with the Child and Youth Safe Organisations Act

2023. Broader consequences will be incurred as the legislation is mandatory for all Council's and if Council does not proactively engage and promote the new legislative requirements, it will be non-compliant and lag behind.

### **Voting Requirement**

Simple Majority.

### **RECOMMENDATION**

**That Council endorses and adopts the Interim Safeguarding Children and Young People Policy.**



## 18.4 Resolution Report - December 2023

<b>Action</b>	<b>For Information</b>
<b>Officer</b>	Warren Groves - General Manager
<b>File Reference</b>	GOV/0300 Councillor Resolution Reports
<b>Annexures</b>	1. 2023.12.13 - Council Resolution report [ <b>18.4.1</b> - 4 pages]

### Introduction

The Councillor Resolution Report identifies resolutions passed by elected members and the actions taken to implement the decisions.

### Officer's Report

This Report is presented on a monthly basis. Please read Annexure 1 Resolution Report – December 2023.

### Voting Requirement

Simple Majority.

### RECOMMENDATION

That the Councillor Resolution Report – December 2023 be noted.

## 19 Closure of Meeting