



GENERAL MEETING

AGENDA



**Wrest Point Casino
Hobart**

Wednesday 23 July 2014

**Commencing
immediately following
the conclusion of the
AGM**

**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:

Population of the Council Area	Number of votes entitled to be exercised by the voting delegate	Colour placard to be raised by the voting delegate when voting
Under 10,000	1	Red
10,000 – 19,999	2	White
20,000 – 39,999	3	Blue
40,000 and above	4	Green

- (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.

Schedule

11.30 approx	Meeting commences immediately following the conclusion of the AGM
11.30	The Hon Peter Gutwein Minister for Planning and Local Government
1.00pm	Lunch

Index

1	MINUTES *	6
2	CONFIRMATION OF AGENDA & ORDER OF BUSINESS	6
3	BUSINESS ARISING *	6
4	FOLLOW UP OF MOTIONS *	6
5	MONTHLY REPORTS TO COUNCILS *	7
6	ITEMS FOR NOTING	7
6.1	POLICY UPDATE	7
6.2	LEGISLATION UPDATE	11
6.3	LG REFORM PROJECT	13
6.4	TASMANIAN REGIONAL ARTS.....	15
6.5	ELECTRICITY UPDATE	17
6.6	PROCUREMENT	19
7	ITEMS FOR DECISION	21
7.1	MAYORAL VACANCIES	21
8	ITEMS FOR DISCUSSION	22
8.1	FEDERAL GOVERNMENT BUDGET IMPACT ON LOCAL GOVERNMENT.....	22
	MOTIONS FOR WHICH NOTICE HAS BEEN RECEIVED	23
9	GOVERNANCE	23
9.1	MOTION – NATIONAL POLICE CHECKS	23
9.2	MOTION –QUALIFICATIONS OF ELECTED MEMBERS.....	24
10	PUBLIC POLICY - GENERAL	26
10.1	MOTION – GOVERNMENT BUSINESS ENTERPRISES	26
11	ADMINISTRATION	28
	NO MOTIONS RECEIVED	28
12	FINANCE	29
12.1	MOTION – ACCRUAL ACCOUNTING	29
12.2	MOTION – FINANCIAL ASSISTANCE GRANTS	30
12.3	MOTION – REVIEW OF FINANCIAL RELATIONSHIP WITH STATE GOVERNMENT	31
12.4	MOTION – ANNUAL LICENCE FEES FOR PRIVATE JETTIES	33
13	INFRASTRUCTURE AND SERVICES	35
13.1	MOTION – ROADS TO RECOVERY GOALS.....	35
13.2	MOTION – ROADS TO RECOVERY FUNDING CONDITIONS.....	36
13.3	MOTION – TRANSFER OF FORESTRY ROADS.....	37

13.4	MOTION – TASMANIAN FREIGHT EQUALISATION SCHEME *	38
13.5	MOTION – REGIONAL TELSTRA OFFICERS	40
13.6	MOTION – WATER & SEWERAGE INFRASTRUCTURE	41
13.7	MOTION – COST OF EXISTING AND NEW PUBLIC LIGHTING	43
13.8	MOTION - AMENDMENT TO THE ROADS AND JETTIES ACT 1935	45
14	PLANNING AND DEVELOPMENT	47
14.1	MOTION –AMENDMENT TO BUILDING ACT	47
14.2	MOTION – RED AND GREEN TAPE	48
14.3	MOTION – LOCAL GOVERNMENT ADVERTISING	50
15	ENVIRONMENT	52
15.1	MOTION – PARKS AND WILDLIFE RESERVES	52
15.2	MOTION – SUPER TRAWLERS	53
15.3	MOTION – CONTAMINATION OF WATERWAYS	54
15.4	MOTION – STORAGE OF USED TYRES	56
15.5	MOTION – WEEDS OFFICERS	58
16	PUBLIC HEALTH & NUISANCE	60
16.1	MOTION – FOOD SECURITY	60
17	ANIMAL CONTROL	62
	NO MOTIONS RECEIVED	62
18	COMMUNITY & SOCIAL DEVELOPMENT	62
18.1	MOTION – AMENDMENT TO LOCAL GOVERNMENT (HIGHWAYS) ACT 1982	62
19	CLOSE	64

* DENOTES ATTACHMENT

1 MINUTES *

Decision Sought

That the Minutes of the meeting held on 19 March 2014, as circulated, be confirmed.

The Minutes of the General Meetings held on 19 March, 2014 as circulated, are submitted for confirmation and are at **Attachment to Item 1**.

2 CONFIRMATION OF AGENDA & ORDER OF BUSINESS

That the agenda and order of business be confirmed.

Delegates are invited to confirm the agenda and order of business as presented.

3 BUSINESS ARISING *

Decision Sought

That Members note the following information.

At **Attachment to Item 3** is a schedule of business considered at the meeting held on 19 March, 2014 and the status thereof.

4 FOLLOW UP OF MOTIONS *

Contact Officer: Katrena Stephenson

Decision Sought

That the meeting note the report detailing progress of motions passed at previous meetings and not covered in Business Arising.

Follow up on outstanding motions

A matrix indicating progress to date on motions passed at General Meetings, which remained outstanding at the last General Meeting, is at **Attachment to Item 4**.

5 MONTHLY REPORTS TO COUNCILS *

Decision Sought

That Members note the reports for February, March, April and May 2014.

Background comment:

Monthly reports to Councils that briefly outline the Associations activities and outcomes for the previous months are at **Attachment to Item 5**.

6 ITEMS FOR NOTING

6.1 Policy Update

Contact Officer: Katrena Stephenson

Decision Sought

That the Meeting note the following report.

Emergency Management

- The Productivity Commission is currently undertaking a public inquiry into the efficacy of current national natural disaster funding arrangements, taking into account the priority of effective natural disaster mitigation and the reduction in the impact of disasters on communities.
- The Productivity Commission had an initial meeting with LGAT on 22 June to discuss some of the key issues they are examining in the inquiry. LGAT has also provided a submission into the inquiry.
- The Productivity Commission intends to hold public hearings to inform their draft report. Once the Commission has considered all submissions and hearings it will release a draft report for comment.
- LGAT has also been co-ordinating a number of other submissions and input into the Emergency Management policy area including:
 - Tsunami State Special Plan
 - State Bushfire Safety Policy
 - Standardisation of Bureau of Meteorology Services; and
 - Vulnerable people framework.

Climate Change

LGAT is assisting the Tasmanian Climate Change Office (TCC) in the development of a new web page for Local Government practitioners working in the area of climate change and coastal adaptation. The web page will be housed on the TCCO's existing website and will provide access to a range of manuals, guides and templates developed and standardised from previous key projects within the State. Currently the TCCO is liaising with LGAT and targeted Local Government practitioners to develop Local Government adaptation resources based on the methodology of the successful Tasmanian Coastal Adaptation Decision Pathways (TCAP) Project and the Regional Climate Change Adaptation Project (RCCAP). It is anticipated that the site will be available by September.

Mobile Blackspot Programme

- The Federal Government has made a funding commitment of \$100 million to improve mobile coverage and competition in regional and remote Australia by investing in telecommunications network infrastructure.
- The \$100 million will be distributed through the Federal Government's Mobile Black Spot Programme.
- A number of LGAT members participated in a teleconference with the Department of Communications in relation to the discussion paper, with a particular focus on the second \$20 million component of the programme.
- This component of the programme aims to improve mobile phone services in small communities which currently experience problems, especially when populations increase during peak seasonal periods. It aims to support the establishment of base stations in areas that are not captured in the first component of the programme and is likely to call for Expressions of Interest from Local Government for base station locations. The draft programme calls for co-contributions in the form of cash or in-kind (provision of site, access road etc).
- LGAT provided a submission into the discussion.
- The Department of Communications encouraged councils to begin conversations with their local telecommunication providers about the programme and potential sites in their municipality. This process was problematic and councils found it hard to engage with the providers.
- To overcome this problem the Department of Communications has now written to all eligible councils in Tasmania asking them to provide information directly to the commonwealth about ways they or others may be able to co-contribute to the programme. For example:
 - Make a financial contribution to the cost of installing the base station;
 - Provide a leasehold tenure for a site for a base station at zero or concessional costs
- Provide civil works at zero or concessional cost, such as for example the cost of bulldozing an access road to the site;
- Provide access to an existing tower (such as an emergency services or other tower)
- Or provide a connection to an existing power source.
- The Commonwealth has emphasised that there is no requirement for a location to be the subject of a co-contribution before it can receive funding under the programme and that selection of locations will not be determined by co contributions.

National Heavy Vehicle Regulator

- The implementation of a national regulatory framework for heavy vehicles has not been a smooth journey for any of the participating jurisdictions. Industry and road managers alike have been adversely affected by the fallout and 'teething problems' that have emerged since the NHVR commenced operations in February this year.
- In Tasmania, the Tasmanian Transport Association has indicated to both State and Local Government that operators are experiencing frustration in some instances due to average 'turnaround times' for access permits on local roads not reflecting the commercial realities and expectations of the heavy vehicle transport industry. At the other end of the chain, councils have been grappling with incomplete access application processing systems and their new responsibilities under the Heavy Vehicle National Law. Through discussions at the national level

with the NHVR itself and Local Government Associations in other participating states, it is clear that the issues facing Tasmanian operators and councils are very similar to the issues facing Local Government and industry elsewhere.

- The Association has been involved in direct discussions both with representatives from DIER and the Tasmanian Transport Association in relation to the abovementioned matters. Currently, councils across the State are working with DIER to address a number of issues that have emanated from the introduction of the NHVR, including work that is currently underway to identify roads and routes appropriate for pre-consent and potential future gazettal, in order to speed up the access application process for operators where it is safe and appropriate to do so.

Potential impacts to Family Day care as a result of the Federal Budget

Councils that provide Day Care services may be financially impacted as a result of the Federal Budget.

From 1 July 2015:

- The eligibility criteria for Family Day Care services to receive operational support under the Community Support Programme (CSP) will be tightened.
- The CSP is a supplementary payment for Family Day Care services, in addition to Australian Government fee assistance and any levies that services choose to charge. CSP Operational Support is not a fee subsidy for families, nor is it a payment to educators, and services should consider this when reviewing business models. (The objective of the CSP is that it assists child care providers to establish or maintain viable services in parts of the country where they might not otherwise be viable).
- CSP for Family Day care services will be capped at \$250 000 per annum.
- The tightened eligibility criteria will require a service to be the sole Family Day Care service located in a regional, remote or disadvantaged area and to demonstrate that there is unmet demand for child care in that area.
- As part of the Department of Education's communication with the sector about these changes, all approved FDC services will receive a letter which outlines the process for implementing the changes, and to provide some background on the reasons why they are being implemented (Tasmanian letters should have been received by now).
- The CSP is ongoing and all approved services may still apply for funding however, for approval, services will now need to meet similar eligibility criteria to other services such as Long Day Care and Out of School Hours Care.
- Families using Family Day Care will still be eligible for the higher rate of Child Care Benefit of up to \$5.32 per hour compared to \$3.99 per hour for Long Day Care.
- In other areas of Australia, particularly NSW and Victoria, many councils provide childcare and Family Day Care and have expanded their services over time, providing a very good service at a cost effective rate. These councils believe there will be social implications if these council run services cannot continue.
- LGAT has sent out an email to members with information on this issue, including eligibility criteria provided through ALGA.

Healthy Ageing

LGAT represents the sector on the Health Access; Age Friendly Communities Working Group, managed by the Department of Premier and Cabinet and Council on the Ageing. The project aims to build Local Government capacity to apply the principles of the World Health Organisation's Age Friendly Cities Model. A day forum/workshop is planned for later in the year to provide opportunity for Councils to hear from experts and share ideas about how to make their communities more age friendly. A key platform is seeking to breakdown potential silos between planning, community development, infrastructure and works and policy to adopt a more holistic approach.

Extranet

The LGAT Extranet Site is now live and available for council use. Councils have been allocated usernames and passwords for access by staff and elected members. At this stage there is a limited amount of material on the site; however, further material is currently being collated and developed and will be uploaded onto the site over time.

Subject areas on the site include professional development opportunities for elected members; procurement; work health and safety; delegations and compliance registers and a training calendar.

Please get in contact with your council's General Manager if you wish to be provided with your relevant Extranet login details for the new site.

Professional Development

- LGAT has a forward calendar of professional development opportunities for elected members and staff located on the LGAT extranet. Professional development opportunities include face to face, Local Government targeted forums, e- learning and webinars.
- In addition to the opportunities identified in the calendar, LGAT offers brokerage services which can assist councils in sourcing professional development opportunities. Our brokerage service includes liaising with other councils so that critical numbers can be secured to make sessions cost effective whilst also meeting council specific learning and development needs.
- Early advice of professional development is also provided through the LGAT fortnightly electronic newsletter.
- At the time of writing this report, LGAT had just finished a series of sessions for prospective councillors. Coming up are sessions on Work Health and Safety for Managers and Supervisors, Hazard abatement officer training and an introduction to emergency management. Planning is currently underway for an Arts and Community Development Forum, Regional LGAT Policy Forums and a workshop for 'future General Managers'.

HR/IR

The process of transitioning all councils to the Modern Local Government Industry Award is almost complete with one hearing remaining in relation to the Municipal Managers Award. The process has been very much smoothed by working on a sectoral basis.

Work has been commissioned with Page Seager to deliver a suite of tools related to workplace behaviours. These will be available on the extranet from July. The project will deliver:

1. A suite of tools relating to behavioural matters including Due Diligence, Bullying, Safety and Performance Management.

2. Tools are to comprise template policies, guidelines and supporting documents (eg sample letters, procedures, checklists).
3. The work is to be supported by a training program with annual regional workshops for elected members and separately for council 'contact officers'.
4. A series of videos for use in staff induction would also be delivered.
5. A template Enterprise Agreement is to be developed.
6. All materials will be legally compliant and updated as legislation or case law changes or at least annually.
7. Tools could be used by councils without requirement to use Page Seager, that is they could take the templates to their preferred legal practitioner.
8. Member councils would also have a discounted rate for other services such as training at a council workshop.

Social Media - Twitter

LGAT will soon be launching a Twitter account. We will launch @LGATasmania to coordinate with the inaugural national Local Government "twitter day". National Local Government twitter day is designed to be an opportunity for raising the profile of Local Government through the positive promotion of Local Government and its activities, all over Australia. The concept of hosting a national Local Government "twitter day" has been explored in the wake of a similar exercise in the UK promoted as #ourday. The concept has been refined and will run under the banner #MPMC - an acronym for My Place, My Council – which is simply a mechanism to group tweets on the day. LGAT will be providing information and communications materials to participating members in the lead up to the day.

The planned date for National Local Government twitter day is 23 July 2014. This date coincides with the first day of the LGAT Conference, which will provide many opportunities for interesting posts from conference participants to join in the conversation and share information about the goings on in Tasmania.

6.2 Legislation Update

Contact Officer: Katrena Stephenson

Decision Sought

That the Meeting note the following report.

LOCAL GOVERNMENT LEGISLATION

Code of Conduct

Following the change of Government, the Local Government Division is currently going through the process of seeking Cabinet approval to draft the *Local Government Amendment (Code of Conduct) Bill 2014*. Once Cabinet approval is obtained, more information will become available. However the proposed changes relate to the various reviews, consultation and submissions made by LGAT and largely relate to a new process for councillor code of conduct, including a new 'three strikes and you're out' rule and an offence for failing to comply with a Panel sanction. It is also proposed for all complaints to be dealt with by an independent Panel, which will remove the need for councils to have code of conduct panels. The changes require amendments to both the *Local Government Act* and the *Local Government (General) Regulations*.

Other changes to the Act being proposed include removing the requirement for councils to hold an Annual General Meeting (AGM) and removing the requirement for a candidate to have at least 12 months experience to be eligible to run as a Mayor or Deputy Mayor.

Local Government will be consulted on the draft bill during a five week consultation period. It is anticipated the Bill will be considered by Parliament in November this year.

Local Government Regulations

A discussion paper, proposing changes to the *Local Government (Meeting Procedures) Regulations* was circulated to councils on 14 May with feedback due by 23 June. LGAT's submission, prepared with the input of, and on behalf of, all Members, will be posted on the LGAT website after that time. Issues captured include virtual attendance at council meetings, better defining pecuniary interest, public notification processes, access to meeting Agendas, requirements of Council Committee Meetings; issues to do with Closed Meetings; splitting motions; discussion of resolved matters and procedural motions.

The Local Government Division has also commenced consultation with key stakeholders ahead of preparing a discussion paper outlining proposed amendments to the *Local Government (General) Regulations*. LGAT has previously identified a range of issues that will be considered.

Orders

In relation to the Orders on Financial and Asset Management, the Local Government Division has prepared guidelines on Audit Panels which will be released shortly. The guidelines provide advice on the structure and functions of audit panels. Councils are also required, under the *Local Government Act 1993* to inform the Director of Local Government when an audit panel has been appointed and the long-term plans (financial and asset) have been adopted by the council.

Proposed Local Hierarchy

LGAT, in consultation with members, provided comment on the Local Road Hierarchy proposed by the Local Government Division and recommended by the Auditor-General's report relating to the financial accounting for infrastructure assets undertaken by Local Government.

Councils were largely supportive of the introduction of a state-wide standard for road hierarchies as a properly designed road hierarchy will assist Local Government and the public to better understand and share expectations around service levels. The Local Government Division is currently considering submissions on the hierarchy and will soon arrange to meet with LGAT to discuss the submissions and next steps.

OTHER MATTERS

Planning

LGAT made a submission in relation to the draft *Land Use Planning and Approvals Regulations (2014)*. In the submission LGAT reiterated concerns with regard to the use of private certifications and the possible unintended negative consequences in relation to time and costs. Having to accept that policy decision, few additional issues were raised in relation to the Regulations and all councils will need to look at its workflows, standardising some documentation and establishing audit trails. This may be best accomplished together and LGAT is encouraging discussion across councils as well as seeking the Tasmanian Planning Commission to work proactively in this space.

Urban Drainage

Currently the draft General Regulations for the *Urban Drainage Act 2013* are out for consultation. These new regulations are required to facilitate the implementation of the Urban Drainage Act 2013. The draft regulations provide detail on what constitutes a “prescribed structure”. This detail is necessary to permit councils to apply the powers detailed in section 13 of the Act, which assist councils to protect their urban drainage infrastructure. Section 13 of the Act provides that a person must not permit a prescribed structure to be built on or over a stormwater easement or infrastructure, unless they have obtained permission from the relevant council’s General Manager.

Delegations and Compliance Registers

LGAT has now made available on the extranet, the Delegations and Legislative Audit registers prepared by Simmons Wolfhagen. These documents, which will be reviewed and updated annually, are designed as tools to assist councils in compliance activities around 17 key pieces of State legislation. Feedback received to date has been positive.

6.3 LG Reform Project

Contact Officer: Allan Garcia

Decision Sought

That the Meeting note the following report.

Background comment

- The Role of Local Government Project is an initiative of the Premier's Local Government Council (PLGC).
- The goal of the project is to establish a clear understanding of the role and capabilities of Local Government, identify strengths and capability gaps and develop actions to build a sector that is sustainable, efficient, effective and responsive to community needs.
- The project is being delivered in two phases. Phase 1 of the project concluded in December 2012 when the PLGC approved eight role statements describing the roles of Local Government.
- Phase 2 of the project was delivered throughout 2013 and involved a number of activities to engage stakeholders and build a comprehensive picture of Local Government capability to deliver on the eight roles and concluded with the Local Government Role Assessment Interim Report.
- The PLGC also accepted the recommendation in the Interim Report to establish four PLGC working groups in early 2014.
- The PLGC working groups will be chaired by Tasmanian Government agency deputy secretaries and LGAT senior executives, and will comprise membership of relevant senior agency representatives and council general managers. The working groups will be tasked with developing a range of reform initiatives for the following priority areas: governance, legislation, collaboration and economic development.

- The four working groups are outlined in the below:
 - Economic Development: Chaired by Fiona Wilson, Deputy Secretary Department of Economic Development, Tourism and the Arts, will focus on building council capability in investment attraction, partnering with the private sector and increasing cooperation between the two levels of government in dealing with the Federal Government, and local economic development plans.
 - Collaboration: Chaired by Allan Garcia, CEO, LGAT, will focus on policy priorities such as improved planning and service delivery and identifying efficiencies from greater regional cooperation by councils. It is expected there will be a significant focus on increasing cooperation between the State Government and Local Government in road planning and road management.
 - Governance: Chaired by Michael Stevens, Deputy Secretary Department of Premier and Cabinet, will focus on strengthening governance within Local Government. It is likely to have a particular focus on opportunities to build councillor capability and improve accountability.
 - Legislation: Chaired by Katrena Stephenson, Policy Director, LGAT, will focus on reviewing statutory and regulatory functions with the view of removing red tape, addressing duplication and improving compliance.

While the main focus of the working group is to develop a three - five year strategic action plan, they will also commence implementation of initiatives which can be delivered within a shorter time frame.

Championing of the project by departmental deputy secretaries and directors, council general managers and LGAT senior executives through the PLGC working groups is indicative of the support from both spheres of government.

The working groups will hold their first meetings in June-July 2014 to develop their terms of reference. Working groups will continue to meet on a monthly basis.

Role of Local Government Project Milestones

The RoLG project's milestones have been significantly amended due to delays arising from the State Government election and delays in establishing the working groups.

Timeframe	Action
June 2014- March 2015	Working groups hold monthly meetings to develop the strategic action plan
6 August 2014 PLGC Meeting	1. PLGC to approve the public release of the Local Government Role Assessment Final Report. 2. PLGC to endorse the terms of reference for the four PLGC working groups.
3 December 2014 PLGC Meeting	1. Working groups provide progress report. 2. PLGC to endorse the draft RoLG Project Strategic Action Plan for public consultation.
December 2014 - February 2015	Consultation period
April 2015 (TBC) PLGC Meeting	1. Working groups provide progress report. 2. PLGC to endorse the RoLG Project Strategic Action Plan for public release.

6.4 Tasmanian Regional Arts Contact Officer: Melanie Brown

Decision Sought

That the Meeting note the following report.

Background comment

This report follows on from the information provided to Members at the March General Meeting in relation to the current position of Tasmanian Regional Arts (TRA). Specifically this update is provided in order to apprise Members of the outcomes and recommendations contained within Professor Peter Matthews' final report on Tasmanian Regional Arts' strategic and business review, which was released following the organisation's AGM in early April.

To recap, in September 2013, Tasmanian Regional Arts received notification that its proposed 2014/15 business plan submitted to the Assistance to Organisations funding pool was not supported by the Tasmanian Arts Advisory Board (TAAB), and that it would not be provided with the sought after \$150,000 in core funding for the subject financial year. This decision from Arts Tasmania was a subsequent blow to the Australia Council's decision in 2012 to cease funding to the national network of service organisations, which resulted in a \$100,000 loss of funding for TRA. These cumulative funding cuts resulted in TRA having to restructure in order to operate on baseline financial assistance at 30% of 2012 levels in 2014.

In November 2013, on the recommendation of the Tasmanian Arts Advisory Board, Arts Tas provided TRA with \$75,000 funding in order to undertake a strategic business review, geared towards restructuring and renewing the organisation's direction and operations to ensure long term sustainability. Of particular relevance to Local Government, TRA was encouraged to explore its relationship with Local Government and to consider opportunities for becoming a key arts and cultural entity for the sector.

The Strategic Review

Peter Matthews, Emeritus Professor of Creative Arts at the University of Ballarat and former Head of Regional Arts Victoria, was secured by TRA as a Consultant to undertake the strategic review and assist in setting the organisation's new direction. An excerpt of the consultant's final report containing key recommendations regarding the organisation's future direction was released in April and can be found on Tasmania Regional Arts' website: www.tasregionalarts.org.au

The key items of scope for the strategic review included the identification of TRA's primary purpose, objectives, core business as well as the organisation's current and future relationship with Tasmanian local councils. Over 200 people contributed to the review process, with 20 written submissions also being received.

Review Recommendations

A number of the recommendations are summarised below. These included that TRA should:

- redefine its strategic intent to meet the needs of members, local communities, Local Government and other sponsors;
- invest in the engagement of Artistic Advisors and the devising of an Artistic Plan;
- review existing and proposed activity against a revised strategic and artistic intent and where possible desist from those activities that are no longer aligned with future direction;

- negotiate with the State Government for a meaningful presence in performing arts touring, as well as in particular negotiating with Arts Tasmania to introduce a Guarantee Against Loss scheme for member groups.
- over three years, re-establish the RADO (Regional Arts Development Officers) network to comprise officers in Launceston, Hobart and Burnie. **Further, it was recommended that TRA collaborate with Arts Tasmanian and LGAT to research and advocate for an 'all of government' strategy to arts-inspired community development in regional Tasmania to support the RADO network;**
- explore large scale projects, in particular state-wide projects that directly involve professional artists working with TRA groups, as well as the negotiation of partnerships with other arts organisations such as *Ten Days on the Island*;
- rebuild a depleted staffing structure over a three year period;
- reshape its governance framework and practices to strengthen organisational leadership and appropriately guide strategic direction.
- stabilise its finances over three years (2015-2017) by re-negotiating funding from Arts Tasmania and the Australia Council for recurrent operations going forward.

Implications and opportunities for Local Government

As highlighted above, the re-establishment of the 'Regional Arts Development Officers' (RADO) network is seen as an area where the involvement of Local Government is crucial. Most of the other state regional arts bodies have well developed relationships with Local Government, frequently involving financial and in-kind support of a RADO network.

Under previous funding arrangements, TRA has employed part-time RADOs. RADOs provided advice to groups on arts administration, creative development of projects, funding (the Regional Arts Fund in particular) and, in general, they were a facilitating link between groups and TRA, and between groups and the broader arts community. RADOs worked in various ways with Local Government; historically, through its RADOs, TRA has effectively contributed to a number of individual councils' cultural strategies.

Previously LGAT has had a range of policy discussions with TRA and were in the process of negotiating a MOU, which was placed on hold when the more pressing funding issues for TRA arose in 2013. Dependant on finance, structure, membership etc. there may be an opportunity to re-establish these discussions (particularly in relation to RADOs) once TRA has filled the position of Executive Director, which is vacant at the time of writing.

Correspondence

This matter has been raised and discussed at a number of recent LGAT General Meetings. As a result of the motion passed at the March 2014 General Meeting, LGAT wrote to the Minister for Arts and to the Tasmanian Arts Advisory Council in April, voicing support for the work and tenure of Tasmanian Regional Arts, and indicating the significant contribution of councils to the arts, the flow on economic and social impacts and the significance of the relationship between the Tasmanian Regional Arts and councils.

The Minister responded to this correspondence in May, acknowledging the role of TRA as the peak regional arts and community cultural development body in Tasmania. In particular the Minister articulated her confidence that the strategic review would "assist TRA in transitioning towards a more sustainable, viable, contemporary regional arts organisation over the next few years." There was no indication of any additional funding, now or in the future. No advice has been received from the Arts Advisory Council.

Budget impact

Does not apply

Current Policy

The Association has historically voiced in-principle support for the work undertaken by TRA with regional communities and has lobbied for the reinstatement of funding to Tasmanian Regional Arts by other government funding entities.

6.5 Electricity Update Contact Officer: Kate Hiscock

Decision Sought

That the Meeting note the following report.

Background comment

LGAT is continuing to work across a number of matters relating to electricity and street lighting with the overall goal of achieving energy efficiencies or financial savings where possible for members.

Full Retail Contestability – Public Lighting

From 1 July 2014 full retail contestability will be introduced in Tasmania. Unmetered public lighting will be included in this process. While it is only the retail component of the energy price that will become contestable, there are potentially savings to be made for members. The greatest savings would be achieved through a sectoral approach to purchasing.

Following in principle support from members for a sectoral approach, LGAT currently has a Request for Quotation with two experienced energy consultants. The brief is to test the market and undertake a tender process with the outcome of securing the best possible energy price for public lighting for Local Government on a whole of sector basis. Responses were due Friday 13 June.

LGAT will review the responses and make a recommendation to Members. The recommendation will address two models of payment. The first model is a once off fee for service consultancy, while the second is a brokerage fee model.

LGAT working relationship with Aurora (Distribution)

LGAT continues to work with Aurora (Distribution) to identify opportunities and improvements for members. These include improvements in customer service, lobbying for more energy efficient lighting options, opportunities for trialing new technologies and seeking increased transparency in pricing and billing. Aurora has provided the following update on recent activities:

Website Development – new street lighting webpage

Aurora is currently preparing a comprehensive webpage for the new TasNetworks website on all things street lighting. It will bring together all the necessary information to allow customers to understand how street lighting is managed in Tasmania. It will include details on how pricing is set, Aurora's policies, key contacts, requests for new connections, overview of regulatory requirements, service level undertakings, maintenance cycle, fault reporting and more.

Target Completion Date - end of July 2014.

Policy Development

Aurora is currently revising previous policies in relation to how street lighting is managed in Tasmania, in particular:

- a. Development of the framework to allow our customers to own and maintain street lighting installed on Aurora's poles and/or on customer owned poles.
- b. Lighting Design and Construction Standards;
- c. Policy on the adoption of new lighting technologies; and
- d. Update of Asset Management Plans – Aurora will look to communicate these to councils once complete to increase transparency around Aurora's bulk lamp replacement program moving forward.

Target Completion Date – Within the next three months.

Lighting Trial with Hobart City Council (HCC) and Glenorchy City Council (GCC)

The three month trial concluded on 11 May, 2014 and Aurora is currently preparing the Trial Report. The Trial Report will provide a recommendation to which new lighting technology Aurora will adopt as our business as usual light (i.e. rolled out as part of our bulk replacement program) for the remainder of the regulatory period (to 2017).

Target Completion Date – Trial Report due early July 2014.

Hobart City Council and Glenorchy City Council's Energy Efficient Lighting Replacement Program on the Back of a \$3.4M Federal Government Grant (FFG)
Aurora is assisting HCC and GCC in the rollout of approximately 5,000 new lights in their municipality, as part of the FFG.

Target Completion Date – Project to be completed by 30 June 2015.

Development of the Framework to Allow a Third Party to Maintain Privately Owned Lights Installed on Aurora's Assets

No framework currently exists which permits a third party to maintain privately owned lights installed on Aurora's assets. Aurora is currently developing detailed documents and requirements to manage the safety, scope and technical requirements of such an initiative. This is a new concept for the business and poses a number of complex issues to be managed. One key issue is the need to upgrade up to seven business systems to accommodate the billing and management processes.

Target Completion Date – Up to 12 months to accommodate the system upgrades.

Review of Which Council Contractors Are Maintaining Council Owned Lights on Aurora Assets

In January 2014 Aurora commenced a project to determine whether any Tasmanian councils had private contractors accessing Aurora owned poles in order to maintain privately/council owned street lighting. Aurora is currently preparing a letter to each council and some electrical contractors in Tasmania on this topic. For safety reasons, no third party may access Aurora's infrastructure without appropriate authorisation.

Target Completion Date – July 2014.

Glenorchy City Council (GCC) CBD Lighting Project

Aurora is currently working with GCC on a proposal to replace all Glenorchy CBD lighting with a new energy efficient lighting type (a light type not yet approved by Aurora). It is proposed these will be installed as council owned and maintained lights, installed on council owned poles. Aurora is currently working through a number of issues regarding this proposal, in particular ensuring the quality of unmetered supply data is maintained and the impact posed by the project to Aurora's billing system.

Target Completion Date – To Be Confirmed.

Up-coming activities - Forums on Street Lighting

LGAT will be facilitating two forums to be delivered by Aurora on all things street lighting.

The purpose of the forums will be for Aurora to present new information as a result of recent work undertaken and the formation of the new TasNetworks business and for Local Government to ask questions. One forum will be in Hobart and the other will be in Launceston.

The forums are planned to occur in August/Sept 2014 and LAGT will be communicating to members on this issue very shortly.

Budget Impact

Does not apply.

Current Policy

Strategic Plan Priority Area 3: Ensuring Financial Sustainability

- Develop opportunities for improvement and efficiencies.

6.6 Procurement

Contact Officer: Deb Leisser

Decision Sought

That Members note the results of LGAT's activity concerning Procurement and that in 2013 direct savings to participating Tasmanian councils through purchasing via the NPN therefore, were at a minimum \$480,000.

Background comment

LGAT's effort in the area of procurement focuses on three key areas:

1. Aggregated purchasing opportunities
2. Procurement model documentation templates and tools and
3. Procurement training

A significant amount of effort in recent times has been spent on working to improve aggregated purchasing opportunities for Councils in Tasmania. Two new contracts have been negotiated under the National Procurement Network (NPN). The NPN connects procurement services offered by Local Government Associations in States and Territories in Australia to provide national programs where it is beneficial to combine the purchasing power of councils Australia wide. The effect is to deliver savings in time and cost to

member councils. LGAT is a partner in the NPN.

Following rigorous tender processes, Tasmanian Councils can now directly access through a Request for Quotation (RFQ) arrangement, quality and cost effective:

- Telecommunications goods and services from two suppliers and
- Mobile garbage bins, industrial containers and bins, static compactors and associated products and services from a range of suppliers

In addition, by September 2014, Tasmanian Councils will be able to access suppliers direct who will provide Tyres, Tubes and Batteries.

The NPN has collaborated on a number of other successful contracts that are available to Tasmanian Councils -

- Earth moving and material handling equipment
- Road and bridge making equipment
- Trucks, vans and omnibuses
- Truck bodies and trailers
- Tractors, tele-handlers, mowers, blowers, vacuums, chippers, chainsaws, mulchers, work utility, all terrain vehicles and small engine equipment
- Motor vehicles
- Oils and lubricants
- Fuel
- Office and stationery supplies, work wear and protective apparel
- Corporate wardrobe

Purchasing through the contracts negotiated via the NPN provides significant benefits for Councils. For example, in the calendar year 2013 Tasmanian Councils collectively purchased \$4.35million worth of items through the available NPN contracts. The principal purchase area was fleet. Contract discounts vary according to the manufacturer and product but available discounts are in the order of between 10 – 30% off the manufacturer's published Government list price. Savings to Councils during the twelve months through purchasing via the NPN therefore, were at a minimum \$480,000 across participating Councils in Tasmania.

Additional savings resulted from reduced Council internal/administrative costs. Estimates indicate that purchasing an item through the NPN rather than via a Council carrying out their own detailed tender process saves around \$5,000 for each tender. Based on the number of items purchased through the NPN in 2013, reasonable estimates show that a further minimum savings of \$130,000 was made across participating Councils in Tasmania during the period.

The number of Councils that purchase items through the NPN has increased over the past twelve months. Eight Councils did not make use of the arrangement in 2013 and some Councils restrict their purchasing to small items such as office stationery and supplies, therefore limiting the benefits that could potentially be received.

In terms of Procurement training, LGAT has been working with other Local Government Associations to develop the Introduction to Procurement Seminar – following testing, this seminar is expected to be made available to Tasmanian Councils officers in November 2014.

Documentation that supports procurement practice is under development. Details are included in the Operational Plan. A Model Code for Tenders and Contracts was scheduled for completion by end June 2014. This documentation along with other procurement material is available on the LGAT extranet.

Current Policy

The Strategic Plan sets the broad direction for LGAT activity. The Annual Operational Plan has been developed in accordance with that Plan. The focus on procurement is included in priority area 3 – Ensuring Financial Sustainability.

Budget

LGAT has a staff member working on procurement on a part time basis (2.5 days per week) for a fixed term.

7 ITEMS FOR DECISION

7.1 Mayoral Vacancies

Contact Officer: Katrena Stephenson

That the LGAT request a change to the Local Government Act to ensure a Mayoral vacancy does not trigger a by-election if the vacancy occurs within 12 months of an election.

A number of Mayors have expressed concern that given -

1. the longer terms for Mayors .
2. the relatively heavy workloads for Mayors and
3. the aging demographic;

there may be an increase in casual vacancies for Mayors with a resultant cost impost on councils through requirements for by-elections.

Currently, as outlined the Local Government Act the following occurs:

Section 308(4) provides that a vacancy in the office of mayor is to be filled by a by-election.

Section 308(1AA) provides that a by-election is not to be held during the period specified in section 307(3) which specifies the period commencing six months before the Thursday before the Notice of election is to be published (usually the second Saturday of September in any given election year). This means that no recounts or by-elections occur in the six months prior to an election and that with respect to a vacancy in the office of Councillor that position remains vacant.

In relation to a vacancy in the office of Mayor, section 44(2) provides that the Deputy Mayor acts in that office in that six month period and until the certificate of election is issued.

The proposal being put forward is that with a four year term a Council should be able to operate for twelve months before the next general election without filling a Mayoral vacancy (through a by-election). This would mean the Deputy Mayor could be acting as Mayor for up to twelve months.

8 ITEMS FOR DISCUSSION

8.1 Federal Government Budget Impact On Local Government

That Members discuss the information provided in the Report and determine an appropriate direction for LGAT in relation to issues raised.

At their 26 May 2014 Meeting, Launceston City Council resolved to request and work with LGAT and other relevant Councils and stakeholders to prepare a “Federal Budget Impact” discussion paper to be discussed at the next LGAT General Meeting with a view to using the picture that is built up as a foundation for working with the State Government in the lead up to delivering the State Budget in August. The focus of the discussion and future work was on ensuring that the “needs of Tasmania’s disadvantaged and vulnerable are considered and also to ensure that further cost-shifting to Local Government does not occur”.

To aid the discussion, two attachments are provided and are at **Attachment to Item 8.1**. The first outlines the direct financial impact of the Federal Budget on Tasmanian councils. The second, provided by TasCoss outlines the broader impacts of the Federal Budget to the Tasmanian community.

It should be noted that there is a concerted effort at ALGA to seek to have the FAGS shortfall redressed. Direct advocacy is occurring at the national level by ALGA with an indirect campaign also in play with mayors of councils being encouraged to write directly to local Federal members seeking their support/intervention in addressing the shortfall.

With regard to the broader impacts on communities, it is anticipated that councils have taken into account these broader implications when contemplating their own budgets. It is proposed that councils review the information that has been garnered from Tascoss to assess whether there is any position or action that should or could be taken by Local Government, particularly in the context of drawing any particular issues to the attention of the State Government.

Critically, councils will not be welcoming of specific cost shifts from State to Local Government and they should also be cognisant of the possible stresses on particular elements of their communities.

Tascoss has already made a significant submission to the State Government and it will be important to consider whether there is significant “value add” in any representation emanating from Local Government

MOTIONS FOR WHICH NOTICE HAS BEEN RECEIVED

9 GOVERNANCE

9.1 Motion – National Police Checks Council – Break O'Day

Decision Sought

1. That there be a requirement for all current and future candidates for Local Government to undertake National Police Checks in current name and any previous names.
2. That this requirement form part of the nomination form which must be completed by all candidates.

Background Comment

National Police checks are now a common requirement in most forms of employment and areas of volunteer work. This is extremely important for both an organisation and an individual when undertaking duties especially when it may involve contact with children and dealing with public monies.

LGAT Comment

A similar motion was considered and lost in July 2012. LGAT comment at the time was:

This is a more complex issue than it may first appear. While a number of employers use police checks they can be challenged on 'relevance'. The Australian Human Rights Commission notes the following:

"Australians who have a criminal record often face significant barriers to full participation in the Australian community... The principle of non-discrimination is all about removing stereotypes and allowing individuals to participate in society on the basis of their individual merits rather than be judged by the characteristics that are attributed to them through generalisations. It is about ensuring that they have the same opportunities as others to participate in society".

The Tasmanian Anti-Discrimination Act 1998 does not allow for a person to discriminate against another on the basis of 'irrelevant criminal record' and there is a specific exemption for discrimination in relation to the education, training or care of children.

The motion makes no suggestion as to what would happen should previous offences be revealed and as to whether all offences would preclude candidates from running. Such matters would need to be clarified before progressing a motion along these lines.

Such matters would still require consideration.

Tasmanian Government Agency Comment

Section 270 of the *Local Government Act 1993* outlines the instances in which a person is not eligible to nominate as a candidate for the office of councillor.

Among other things, section 270 provides that a person is not eligible to nominate as a candidate if that person is a bankrupt, is undergoing a term of imprisonment, or has been sentenced for a crime but the sentence has not been executed.

Furthermore, the Act provides that the office of a councillor automatically becomes vacant if a councillor is no longer eligible to nominate under section 270 during his or her term of office.

National Police Checks are not a standard requirement for employment in the Tasmanian State Service, unless the work involves contact with children. If councillors undertake volunteer work involving contact with children, for example at a school, they may be required to undertake a police check by the responsible organisation.

Currently, the Tasmanian Government is not considering introducing National Police Checks for councillors and persons nominating to be a Local Government candidate.

9.2 Motion –Qualifications of Elected Members Council – West Tamar Council

Decision Sought

Request the Local Government Association of Tasmania to ask the State Government to amend the Local Government Act, to widen or rescind the qualifications required for being a candidate for Mayor and Deputy Mayor in a Tasmanian Council beyond the present qualification of just one years experience as an elected member.

Background Comment

It has always been somewhat illogical to have the one year qualification. The stated purpose of such a qualification is to make sure that candidates for Mayor had the knowledge and experience to take on the task. In reality, if such a goal was to be sought, then clearly one years experience is big on being restrictive and yet sets a very low standard to be met.

This requirement was in place when councillors elected the Mayor themselves. It has not changed since public election of Mayor and Deputy Mayor has been introduced. It was difficult to see why elected councillors had to be restricted in this way, and is probably just as difficult now we have public election. So there is a case for simply repealing the provision.

However, if it is believed some prequalification is needed, it should be for mayoral candidates only and it should at least follow good governance principles.

Most companies and organisations that operate under ASIC governance principles require that candidates for election to a board meet criteria; so capacity to carry out the task is reasonably assured.

Because Local Government seeks to have decision making and leadership by local citizens, it would be inappropriate for any prequalification to apply to candidates for councillor. It would also be inappropriate to require candidates for Mayor to have Australian Institute of Company Directors (AICD) qualifications or other such formal qualifications. At the same time, what is required to be a candidate for Mayor could be extended to have a wider range of other experience and skills. Surely a former local government manager, federal or state politician, business leader or CEO of a large charity should be seen as having at least equivalent relevant experience to a person who has one year as a local councillor.

At present, most potential candidates for Mayor would not have been able to run until they had served half of their first four year term as a councillor. Then, when the two yearly election occurred, they would have met the prequalification to be a candidate and run if they wished.

Under the changes to the Local Government Act, for most potential candidates, that will now be four years. In this context, what was restrictive is now much more restrictive.

Local Government has rightly been very vocal about inappropriate regulation. The incoming government has reform of regulation on its agenda. The sole criteria of one years experience as the prequalification to be a candidate for Mayor is a regulation that is unnecessarily restrictive.

Reform of this provision could simply be repeal. Or it should include wider automatic qualification criteria based on public offices held. It should also include the option for a potential candidate to make the case, to an independent assessor, that the person's skills and experience in other areas, exceeded the skills and experience that could be gained by one year of service as a councillor.

Apparently, current Mayors were recently asked their opinion about such a change and said "No". It can be argued that such a matter should be referred to the wider Local Government body.

This motion allows this to happen.

LGAT Comment

The matter was a subject for discussion at the September 2013 General Meeting. At that meeting Councils generally agreed that a one year qualifying period for Mayors and Deputy Mayors should continue but there was no formal motion relating to that position.

Tasmanian Government Agency Comment

Under subsection 41(1)(b) of the *Local Government Act 1993* (the Act), a person is eligible to nominate as a candidate for the office of mayor or deputy mayor if the person has at any time been elected or appointed as a councillor of any council in the State for a period of at least 12 months.

Removing this subsection would mean that any person is eligible to nominate as a candidate for mayor or deputy mayor, as long as they are eligible to nominate as a candidate for the office of councillor under section 270 of the Act.

The State Government is aware of concerns that the 12 month qualification period could be viewed as a constraint on encouraging people to nominate for the office of mayor or deputy mayor.

Furthermore, the Local Government Division in the Department of Premier and Cabinet acknowledges that this concern has intensified following the recent move to four-year terms for elected members, which effectively means that a councillor would need to serve a four-year-term before being eligible to nominate as a candidate for mayor or deputy mayor. The exception to this would be if the serving mayor or deputy mayor stood down from their office during the four-year term.

In response to concerns raised, the Tasmanian Government is considering a proposed amendment to the Act, to remove the requirement under subsection 41(1)(b) for a candidate for the office of mayor or deputy mayor to have a minimum of 12 months experience as a councillor.

The Government recognises the value in newly elected members undertaking relevant training and encourages the Local Government Association of Tasmania to continue to promote the benefits of such training to councils. Furthermore, councils are encouraged to establish their own policies to encourage participation by councillors in training courses.

The need for mandatory training for mayors and councillors was highlighted as issue in the Role of Local Government project and the Premier's Local Government Council Governance Working Group is likely to consider this issue as part of a package of initiatives to improve governance within Local Government.

10 PUBLIC POLICY - GENERAL

10.1 Motion – Government Business Enterprises Council – Derwent Valley Council

Decision Sought

That the Local Government Association of Tasmania pursue with the newly elected Liberal Government, the rating of Government Business Enterprises, namely AURORA and also the rating of all Crown Land that is leased for commercial developments in National Parks.

Background Comment

This matter has been the subject of numerous debates at Local Government Association Meetings, and in regard to the rating of GBE's has been supported by most Councils.

Regrettably it is still an issue that has gained little or no support from the State Government.

It is interesting to note that in most other states power generation companies are the subject of the council rating system, yet in Tasmania they are not. This is based on Legislation which in our view is anti-competitive and not in compliance with the Competitive neutrality principles under National Competition Policy (CNP) signed up to by all States.

The other issue is in regard to Commercial activities that occur in our National Parks. It is the view of Crown Land that these are covered under changes made to their Act many years ago, which we again feel is anti-competitive, especially when some of the activities these commercial operations undertake are competing against other businesses in the area who are rated.

LGAT Comment

This issue stems back to the early 2000s when a review of financial relations between State and Local Governments was undertaken. The net result of this review was that, in large part, councils would pay state taxes and charges and the State Government would pay rates to councils. Exemptions were made on each side of the ledger for charges associated with national parks, recreational parks, etc. The analysis demonstrated that there would be a significant windfall to Local Government in this process. The review had been conducted on the basis of revenue neutrality being agreed as an outcome.

The means by which this was “artificially” achieved was to exclude particular charging from the process. While several possibilities were available it was the exclusion of Hydro rates that was ultimately resolved. The impact and reach of this decision was considered in the context of how the reforms would not only affect the sector but the individual councils.

A decision to include Hydro rates in the equation would have been to the significant benefit of 5-6 councils but with the majority of councils worse off. The final decision saw all bar two councils financially better off with an undertaking from the State Government that it would ensure that the finances of the two councils, Glenorchy and Devonport, would remain neutral for a period of time. The net result for the Local Government sector was an increase in revenue of some \$2 million per annum.

The National Competition Policy provisions require the payment of rates by electricity utilities. This does not occur in Tasmania in respect of direct payments to councils but the NCP obligations are met in the form of tax equivalents being paid directly to the State Government, as owners. This is in line with the above arrangements. NCP requires that charges are built into pricing considerations but is silent on to whom these disbursements should be made.

LGAT has made a number of representations to the State Government on these matters seeking a further review of the financial arrangements. The most recent request related to the transfer of forestry land to reserves and the impact that this action has on future revenues of councils.

The State Government has maintained a consistent position that a further review is not warranted. It may be that a new State Government has a different perspective and it may be possible to put the case that this financial relationship should be reviewed to ensure that the basis upon which it was established continues to ensure equity.

Tasmanian Government Agency Comment

Land owned by Hydro Tasmania or by one of its subsidiaries (within the meaning of the *Government Business Enterprises Act 1995*) on which assets or operations relating to electricity infrastructure (within the meaning of the *Hydro-Electric Corporation Act 1995*), other than wind-power developments, are located, is exempt from rates imposed by Local Government under section 87(1)(c) of the *Local Government Act 1993*. However, a rates equivalent amount is imposed on the land associated with Hydro’s hydro-electric generating assets in order to comply with the State’s competitive neutrality obligations.

As part of implementation of the Statewide Partnership Agreement between the Government of Tasmania and Tasmanian Councils on Financial Reform signed in 2003 the Local Government Act was amended. These amendments required State Government to pay council rates on crown land, apart from certain types of reserves, roads, bridges and associated infrastructure and hydro land, the reforms also resulted in councils paying all State Government taxes including payroll tax and land tax, with the exception of parks, reserves and conservation areas and the abolition of up to \$10 million in State Government levies on councils.

All Government Businesses, except Hydro Tasmania, are already subject to local council rates on all land owned by the businesses. At the time it was agreed that Hydro Tasmania be excluded from council rates on land used for hydro-electric generation, but subject to a rates equivalent regime with a rating methodology that was consistent with its competitors, ensuring all obligations under the National Competition Policy are met. A key principle of the reform was revenue neutrality – the financial impact of the reform proposals are revenue neutral between the two levels of Government. If Hydro Tasmania had been included it would have made achieving revenue neutrality at both the sector level and individual council level very difficult to achieve.

National parks were also specifically excluded as part of the reforms and to include them now would also distort the revenue neutrality principle of the reforms.

11 ADMINISTRATION

No Motions Received

12 FINANCE

12.1 Motion – Accrual Accounting Council – Waratah Wynyard

Decision Sought

That the Local Government Association of Tasmania request that the State Government consider introducing accrual accounting to State Government departments commencing with the Department of Infrastructure, Energy and Resources (DIER).

Background Comment

Local Government is required by The Local Government Act 1993 Section 83 (b) to record their assets and liabilities and, Section 84 (1) to prepare council's financial statements in accordance with the Audit Act 2008 and comply with the Australian Accounting Standards.

Local Government financial reports must comply with Accounting Standard AAS27 which includes the use of accrual accounting, the valuation of assets and liabilities and the depreciation of those assets.

While State Government imposes these requirements on Local Government they do not hold themselves accountable to the same standards.

DIER could certainly benefit from asset management under the rigors of the accounting standards. The department may then concentrate on truly productive assets and manage their income stream in a rational, planned way.

LGAT Comment

No further comment required.

Tasmanian Government Agency Comment

The Tasmanian Government mandated that departments, including the Department of Infrastructure, Energy and Resources, prepare and publish financial statements on an accrual basis. This commenced for the 1996-97 financial year. These statements are prepared in accordance with Australian Accounting Standards, Treasurer's Instruction and the *Audit Act 2008* (previously the *Financial Management and Audit Act 1990*).

The statements are published annually in departmental annual reports.

In addition, departments have been required since 2003-04 to produce accrual budgets which are incorporated in the annual State Budget Papers.

**12.2 Motion – Financial Assistance Grants
Council – Derwent Valley Council**

Decision Sought

That the Local Government Association of Tasmania be requested to write to the Federal Minister for Local Government requesting a change to the Local Government (Financial Assistance) Act 1995 section 6 1 (b) National Principles Governing Allocation by States among Local Government Bodies, by deleting 30% and replacing it with 20%.

Background Comment

Councils are no doubt aware that over the years most sections of the Financial Assistance Grants have been amended by State Grants Commissions. These changes have been in regard to disability factors, road methodology and in more recent times the introduction of the Relative Needs criteria.

It appears that the only criteria that has not been changed since 1995 is the minimum grant criteria which is governed by section 6 of the Local Government (Financial Assistance) Act 1995.

The section in question is Section 6 1(b).

National Principles governing allocation by States among Local Government Bodies.

This section currently reads as follows:

Must ensure that no local government body in a State will be allocated an amount under section 9 in a year that is less than the amount that would be allocated to the body if 30% of the amount to which the state is entitled under that section in respect of the year were allocated among Local Government bodies in the State on a per capita basis.

This change effectively means that those Councils that are on the base grant and do not receive any allocation based on relative needs will have their financial grant reduced.

In the case of Tasmanian Councils and based on 2011/12 figures the reductions will be in the order of \$221,000 to \$440,000 and in the total State context amount to in the order of \$1,644,000. These funds would then be redistributed to those council who receive the relative needs component of the financial assistance grant. This distribution will vary from \$6,600 to \$189,000.

LGAT Comment

No additional comment.

Tasmanian Government Agency Comment

The State Grants Commission (SGC) is required to administer the Financial Assistance Grants (FAGS) provided by the Commonwealth Government in accordance with the Commonwealth's *Local Government (Financial Assistance) Act 1995*. Currently the Commonwealth legislation requires Local Government grant commissions to apply 30% of the FAG pool using the minimum grant principle.

The SGC has no jurisdiction over the Commonwealth. The SGC distributes the pool of funds that the Commonwealth determines. The Commonwealth determines what portion of the FAG pool it requires Local Government grant commissions to distribute using the minimum grant principle.

As stated on page xi of the Commonwealth Grants Commission (CGC)'s June 2001 *Report – Review of the Operation of the Local Government (Financial Assistance) Act 1995*, the minimum grant principle conflicts with the horizontal equalisation principle because minimum grants and equalisation grants are funded from the same pool. As the minimum grants are not distributed on an equalisation basis, they reduce the assistance available to meet the Commonwealth's equity objective.

The CGC undertook a review of Local Government financial assistance grants in 2013. The CGC report was handed to the former Commonwealth Government in mid December 2013 for consideration but, as yet, it has not been made public. Clause 3(c) of the Terms of Reference for the 2013 review requested the CGC examine the impacts of financial assistance grants on Local Government bodies by identifying the impact of the minimum grants principle on the intra-state distribution of FAGs.

The SGC awaits the release of the CGC's 2013 report - *Review into Improving the Impact of Financial Assistance Grants on Local Government Financial Stability*.

12.3 Motion – Review of Financial Relationship With State Government Council – Derwent Valley Council

Decision Sought

That the Local Government Association of Tasmania pursue with the newly elected Liberal Government a review of the Financial Relationship between State and Local Government.

Background Comment

This matter was the subject of a motion from the Derwent Valley Council to the LGAT General Meeting in July 2013. It is understood that this matter was discussed with the then State Labor Government and that they appeared not to be keen to undertake a review of something that has now been in place for some 15 years.

The reason for this is possibly because over this period of time the pendulum has now swung substantially in favor of the State Government. With this said we mean that land values have increased substantially, as has the impost for the payment of Payroll Tax.

In this period the State Government has disposed of many of their land holdings under the Crown Land Assessment and classification Project (CLAC) effectively reducing their rate impost and increasing their land tax by the transfer of the land to Local Government.

It was the view when the Financial Relationship between State and Local Government was agreed too that a review would be undertaken, this was supported by a previous Director of Local Government at a General Managers Workshop several years ago.

LGAT Comment

This issue stems back to the early 2000s when a review of financial relations between State and Local Governments was undertaken. The net result of this review was that, in large part, councils would pay state taxes and charges and the State Government would pay rates to councils. Exemptions were made on each side of the ledger for charges associated with national parks, recreational parks, etc. The analysis demonstrated that there would be a significant windfall to Local Government in this process. The review had been conducted on the basis of revenue neutrality being agreed as an outcome.

The means by which this was “artificially” achieved was to exclude particular charging from the process. While several possibilities were available it was the exclusion of Hydro rates that was ultimately resolved. The impact and reach of this decision was considered in the context of how the reforms would not only affect the sector but the individual councils.

A decision to include Hydro rates in the equation would have been to the significant benefit of 5-6 councils but with the majority of councils worse off. The final decision saw all bar two councils financially better off with an undertaking from the State Government that it would ensure that the finances of the two councils, Glenorchy and Devonport would remain neutral for a period of time. The net result for the Local Government sector was an increase in revenue of some \$2 million per annum.

The National Competition Policy provisions require the payment of rates by electricity utilities. This does not occur in Tasmania in respect of direct payments to councils but the NCP obligations are met in the form of tax equivalents being paid directly to the State Government, as owners. This is in line with the above arrangements. NCP requires that charges are built into pricing considerations but is silent on to whom these disbursements should be made.

LGAT has made a number of representations to the State Government on these matters seeking a further review of the financial arrangements. The most recent request related to the transfer of forestry land to reserves and the impact that this action has on future revenues of councils.

The State Government has maintained a consistent position that a further review is not warranted. It may be that a new State Government has a different perspective and it may be possible to put the case that this financial relationship should be reviewed to ensure that the basis upon which it was established continues to ensure equity.

Tasmanian Government Agency Comment

The State and Local Government Financial Reforms (SLGFR) were negotiated in good faith with a commitment from both levels of government to the aim of simplifying and making financial relations more transparent.

The reforms were underpinned by a criterion of revenue neutrality for both levels of government based on the 1999-00 reference year. The SLGFR context was always a “no regrets” initiative with no expectation that revenue neutrality would be either sustained through time or subject to periodic review.

Treasury refutes the claim that when the SLGFR was endorsed, that a review would be undertaken. In December 2001, the Premier’s Local Government Council endorsed a paper by the SLGFR working group setting out a number of principles for the reforms including *“Revenue neutrality will have to be determined at a point in time, which in this case will be for 1999-00. Both levels of government therefore need to be aware that the future changes cannot be anticipated and this is a risk, which both parties must be*

prepared to accept". (Principles for Reform of State and Local Government Financial Relations - page 3).

By removing rating and taxation exemptions, each sphere of government could enhance its decision making and lead to efficiency gains and greater economic benefits by taking into account the true cost (ie inclusive of state taxes or Local Government rates) of providing State and Local Government services.

It is noted that by the time that the legislation took effect on 1 July 2004, State taxes had reduced and council rates increased relative to 1999-00 revenue neutrality reference year, such that rather than being revenue neutral the reforms resulted in a material positive net financial transfer to Local Governments from the State Government.

Subsequent reductions in state taxes, such as reductions in land tax in 1 July 2010 and increases in payroll tax thresholds in 1 July 2013 would have further favourably impacted Local Government.

Treasury does not support the proposed review.

12.4 Motion – Annual Licence Fees For Private Jetties Council – West Coast Council

Decision Sought

That LGAT initiates discussion with Crown Land Services with the objective of establishing a fairer pricing model for annual licence fees applied to private jetties.

Background Comment

The annual licence fee for private jetties is calculated as 6% of valuation, uncapped.

During the past two years there has been a significant increase in waterfront valuations resulting in unreasonable increases in annual licence charges for jetties.

This has had significant impact on property owners with jetties around the State resulting in enquiries and representations directed to Councils.

West Coast Council suggests that a pricing model similar to rental for a replacement lease for a shack site on Crown Land, as determined by CROWN LANDS (SHACK SITES) REGULATIONS 2012 (S.R. 2012, NO. 100) - REG 3, would be more reasonable and consistent. This is calculated as the lesser of 2% of valuation or \$1500 (as at September 2010, indexed annually in accordance with Hobart CPI).

LGAT Comment

No additional comment.

Tasmanian Government Agency Comment

The current rental policy for private use of marine structures is six per cent of land value.

The majority of marine structures (excluding commercial agreements) are currently charged between \$200 and \$600 annual rent.

The pricing model suggested above is not directly comparable as Shack Sites are a different development type and use.

Any decrease in the percentage of land value charged would result in a substantial decline in revenue, and also result in many agreement holders not being charged the minimum amount of rental needed to cover the cost of administering the terms of the agreement annually. This means that their occupation of the land would be subsidised by the Crown.

Crown Land Services' Crown Land Rental policy allows for agreement holders to seek a rental review, and agreement holders can also negotiate payment terms that best suit their circumstances, such as quarterly or monthly payments rather than annually.

It is accepted that fees associated with Marine structures (jetties, slips, pontoons, boatsheds) have increased in the last 10 years. However, the increase in the underlying land value has, in most cases, not been the main factor in this increase. Agreement holders are now required to hold public liability insurance for these structures. The premiums for this coverage (\$5 million) can be around \$600 annually. In many cases, this is more than the rental fee.

Councils have, in some municipalities, also started charging rates and fees for these structures. Under section 87 of the *Local Government Act 1993*, Crown land appears to be exempt from "general and separate rates, averaged area rates, and any rate collected under section 88 or 97" where the land "is a public reserve, within the meaning of the *Crown Lands Act 1976*" or "is a marine facility, within the meaning of the *Marine and Safety Authority Act 1997*". Most marine facilities are located on "public reserve".

Under section 3 of the *Marine and Safety Authority Act 1997*, "marine facility means any facility, structure or equipment used in relation to the navigation and operation of vessels".

Rather than the annual licence fee being reduced, councils could review their charges associated with these structures to ascertain if they are allowable under the Local Government Act.

Sample copies of the rates and fee notices provided to Crown Land Services indicate some marine structure agreement holders are being charged up to \$800 annually in council charges, more than most agreement holders are charged in annual rental. Some councils have also created a new special 'marine structure' fee.

13 INFRASTRUCTURE AND SERVICES

13.1 Motion – Roads to Recovery Goals Council – Waratah Wynyard Council

Decision Sought

That the goals of the R2R programme be re-examined with a view to determining how they can better assist Councils to achieve sustainable, strategic asset management outcomes over the long term. The program's funding conditions should be reviewed accordingly.

Background Comment

The philosophy embodied within the programme's current funding requirements is simply to hold Councils to a historic level of roads expenditure. This does not provide adequate incentive to further develop the maturity of their strategic asset management practices and, in many respects, seems at odds with it.

LGAT Comment

Roads to Recovery was initially established to deal with a backlog of expenditure on council road assets. While broad strategic outcomes associated with asset management programs may not necessarily align with the goals and philosophy of Roads to Recovery, it should be understood that it was intended to be a source of funding to enable councils to 'catch up'.

This may be a matter that could be best addressed through the Australian Local Government Association's Roads and Transport Advisory Committee, and if supported, the Association could progress the matter through that process.

Tasmanian Government Agency Comment

Roads to Recovery is an Australian Government program and it deals directly with Local Government.

As the Department of Infrastructure, Energy and Resources doesn't have a role in this program, councils are encouraged to raise concerns with the Federal Department of Infrastructure.

**13.2 Motion – Roads to Recovery Funding Conditions
Council – Waratah Wynyard Council**

Decision Sought

That the Roads to Recovery Funding Conditions be reviewed to remove apparent inconsistencies with respect to what is and is not considered 'roads expenditure' (re: calculation of own source expenditure).

Background Comment

Examples of inconsistencies include, but are not necessarily limited to -

- a) Under the current conditions, capital expenditure on footpaths may be included only where they occur as part of a wider road project but capital expenditure on stand-alone footpath jobs must be excluded along with expenditure on the maintenance of footpaths.
- (b) Council's total street lighting expenses have been excluded under the conditions due to the fact that we have not previously been able to demonstrate the proportion of the total bill attributable to electricity consumption (excluded) **vs** maintenance of the network (transmission and distribution) (which may be included). A presentation to Tasmanian Councils from Aurora (dated Aug 2012) which has just come to our attention shows that, in fact, this split is approximately 25%/75%, that is, the majority of our street lighting costs could be included in our calculation of own source expenditure on roads.

LGAT Comment

As this matter relates to a national program, the appropriate vehicle to handle this issue is via the Australian Local Government Association (ALGA). The LGAT sits on the ALGA's Roads and Transport Advisory Committee, which considers matters relating to programs such as Roads to Recovery, and the conditions associated with such programs, in order to formulate a national sectoral perspective. It would be appropriate, if this motion were supported, for the Association to raise the matter via that committee.

Tasmanian Government Agency Comment

Roads to Recovery is an Australian Government program and they deal directly with Local Government.

As DIER doesn't have a role in this program, Councils are encouraged to raise concerns with the Federal Department of Infrastructure.

**13.3 Motion – Transfer of Forestry Roads
Council – Circular Head**

Decision Sought

That the Local Government Association of Tasmania is asked to seek discussions with the State Government regarding negotiations on the handover of Forestry Tasmania roads to Parks, due to a negative effect that will occur on communities and tourism due to deterioration if no funding is available for continued maintenance.

Background Comment

Council is concerned that if an adequate operation budget is not provided with the transfer of the ownership of the roads communities will be affected, especially with tourism that promotes the ventures across these roads.

LGAT Comment

Since an earlier motion was passed in 2013 on this issue, the LGAT has been seeking clarification from both the former and current State Governments regarding responsibility for former Forestry Tasmania and Gunns roads, as well as an outline of the future actions the government is considering for these roads.

LGAT has received advice from State Government mirroring the Tasmanian Government Agency comment.

The Association remains in contact with Forestry Tasmania and the relevant Departments on this issue. In addition, at the time of writing it is intended that LGAT will raise the matter at the next PLGC meeting in July in order to obtain greater clarity from the Premier and/or the new Minister.

Tasmanian Government Agency Comment

The management of areas currently described in the Tasmanian Forest Agreement (TFA) as Future Reserved Land (FRL) is still being clarified.

Legislation has been introduced into Parliament to alter the terms of the TFA. At the time of writing, the FRL remains State Forest, with the roads remaining as Forest Roads managed by Forestry Tasmania.

Assuming legislation currently before Parliament is passed in its current form, and land is transferred for management by the Parks and Wildlife Service, it is expected that appropriate funding would also be provided to manage the land.

13.4 Motion – Tasmanian Freight Equalisation Scheme * Council – Northern Midlands Council

Decision Sought

That LGAT

1. Support the continuation of the Tasmanian Freight Equalisation Scheme due to its importance to Tasmania.
2. Lobby the Australian Government and State Governments to re-establish the Tasmanian Freight Equalisation Scheme for all freight transported to and from Tasmania.
3. Investigate the terms of the proposed Australian Competition and Consumer Commission/Productivity Commission enquiry into the Tasmanian Freight Equalisation Scheme with the aim of issuing a brief to Councils.
4. Assess options for a study that analyses the benefits and costs of a support package for a direct international service from the Port of Bell Bay.

Background Comment

The key objective of the Tasmanian Freight Equalisation Scheme is to provide Tasmanian industries with equal opportunities to compete in mainland markets, recognising that unlike mainland counterparts, Tasmanian shippers do not have the option of transporting goods interstate by road or rail. The Tasmanian Freight Equalisation Scheme assists in alleviating the sea freight cost disadvantage incurred by shippers of eligible non-bulk goods moved by sea i.e. not shipped loose in the hold of a ship. Under the rules of the Tasmanian Freight Equalisation Scheme, exports to international destinations are ineligible for Tasmanian Freight Equalisation Scheme assistance, either as direct exports or through transshipment.

At Attachment to Item 13.4 are the following documents -

- Northern Midlands Council Minute 269/13 dated 14 October 2014
- Email from Northern Tasmania Development 2 October 2013
- Regulatory Environment – Implications for Tasmanian Freight and Logistics
- Interim Report released by the Tasmanian Freight Logistics Coordination Team 2013
- Freight Logistics Coordination Team – Terms of Reference & Membership
- Michael Deegan 2012 Report into Tasmanian ports and shipping
- Audit Office Report 2010-2011 Tasmanian Freight Equalisation Scheme
- Australian Government Productivity Commission Inquiry Overview of the Tasmanian Freight Subsidy Arrangements December 2006

LGAT Comment

LGAT has made several representations to both the Federal and State Governments, as well as undertaking a range of enquiries and processes looking into this matter. In light of the pending public release of the final report by the Australian Government, it is not considered worthy of further action at this time.

Tasmanian Government Agency Comment

In November 2013, the Australian Government requested the Productivity Commission undertake an Inquiry into *Tasmanian Shipping and Freight*. This Inquiry has now concluded, with the Commission's Final Report forwarded to the Australian Government on 7 March 2014. The Final Report is yet to be publicly released.

As part of a broader review of Tasmania's freight system, the Inquiry considered the effectiveness of the current Australian Government schemes for supporting freight and passenger services between the mainland and Tasmania.

The Australian Government has committed to retain the Tasmanian Freight Equalisation Scheme (TFES), with the scope of the Inquiry to assess the merits and weaknesses of the current arrangements and to provide recommendations on an appropriate future approach and/or arrangements.

Following a public consultation process, the Productivity Commission released its Draft Report in January 2014 with preliminary recommendations on the design and administration of the TFES.

These schemes are important for Tasmania and it is the Government's position that the funding levels committed in the forward estimates should be retained. To assist international shippers in the short-term, the TFES should be extended to international export freight.

The Minister for Infrastructure, Rene Hidding MP has recently met with Deputy Prime Minister Truss MP to present Tasmania's case in relation to the Commission's Report and will continue to represent Tasmania's interests in relation to the Australian Government's response to this review.

The Productivity Commission's Report recommended that the Australian Government should proceed with the foreshadowed review of coastal shipping regulation as soon as possible, with the objective of that review being to achieve the most efficient coastal shipping services feasible for Australia.

On 8 April 2014 the Australian Government released its *Options Paper: Approaches to regulating coastal shipping in Australia*. The purpose of this paper is to seek stakeholder views on the operation of the current regulatory framework governing coastal shipping. The paper sets out three broad policy options for comment by 31 May 2014.

The Tasmanian Government welcomes this review. With over 99% of our inbound and outbound freight by volume moving by sea the renewal of our coastal shipping fleet and efficient sea freight services are an important issue for Tasmania. It is also a complex issue that needs careful consideration.

The Tasmanian Government is committed to the reintroduction of a direct international shipping service, recognising the impact of additional costs of transshipment through the Port of Melbourne on Tasmanian exporters. The Minister for Infrastructure has recently written to a number of shipping companies including local operators, inviting expressions of interest in providing a solution to this issue, noting the Government's funding commitment of up to \$11 million per year over three years. As Tasmania has relatively low volumes of direct international exports and imports, the viability of such a service will require strong commitment from the market.

**13.5 Motion – Regional Telstra Officers
Council – Northern Midlands Council**

Decision Sought

That the Local Government Association of Tasmania request both the State and Commonwealth Governments to encourage Telstra to provide a regional officer within each region able to provide detailed infrastructure answers in a timely manner to facilitate the ongoing development of private and public infrastructure works.

Background Comment

The Northern Midlands Council is sure that it is not alone in suffering unnecessary delays to infrastructure works, be they new works or maintenance and repair of existing.

To the extent that these delays relate to Telstra owned facilities and infrastructure, it is believed that much of this is, ironically, a matter of communication. Too often, attempts to contact an appropriate Telstra representative, able to understand the problem and the necessary solution, end in an interstate office. No certainty of resolution or possible timeframe is provided and council works are delayed, resulting in significant costs and inconvenience at the local level.

LGAT Comment

It should be noted that Telstra is a fully privatised company. Telstra outsources a significant portion of network installation and maintenance services to private contractors. Telstra have identified regional managers responsible for customer service matters in Tasmania. These regional managers may often share responsibility for Victoria and Tasmania, but that is a business decision of Telstra.

LGAT as a partner under the National Procurement Network, following a rigorous procurement process has recently engaged two telecommunications suppliers to deliver goods and services to Tasmanian Councils who chose to purchase from them. The two companies are Telstra and the Community Telco. During the tender evaluation process, both companies were able to demonstrate that they would deliver cost effective, positive regional presence in Tasmania designed to satisfy council requirements. The new NPN contract became available via *Vendor Panel* on 5 June 2014.

Tasmanian Government Agency Comment

Telecommunications is constitutionally an Australian Government responsibility.

Carriers and carriage service providers must manage and protect their infrastructure in accordance with the Commonwealth *Telecommunications Act 1997* (Telco Act) and associated legislation, and with their specific licence conditions.

These arrangements give all carriers rights and obligations which override both State Government legislation and the powers of Local Government. In addition, Telstra has special rights in relation to infrastructure which predates the Telco Act.

Consequently, the Tasmanian Government has minimal ability to impact any actions or inactions of Telstra which may arise from these powers. However, the Government notes that:

- Telstra has national processes and procedures in place to protect its assets, in accordance with its powers.
- There is anecdotal evidence that Telstra is not always responsive to queries regarding works that could affect Telstra infrastructure, particularly when those queries are not made within the context of a customer/supplier relationship.
- It is difficult to determine which of the various industry and consumer bodies involved in telecommunications, if any, could assist local councils with complaints around failure to respond to these queries.

The Government, through its telecommunications and IT management arm, TMD (a division of the Department of Premier and Cabinet), has informally encouraged Telstra Network Integrity to meet with interested Tasmanian local councils on this matter. TMD is also willing to formally write to the Commonwealth on this matter should LGAT resolve to pursue this issue.

13.6 Motion – Water & Sewerage Infrastructure Council – Northern Midlands Council

Decision Sought

That LGAT lobby the TasWater Board to call on the Australian Government to work with the State Government to fund the development of renewed water and sewerage infrastructure works, particularly for small and regional communities across the State.

Background Comment

That LGAT lobby the Australian Government to work with the State Government to fund the development of renewed TasWater infrastructure works, particularly for small and regional communities across the state.

When Council's reluctantly agreed to the formation of the water corporations it was on the basis that Federal Government funds would be available under the National Water Initiative for water and sewerage infrastructure.

Whilst funding has been made available for State irrigation schemes, it appears that Huon Valley has been the only residential area that has received funding for water or sewerage. Prior to the reforms, it was stated that State and Local Governments should not proceed with the restructure unless an amount of \$350million was made available to fund the backlog of infrastructure works. A similar amount was made available prior to the water and sewerage reforms in Victoria a decade ago.

LGAT Comment

The governance arrangements associated with TasWater allow for the direct interaction by councils via the Owners' Representatives Group as well as the regional meetings between owners and the CEO and Chairman of TasWater. It is considered that these forums are the most appropriate place to commence a discussion of the type proposed in the motion.

LGAT could play a role but it would be important to ensure that it was in keeping with the needs and requirements of TasWater's infrastructure planning. It should also be noted that past funding requests to the Commonwealth have failed on the basis of the applications not fitting within an available funding program on offer from the Commonwealth. A successful funding application was made to assist with the roll out of water meters across the state as this met the requirements of the then National Water Initiative. It would be important for TasWater to initially identify needs and then seek to match them against available funding programs. It is also anticipated that this is modus operandi for that organisation in seeking to fulfil its infrastructure requirements and in the sequence that it is seeking to meet those commitments.

Tasmanian Government Agency Comment

The consolidation of the 29 locally operated water services agencies into TasWater and the move towards cost recovery pricing will deliver efficiency gains to the Tasmanian water and sewerage industry.

The restructuring of the water and sewerage industry was also designed to allow the three previous regional corporations, now TasWater, to undertake the necessary investment, estimated at around \$1 billion over the decade, to improve the quality of services in many areas and to ensure compliance with health and environmental standards. While neither the Tasmanian nor the Australian Government provided any commitment at the outset to make available \$350 million to support this investment, both levels of government have provided direct financial support to the industry in recent years.

External grant funding would accelerate TasWater's investment program, improve the quality of water and sewerage services and help bring the industry to full financial viability sooner than otherwise. Accordingly, the Tasmanian Government continues to work closely with the Australian Government in identifying possible sources of funding. Water and sewerage reform in Tasmania is one of only four Tasmanian projects included on the Infrastructure Australia National Priority List for 2013. The current Tasmania Government submission to Infrastructure Australia, which was prepared in close consultation with the three regional corporations, relates to funding for construction of:

- water treatment infrastructure in 20 small and regional communities; and
- reticulated sewerage infrastructure for Coles Bay.

The objective of the project, which seeks \$72 million from the Australian Government, is to bring regional water and sewerage infrastructure in Tasmania up to a standard aligned with the Australian Drinking Water Guidelines and environmental standards.

The investment decisions of TasWater are a matter for its Board and executive team. TasWater is owned by Local Government councils and each Local Government council has a member on the TasWater Owners' Representative' Group. As this Group already provides formal liaison between Local Government councils and the TasWater Board, councils have the opportunity to use this Group as an avenue to influence TasWater's lobbying strategy for the funding of regional infrastructure.

13.7 Motion – Cost of Existing and New Public Lighting Council – Launceston City Council

Decision Sought

1. That LGAT write to the responsible minister requesting that they seek changes to national electricity laws and regulations so that public lighting providers are required to better inform Local Government of the cost of existing and new public lighting. This should include disclosure of the generation, transmission and distribution charges associated with individual public lighting types, as well as the residual value of public lights. This information is a critical requirement for business case assessments of more efficient and environmentally sustainable public street lighting options.
2. That LGAT enter into discussions with Aurora Energy to obtain further information about the generation, transmission and distribution charges associated with individual public lighting types, as well as the residual value of public lights.

Background Comment

The price councils pay for street lighting is based on annual prices set for different public lighting types. Aurora lists these annual flat-rate charges in their schedule of Retail Public Lighting Prices.

The bill councils receive from Aurora includes a breakdown in the charges associated with electricity costs (see Table below). However, this is a breakdown of the costs for all electricity customers across the state, and the same information is supplied to all retail customers.

Table: Breakdown of cost of electricity supply in Tasmania, July 2013

Component	Proportion
Generation	35.0%
REC charges	6.7%
Market charges	0.4%
Transmission	13.7%
Distribution	36.0%
Retail	8.2%
Total	100.0%

Councils are not provided with a breakdown of the price paid for individual street lighting types. Aurora does not supply information to councils on the component of prices for street lights associated with the capital cost, electricity use, general maintenance, or globe replacement. Further, Councils are not informed of the maintenance and replacement program for individual public lights, including the remaining life and residual value of public street lighting.

Without an understanding of the costs associated with each of the different street lighting types it is very difficult for councils to assess the business case for new energy efficient lighting types (e.g. LEDs). Requiring Aurora to be transparent to councils about the price they pay for council would help ensure that councils make informed decisions about energy efficient lighting.

If an expanded range of energy efficient lighting were to be listed as a standard light in Aurora's schedule, then this also would help councils to assess the viability of an accelerated replacement program. However, energy distribution companies have been historically slow to list energy efficient public lighting within the schedule of standard lights without financial commitment from Local Government.

LGAT Comment

Disclosure of generation, transmission and distribution charges

Concerns about transparency of generation, transmission and distribution charges associated with public lighting are held in a number of jurisdictions. The situation is particularly poignant in Tasmania where in the majority of situations, there are monopolies for generation, distribution and transmission services.

LGAT has been working with Aurora Energy, the body currently responsible for distribution and retail services in relation to street lighting, to try and build members' knowledge and capacity in regards to street lighting and other electricity related services. This has occurred through a number of forums and information updates. The Association plans to continue working with the new TasNetworks (that will replace Aurora distribution and Transend as of 1 July) to continue and build on achievements in this area.

The Association agrees that access to a full breakdown of costs in relation to generation, transmission and distribution charges would better enable members to undertake business case assessments of more efficient and environmentally sustainable public street lighting options. Currently, The Australian Energy Regulator (AER) regulates energy markets and networks under national energy market legislation and rules including setting the prices charged for using energy networks (electricity poles and wires and gas pipelines) to transport energy to customers. Under AER guidelines, Energy businesses do not have to provide a cost breakdown.

In submission to the AER in relation to the current Regulatory Control Period (2012-2017), The Association advised

- *there is little transparency in the pricing schedule on which Aurora charging is based; compounded by the fact that:*
- *end users are billed in a 'bundled' manner that does not provide separate line items to break down components of public lighting charges. This means that councils cannot interrogate their bills and look to make savings or efficiencies for example through the use of more energy efficient globes.*

The next opportunity to try and achieve transparency in regards to charging for public lighting will be the consultation for the next AER Regulatory Control Period. It is expected this will occur during 2015.

Retail contestability 1 July 2014

As of 1 July 2014, Tasmania will commence full retail contestability. This includes the retail price for energy for unmetered public lighting (street lights). While it is not yet known whether a competitive market will exist come 1 July, the Association is working to best position members to achieve savings through joint procurement of energy for public lighting.

Hobart City Council and Glenorchy City Council trial of energy efficient street lighting

Hobart and Glenorchy City Councils have been working with Aurora distribution on a trial of energy efficient technologies for street lighting. This includes looking at lights that are currently privately owned by council and those that are owned by Aurora. As part of this process, the residual value of public lights is being investigated. Once the trials are complete the Association hopes to be able share leanings will all members.

Tasmanian Government Agency Comment

The concerns about the cost of street lighting are long held. There have been discussions between Aurora Energy and Local Government and much progress has been made in explaining how the costs for the various types of lighting are reached. The wording of the motion shows a growing understanding within the Local Government Association of Tasmania of the issue.

The process for expanding the range of energy efficient lighting requires getting bulbs tested and approved by an approved testing laboratory and accepted by the Australian Energy Market Operator (AEMO). This is often not appreciated by globe manufacturers.

Comments about Aurora Energy providing more detail and cost breakdown in its bills is, in-principle, a reasonable request, and the discussions between Aurora Energy and councils recently should be sufficient to address the issue.

Regulatory changes would appear unnecessary to deal with this issue.

13.8 Motion - Amendment to the Roads and Jetties Act 1935 Council - Derwent Valley Council

Decision Sought

That the Local Government Association of Tasmania be requested to write to the State Government requesting an amendment to the Roads and Jetties Act 1935 to include under section 5 (2) all Municipal Areas in the State of Tasmania.

Background

In approximately 1996 amendments were made to the Local Government (Highways) Act deleting the payment of timber tolls to Local Government and instigating in its place the Heavy Vehicle Motor Tax.

The amount to be distributed was \$1,500,000. This amount has remained static since its inception, a position that should now be challenged.

Over the years the role of distributing these funds has been passed to the State Grants Commission, and the method of distribution has been varied on many occasions but the quantum of funds to distribute has not varied.

It would appear that this method of distribution needs to change and a more appropriate method could be to amend the following section of the Roads and Jetties Act 1935.

Roads and Jetties Act 1935

5. Application of Funds

Section 5 (2) The Minister, out of the Fund, is to pay for a financial year to each councils of the municipal areas of Kingborough, (in respect of Bruny Island) Flinders and King Island a sum equivalent to 98% of whichever of the following is the lesser:

The amount expended by the council from its own resources during that financial year on roads within its municipal area or, in the case of Kingborough, within Bruny Island; or

The amount of motor taxes collected during that financial year within the municipal area or, in the case of Kingborough, within Bruny Island.

The State Financial for 2010/11 discloses receipts for Motor Tax being approximately \$19,000,000.

The road network maintained by each tier of Government is 3,350 for the State and 14,325 for Local Government. This equates in percentage term of 18.95% State Road Network and 81.05% Local Government.

If it was assumed that the State Road network costs more to maintain than the Local Government Road network and the funds were split on a 67% State Roads and 33% Local Government then the amount dispersed to Local Government would increase by approximately \$4,500,000 to \$6,000,000.

LGAT Comment

This is a matter that has been raised on numerous occasions by the Association in respect of the volume of funds available to councils to ameliorate heavy vehicle usage on local roads. In light of the fact that a new government has been elected in the State, it is worthwhile pursuing this matter to ascertain whether it would be possible to review both the quantum and the distribution methodology.

Tasmanian Government Agency Comment

Tasmania applies nationally consistent heavy vehicle registration charges (Motor Tax) as calculated by the National Transport Commission (NTC). Charges consist of a fuel-based road user charge (paid to the Commonwealth) and a fixed registration charge (paid to jurisdictions).

Heavy vehicle charges aim to recover the marginal or attributable costs of road wear and tear for each heavy vehicle type; and a share of common costs which benefit all road users.

Although the NTC calculates charges based on road expenditure attributable to heavy vehicles, in Tasmania revenue is not hypothecated to the road network. Registration revenue is paid into the Consolidated Fund and forms part of the pool of funds (Consolidated Revenue) used to fund a range of public services, not only road construction and maintenance.

According to the most recent Freight Survey data (2011-12), the majority of freight (on a tonne-kilometre basis) is carried on the National Network (47%) and the State Network (28%). Local Government roads carry 6% of the land freight task in terms of tonne-kilometres travelled.

In 2012-13 the Tasmanian Government collected approximately \$24.6 million from heavy vehicle registration revenue. The current \$1.5 million allocation of registration revenue distributed to Local Government equates to approximately 6% of total revenue - an equivalent proportion to the tonne-kilometres travelled on the Local Government road network. The current level of funding provided to Local Government represents an equitable allocation of heavy vehicle registration revenue.

Councils also receive significant funding for roads from other sources, in particular road grants under the Commonwealth Government Financial Assistance Grants program administered by the State Grants Commission. The 2013-14 allocation to Tasmanian councils to fund local roads is approximately \$36.9 million.

In relation to section 5(2), it is noted that King Island and Flinders Island do not receive any portion of the \$1.5 million funding that is distributed to Local Government.

14 PLANNING AND DEVELOPMENT

14.1 Motion –Amendment To Building Act Council – Southern Midlands Council

Decision Sought

That the Local Government Association of Tasmania seek an amendment to the *Building Act 2000* (and associated Regulations) to enable an accredited Builder to be able to provide a certificate of compliance for buildings which are classified as Class 10a and are associated with a residential use.

Background Comment

In Tasmania all non-habitable garages, sheds, carports or the like require a Building Permit from the Local Authority. At present, the *Building Act 2000* requires a Building Surveyor to issue a certificate of likely compliance for all buildings, irrespective of classification, which is submitted to Council with the certificate details provided by the building practitioners (with the exception of Type 1 and Type 2 exempt outbuildings in accordance with the Building Regulations).

It is becoming increasingly evident that the costs associated with the engagement of a Building Surveyor to provide such a certificate for Class 10a non-habitable outbuildings (i.e. private single storey garages, sheds, carports, shipping containers or the like) is a now significant percentage of the overall cost. In addition, the level of risk associated with such a building is extremely low.

This is particularly the case for 'off the shelf' sheds and garages that are accompanied by standard structural drawings and engineering details.

Accredited Builders should be able to be trusted to erect the building in accordance with this information. The only real expertise that is required in practice is to ensure the building's foundations are appropriate to the particular site. Again, Accredited Builders should be trusted to get this right. As indicated above, because this proposal only relates to class 10a buildings, the level of risk is, in any case, low.

The intent of this Motion, therefore, is to enable an Accredited Builder to certify that the building has been constructed in accordance with the manufacturer's specification and certificate detail without the need to obtain a Certificate of Likely Compliance from a Building Surveyor.

In today's environment where industry and the general population are seeking a reduction in 'red' and 'green' tape, this is an opportunity to introduce change with little or no risk exposure.

The certification would still allow Local Government to fulfil its duties as the Permit Authority and issue a Building Permit.

LGAT Comment

No additional comment is required.

Tasmanian Government Agency Comment

The intent of this motion is accepted in-principle. The Tasmanian Government is undertaking a wide ranging review of the *Building Act 2000*, and this idea has been referred to the Review Project Team for consideration.

14.2 Motion – Red and Green Tape Council – Southern Midlands Council

Decision Sought

That the Local Government Association of Tasmania request the State Government to fully consult with it in any future drive to identify and eliminate 'unnecessary red and green tape' impacting the development industry.

Background Comment

Local Government administers many regulations that impact on the development industry. Many of these regulations are, however, created by State Government (and some by the Australian Government).

The regulation of development is therefore a joint responsibility of both levels of government.

As the level of government 'at the coal face', Local Government has an important perspective from which to consider which rules and regulations might be unnecessary or capable of rationalisation. Areas for examination include the Building, Planning, Environmental Management and Environmental Health regulatory regimes.

Questions that need to be considered include the following:

- a) What is the rationale for the regulation?
- b) Can two or more regulatory processes be combined, better integrated or otherwise streamlined?
- c) Do the costs to society outweigh the benefits of a regulation?
- d) Do regulations aimed at recognising and protecting values (natural values, heritage, landscapes etc.) have a clear imprimatur within State or Local Government policy?

- e) For regulations aimed at minimising risk, is society willing to accept a higher risk than the regulation assumes?
- f) What role do governments have, if any, in regulating to protect private risk – especially if private citizens are willing to accept risk?

LGAT Comment

The LGAT Election Manifesto outlined one of the commitments sought of the incoming State Government as being:

Involve Local Government in identifying red tape between both spheres of government and agree on strategies to address issues identified.

Local Government agrees with the major parties that it is important to reduce the time spent on compliance by business where such compliance does not add relative value. While councils are often accused of being responsible for red tape, councils implement legislation developed by Commonwealth and State Governments and often have little control over regulatory activities. What they do have is a strong sense of what is necessary for community health and safety versus activities which are lower risk or lacking in clarity and consistency of approach and therefore can be a vital source of information and advice in red tape reviews.

Therefore Local Government calls on a new State Government to commit to working together to ensure both levels of Government interact in the most efficient way, in particular the removal of unnecessary red tape and regulations wherever possible.

This position has since been articulated to the Premier and the Minister for Local Government.

LGAT has been engaged in the Red Tape Reduction Working Groups and the Role of Local Government Project.

The LGAT CEO has been appointed to the Planning Taskforce.

A relationship will be established with the Coordinator General and the Regulation Reduction Coordinator once both positions are appointed and LGAT will continue to advocate for engagement and consultation in this space.

Tasmanian Government Agency Comment

The State Government is committed to cutting red and green tape by 20 per cent in its first term.

To achieve this goal, they will establish in the office of the Coordinator-General, a Regulation Reduction Coordinator (RRC).

The RRC will lead a comprehensive audit, informed by extensive industry consultation to reduce red and green tape in Tasmania.

The RRC will also oversee the drafting of legislation that will require an annual audit of red and green tape and ensure that all new legislation is accompanied by a Regulation Impact Statement to make certain that the amount of new legislation is minimised.

The RRC's work will be carried out against a backdrop of pre-existing and ongoing State Government (some in partnership with the Australian Government) initiatives aimed more broadly at promoting a business enabling environment including:

- the Business Tasmania online portal providing access to government information and services for business at a single location including access to Australian Business License and Information Service (ABLIS)
- the Tasmanian Smart Forms pilot program and support service converting business to government transactions from paper based to an online format to reduce the time taken to complete, submit and process transactions
- The Industry Sector Red Tape Review project.

The Industry Sector reviews seek to identify:

- I. Key examples of where stakeholders consider that Tasmanian regulation and regulatory practices impose excessive or unnecessary regulatory burdens on the sector.
- II. practical and tangible ways to reduce the time and cost incurred by sector businesses to meet their regulatory obligations

The reviews consider the burdens imposed by Tasmanian regulation. They do not attempt to address those burdens imposed on Tasmanian businesses by Commonwealth regulation, national regulatory schemes, international or other requirements imposed on exporters, or requirements imposed by other businesses or organisations such as industry bodies or service providers. The sector reviews provide a first step to tackling the regulatory burdens in specific sectors. The reviews focus on key areas that were considered to affect a number of businesses and practical solutions were identified to reduce the regulatory burden without unduly affecting the underlying policy intent of the regulations. Consistent with its scope, the reviews are not a comprehensive assessment of all regulatory burdens affecting each sector.

The governance structure of the project consists of working groups for each sector made up of both industry and government representatives. LGAT has participated on the working groups for both the Agriculture and Hospitality sector reviews and the Department will continue to collaborate with LGAT as a critical stakeholder in this project.

Reducing unnecessary bureaucracy and processes will also be a major role for working groups established under the PLGC Role of Local Government Project.

14.3 Motion – Local Government Advertising Council – Devonport City Council

Decision Sought

That LGAT requests the State Government to amend the legislation relating to Local Government advertising, to remove the requirement for formal notices to be published in a newspaper circulating daily in the municipal area, instead requiring the information to be posted on a councils website front page.

Background Comment

Currently all statutory notices are required to be advertised in a newspaper circulating daily in the municipal area. This requirement includes notifications in relation to planning matters, convening of meetings, etc.

With the reduction in the number of people accessing newspapers in the traditional form, this requirement should be removed. In relation to planning notices these are attached to the property concerned and all adjoining land owners are notified in writing when a matter is considered to be of a discretionary nature.

In relation to meeting notices this is an added cost that provides little, if any benefit. Councils usually meet on the same day and time each month. With the majority of residences now having access to a computer and connection to the internet (NBN or ADSL) the important place for advising of matters relating to activities (including formal notifications) is a Council's website.

At the very least the intent of the motion is for Local Government to start the conversation with the State Government regarding the outdated requirements for statutory advertising.

LGAT Comment

No additional comment.

Tasmanian Government Agency Comment

A review of the *Land Use Planning and Approvals Regulations 2004* (Part 2), which control the public notification and advertising of a number of statutory processes, forms part of the Government's planning reform policy.

These regulations have not been comprehensively reviewed since their introduction in 2004 and substantial advances in information technology have occurred since that time. It is now common practice for councils to notify planning matters on their websites, even though it is not a statutory requirement.

The planning schemes online project initiated jointly by State Government and councils is another example of the progress being made to transition from a paper based planning system to a digital online system. When all interim planning schemes are uploaded, the planning schemes online website will also provide a single point of access to planning information.

Other state jurisdictions still require formal notification of planning matters in newspapers and on site boundaries notwithstanding that websites are increasingly becoming an appropriate contemporary alternative to newspaper notices.

The central issue is to determine when the timing is right to cease placing notices in newspapers and switch entirely to website notification.

The Government will provide the newly established Planning Reform Taskforce with a direction to consider this issue and possible modifications to the Regulations as part of its brief to develop a single planning scheme for Tasmania.

In addition to the above, the Local Government Division (LGD) in the Department of Premier and Cabinet notes that the *Local Government Act 1993*, the *Local Government (General) Regulations 2005* and the *Local Government (Meeting Procedures) Regulations 2005*, contain a number of provisions requiring councils to publish notification via newspaper notices.

Both sets of Regulations are currently being reviewed and one issue being considered by LGD as part of this legislative review is reducing the requirements relating to notification via newspapers, where appropriate. The views of the Local Government sector will be sought regarding any potential legislative amendments.

15 ENVIRONMENT

15.1 Motion – Parks and Wildlife Reserves Council – Circular Head

Decision Sought

That the Local Government Association of Tasmania is asked to seek discussions with the State Government regarding the condition of Parks and Wildlife reserves due to the lack of funding and consider solutions.

Background Comment

Concern is expressed at the condition of reserves, for example and not limited to, the Nut in Stanley where the vegetation and weed problem is the common discussion with tourists that detracts from the states beauty.

LGAT Comment

It is understood that under the *Weed Management Act 1999* an Authorised officer, that is not employed by the Crown, can issue a notice to the Parks and Wildlife Service, requiring that measures be taken to manage weeds as is specified in the Act.

Tasmanian Government Agency Comment

The Parks and Wildlife Service is funded principally by the State Government, with supplementary revenue from the Federal Government (World Heritage Area) and from self-generated sources (entry fees, user fees, leases and licences etc.).

The available funding is prioritised across Tasmania for the maintenance and management of Park and Reserve facilities.

Weed management on sites like the Nut at Stanley is undertaken where funds and other community support exist. Unfortunately, the nature of this funding and/or community support is not consistently available over time, which makes some weed programs less effective.

**15.2 Motion – Super Trawlers
Councils – Break O'Day & Northern Midlands**

Decision Sought

That LGAT supports the position of all state parties in their election commitments to lobby the major federal political parties in opposing super trawlers operating in Australian waters, and support immediate federal legislation to permanently ban super trawlers (ie freezer factory trawlers) in Australia's Exclusive Economic Zone (EEZ).

Break O'Day Council

We believe that the more spheres of Government that take up this issue placing pressure on the Federal Government to ban the super trawlers the better likelihood there is of success.

If a Super Trawler was to be allowed to fish in Australian waters and they were to fish off the East Coast of Tasmania the local and regional economy of St Helens would be irreversibly downsized. Losses in domestic and export fishery revenues and related employment will be significant. Alternative local/regional employment will not be available, and the majority of the profits from such an enterprise would all go overseas with no financial benefit to local commercial or recreational fisheries.

Northern Midlands Council

The Federal Government imposed a two-year ban after community opposition to Seafish Tasmania's plan to use the factory ship, Abel Tasman to fish waters around south-eastern Australia.

The Federal Court is considering an appeal by Seafish Tasmania against the ban which is due to expire in November.

Seafish Tasmania has a quota to fish in Commonwealth waters and no trawlers over 20 metres long can operate in Tasmanian waters.

But the alliance wants all parties in the March 15 state poll to commit to keeping super trawlers out of Tasmanian waters.

Environment Tasmania's Rebecca Hubbard says Tasmanian politicians have the ability to keep the super trawler out of the state's waters.

"They can put in place a regulation or amend legislation that specifically bans super trawlers and a specific type of fishing," she said.

"And what we're asking them to do is to ban large freezer factory vessels, these huge super-trawlers that have been used to decimate the world's fisheries."

Game Fishing Tasmania's Nobby Clarke says super trawlers risk depleting local fish stocks. "I will never ever support industrial, freezer-style fishing in Australian waters."

"We have resisted it for this long from pressure from the Europeans trying to bring these vessels into our water and I do not believe it's the way of the future."

The Alliance claims more than 7,300 people have signed a petition supporting a permanent ban.

Lyons candidate Martyn Evans said "I'll be going back to the table and talking about the importance of our fishery, not only as for families, for recreational but for our economy, for our tourism and our tourism sector right up and down the eastern seaboard."

"It's important for not only my kids, but our kids' kids into the future to have a sustainable fishery."

LGAT Comment

No further comment required.

Tasmanian Government Agency Comment

Tasmanian fisheries rules prohibit the use of trawlers in State waters as this type of fishing has been determined to be inappropriate. There is no trawling anywhere in State waters and the Government supports the current regulatory arrangements.

The Government supports sustainable commercial fisheries and fishing operations and will consider any new fishing proposals in this context.

15.3 Motion – Contamination of Waterways Council – Northern Midlands Council

Decision Sought

That LGAT lobby the ministers responsible for mines and our rivers to address the contamination of many of our waterways through heavy metal leachate from past mining operations and to provide an inventory of all such waterways and an action plan to end the contamination.

Background Comment

The Northern Midlands Council, like many others, has a number of communities for whom the adjacent waterway is the source of their domestic water. In many of these smaller communities, the water is simply pumped from the river and delivered directly to the households.

Sadly, this water is not always fit for purpose.

For example, the South Esk River flows past the township of Avoca. In the past, the township sourced its domestic water supply directly from the river. In the last few years it has been determined that this water is too polluted by heavy metals, being leached from the waste heaps of the now defunct mines at Storey's Creek, to be safe for human consumption. It is seemingly unrealistic to expect Tas Water to provide a treatment plant for such a small community and the current solution, with no end in sight, is the provision of a community water tank and some water containers.

Solutions such as the community water tank can be effective when dealing with a short term problem. When dealing with a long term matter it is simply not satisfactory.

LGAT Comment

There may also be opportunity to seek advice and information through the Local Government Liaison Officer that has recently been appointed to the Environment Division.

Tasmanian Government Agency Comment

The Environment Protection Authority (EPA) sets water quality targets and monitors water quality throughout Tasmania. The EPA has three key roles in relation to this issue:

- managing large projects to remediate acid drainage resulting from historic mine practices at the Savage River and Mt Lyell mine sites;
- supporting the EPA Board in setting water quality guidelines to protect aquatic ecosystems as per the State Policy on Water Quality Management; and
- ensuring assessments for new mine proposals adequately address the impact on water quality to try and prevent situations of significant contamination from occurring from future operations, with a focus on areas that may have a significant impact on the community, including human health.

Rehabilitation of abandoned mining sites on Crown Land in Tasmania is traditionally funded from the Rehabilitation of Mining Lands Trust Fund, administered by Mineral Resources of Tasmania, a Division of the Department of Infrastructure, Energy and Resources.

The Fund is overseen by a committee of Government agencies, land managers and industry which prioritises rehabilitation works on land affected by former mining or exploration activities for which no individual or organisation is responsible. Funding for the Trust Fund from consolidated revenue has been in the order of \$150,000 per year since 2007.

There are many competing priorities for the limited rehabilitation funds across Tasmania and the program of work each year is prioritised based on agreed criteria, which include:

- to remove risks to health and safety;
- to stabilise sites and reduce or remove the impact of erosion and mass movement;
- where feasible, to maintain or increase the biological diversity to pre-mining levels of species in the vicinity;
- to remove or ameliorate sources of site contamination;
- to remove features limiting the beneficial use of a site and its surroundings; and
- to improve the visual amenity of a site and its surroundings.

The fund is also used to respond to immediate, unplanned safety issues, such as the collapsed mine shafts in October 2011 at Rossarden, and at Storeys Creek in 2012 and 2013.

Remediation of historic sites can be extremely expensive and significant costs can be incurred in site specific investigations and development of remediation strategies. It is a worldwide problem and leading practice in the field of acid mine drainage is still evolving. There are currently no satisfactory technical solutions to some aspects of acid mine drainage management, however, research and development is continuing. A staged approach is required in order to fully understand the extent of the problem, and hence the likely cost of remediation options, which may include:

- Site specific assessments to characterise the acid drainage and its effect on the environment;
- Selection of priority mine sites and a program for their detailed characterisation; and
- Development of site specific remediation options and costings for the selected priority sites.

For example, previous cost estimates (1996 and 2001) suggested operating costs for treatment plants for the Savage River and Mt Lyell acid drainage may be in the order of \$280 million over 20 years in total, with some estimating that the historic Mt Lyell waste rock may produce acid mine drainage for a further 600 years. Until 2004, about \$3 million had been spent on investigations at Mt Lyell alone to identify the main acid mine drainage sources and possible solutions.

MRT notes that the most affected catchments in the North east are the South Esk and Ringarooma river catchments; and on the West coast, the King, Little Henty and Pieman river catchments.

Major historic mines in the South Esk/St Pauls catchment include Storeys Creek, Rossarden, Royal George and Merrywood. All of these sites have been subject to significant and ongoing rehabilitation works. For example, at Storeys Creek an extensive program of work was carried out between 1996 – 2003 which involved relocating, treating and encapsulating the contents of a tailings dam on the eastern side of Storeys Creek and approximately 70 000 m³ of jig tailings from the western side of the Creek. Monitoring carried out before and after the works showed an improvement in water quality. In this case, funding came from both the Riverworks program as well as the Rehabilitation Trust Fund.

15.4 Motion – Storage of Used Tyres Council – Northern Midlands Council

Decision Sought

That the Local Government Association of Tasmania continue to lobby the State Government to address the pending environmental impacts resulting from excessive storage of used tyres in the absence of a suitable recycling facility or other appropriate means of disposal.

Background Comment

In 2013 the following motion was passed:

That the Local Government Association of Tasmania lobby the State Government, specifically the Department of Economic Development and the Environment Protection Authority to address the pending environmental impacts resulting from excessive storage of used tyres in the absence of a suitable recycling facility or other appropriate means of disposal.

Since then a motion has been put to the Waste Advisory Committee seeking to bring the used tyre problem within their ambit and to seek to use the newly introduced product stewardship scheme to identify and implement a solution. In the interim more than three hundred thousand tyres have been added to the stockpile.

Whilst one recycling company is looking at the sustainability of establishing a plant in Tasmania, they are also considering development in another State.

The scale of the problem in Tasmania is becoming overwhelming and it is essential for the State to step up and proactively identify a solution and facilitate its implementation.

LGAT Comment

LGAT has undertaken a number of actions since this motion was passed in 2013. The issue has been raised at the Tasmanian Waste Advisory Committee (WAC) recommending that the WAC and three waste authorities look at ways of addressing the issue.

LGAT has also written to the newly established Tyre Stewardship Australia requesting that they examine ways that the Tyre Stewardship might assist Tasmania in tackling this major problem.

Finally ,LGAT has written to the new Secretary of the Department of State Growth requesting that they liaise with the Northern Midlands Council and the recycling proponent to encourage investment in a recycling facility in Tasmania. LGAT is yet to receive a reply from Tyre Stewardship Australia or the Department of State Growth.

Tasmanian Government Agency Comment

For several years the Tasmanian Government has supported attempts to address the waste tyres issue at the national level. A voluntary industry-led product stewardship scheme covering businesses in the tyre supply chain is to be established. This scheme seeks to minimise the potential for unacceptable tyre disposal and aims to boost the recycling of tyres within Australia. The scheme includes a small levy to be paid by tyre importers on the sale of tyres in Australia to fund the administration of the scheme.

The national scheme was publicly launched in mid-January 2014 and is currently in the process of being set up by its governing body, Tyre Stewardship Australia (TSA). TSA is continuing discussions with the Australian Tyre Recyclers Association to resolve outstanding issues around governance and support for the scheme. A major component of the TSA communications plan will be an approach to retailers in the first instance to encourage participation in the scheme and acceptance of the levy.

The Government recognises that there have been difficulties in dealing with the large volume of end-of-life tyres in Tasmania, as there has been no significant market for their reuse or recycling. It is understood that if current private industry contract negotiations are successful, then this will be likely to solve the problems currently being experienced. Government agencies have been in discussion with relevant proponents to ensure that they are aware of assessment requirements, such that once they're received, development proposals can be considered by State Government regulatory authorities as quickly as possible.

In addition, the Environment Protection Authority (EPA) Division of the Department of Primary Industries, Parks, Water and Environment recently began a process of drafting an Approved Management Method (AMM) for small to medium quantities of waste tyres. It is planned that the AMM will specify requirements for approved reuses of waste tyres (e.g. barriers at racing venues, silage production, tree seedling protection, and others). Compliance with the requirements of the AMM will constitute compliance with Tasmania's Waste Management Regulations for reuse activities that come within the scope of the AMM. Once developed, the draft AMM will be circulated to key stakeholders for review.

**15.5 Motion – Weeds Officers
Council – Northern Midlands Council**

Decision Sought

That the Local Government Association of Tasmania continue to lobby the State Government to fund and employ, within the Invasive Species Unit, additional weed officers for each of the three regions to actively facilitate the eradication of listed weeds throughout Tasmania.

Background Comment

In 2012 the following motion was passed:

That the State Government fund an additional Weed Officer for each of the three regions to facilitate the reduction of listed weed species in order to maximise the long term sustainable agricultural use of Tasmania's resources, in particular with regard to the new and proposed irrigation infrastructure which in turn will support the furtherance of the State Government's 'food bowl' initiative.

As we submitted in 2012, weeds, by their very nature, do not respect municipal boundaries and cannot be effectively dealt with at a purely municipal level. Their cost to the community in terms of lost agricultural productivity is substantial and their continued spread is clearly contrary to the intent of the State Policy for the Protection of Agricultural Land.

Whilst the State currently funds a northern regional weed management officer, who is, understandably, spread rather thinly, the creation of the new Invasive Species Branch was seen as an opportunity to direct some additional resources towards this ongoing issue.

In announcing the creation of the Unit, the Minister for Environment, Parks and Heritage, Mr Brian Whitman MP, stated that "in addition to feral cat control programs, the specialist branch will focus on preventing the threat and minimising the impacts of existing and emerging weeds and invasive animals across the State".

Since that time and despite a briefing from the Invasive Species Unit it is not apparent that the resources of that Unit have been increased in any meaningful way likely to result in additional activity on ground to reduce the presence of listed weeds within the region.

LGAT Comment

Since this motion in 2012 LGAT has made a number of attempts to connect the respective weeds officers at the councils that expressed concern, about resourcing with the Manager of the Invasive species Unit at DPIPWE. The Manager of the Invasive Species unit agreed to visit each council to discuss issues of concern and outline the roles and functions of the unit, however Councils have not taken up this opportunity.

LGAT has also raised the issue of resourcing directly with the Manger of the unit.

Tasmanian Government Agency Comment

The Department of Primary Industries, Parks, Water and Environment (DPIPWE)'s Invasive Species Branch is responsible for implementing the *Weed Management Act 1999*, along with a raft of other legislation. It sits in the newly created Biosecurity Tasmania Division of DPIPWE.

The Branch consists of two operational groups that are involved in weed management - the Response Coordination Section (which has responsibility for coordinating responses to new weed incursions into the State) and the Invasive Species Management Section (which has operational responsibility for established weeds and implementing the Weed Management Act). The Invasive Species Branch also provides support through research, risk assessment and communications activities that were not previously able to be delivered prior to the creation of the new Branch.

As a result of the creation of the Invasive Species Branch, the number of operational staff with responsibility for weed management has also increased. Two staff are now located at Prospect in the Invasive Species Management Section. An additional five staff within that Section are at other locations and, acknowledging that invasive species issues do not respect boundaries, work with the northern region staff where needed. These officers are supported by the Response Coordination Section as needed.

The two most recent new weed incursions into Tasmania have occurred in the Northern Midlands area. In late 2013, meadow parsley was detected along approximately 5 km of river frontage near Hadspen and quick action was undertaken by the Invasive Species Branch to prevent the weed from seeding and causing significantly larger problems in future years. An incursion of Bathurst burr was detected in April 2014 and subsequent inspections identified this weed on a number of properties involved in the livestock supply chain. The increase in available resources for weed management has improved outcomes for the State.

Biosecurity Tasmania, through the Invasive Species Branch encourages all local governments to consider local priorities and what further work can be undertaken in collaboration with DPIPW to improve outcomes in this area. The Invasive Species Branch provides authorised officer training twice a year, and welcomes and encourages participation by Local Government authorities.

Local Government has recognised the benefits that supporting the weed inspector network provides in helping deliver their overall business objectives, especially in agricultural areas. Municipal officers and DPIPW Invasive Species staff meet on a regular basis to exchange information and plan strategic weed management activities. This has resulted in much more effective on-ground weed management outcomes, and has clearly demonstrated how a cooperative approach can compensate for limited resources.

16 PUBLIC HEALTH & NUISANCE

16.1 Motion – Food Security Council – Derwent Valley Council

Decision Sought

That the Local Government Association of Tasmania request the State Government to review these recommendations:

- Government implement any anticipated increase in resources for the Food Security Council.
- Funding for resources and development in the area of food sensitive planning strategies.
- Consider exploring the idea of a Ministry of Food.

Background Comment

The cost of living continues to rise, we cannot change that. This will have tragic consequences for people, be expensive and disruptive for government.

We must adapt our behavior and understand the difference between wants and needs, and look at our real needs, become more willing to share and think of others.

Financial profit should no longer be the bottom line.

Food security is essential for people to participate in life; that is having access to nutritious affordable fresh food. The Tasmanian Government has been proactive in this area, developing policy and initiatives around this area.

Social enterprise has a role to play in this as communities change and evolve to become more self-sufficient. Individuals and communities need to take more responsibility for their own food resources, growing, sharing, preserving and storing food.

Hand in hand with this is stewardship of the land, a large percentage of our fresh water worldwide is used in agriculture, this will increase in the future. Soils are being depleted and as a result there is a loss in arable land. Derogated land is a contributor to climate change, as is deforestation as we clear more land for food production due to the current land usage practices depleting the soil.

This must also be taken into account in the big picture of food security, we cannot have food security if the land we use to grow our food is degraded and water is scarce.

LGAT Comment

As a member of the project reference group, LGAT is bringing a Local Government perspective and insight to the Heart Foundation's *Healthy Food Access Tasmania* project as well as identifying potential opportunities for Local Government. The *Healthy Food Access Tasmania* project seeks to make healthy food choices easy choices by ensuring that fresh foods (preferably locally grown) are readily available across Tasmania, with a focus on supporting locally based solutions to improve food security.

Healthy Food Access Tasmania is a Tasmania Medicare Local funded project. It also seeks to make links with the Social Determinants of Health (SDH) projects, where natural opportunities arise (it should be noted that LGAT is also a working group member on the SDH project). *Healthy Food Access Tasmania* is led by the Heart Foundation with the University of Tasmania as a key project partner. The project design has been informed by the recent research by the Tasmanian Food Access Research Coalition and the state level Food For All Tasmanians Strategy.

Recently as part of the project, LGAT facilitated an opportunity for councils to contribute to compiling a data set combining local council information with other data such as ABS Census data, transport information, activities being undertaken to improve access to healthy food and the economic value of food production. The information will provide a customised report for participating Local Government areas and help build a useful resource for Local Government in Tasmania.

Tasmanian Government Agency Comment

The Tasmanian Food Security Council operated from 2009 to 2012 with the purpose of advising the then Government on administration of food security funding, and to develop *Food For All Tasmanians: A food security strategy*. The work of the Council was task and time specific, and did not continue once the Food Security Strategy was completed.

State Government-funded food security programs that take account of advice provided by the Tasmanian Food Security Council included:

- the community-based *Food for All Tasmanians Program*, which is delivering increased skills and knowledge in low income families to help them grow and prepare nutritious food; and
- *emergency food relief*, which is enabling food rescue and redistribution services to provide nutritious food to a wide range of community and school food programs such as school breakfast clubs, soup kitchens, social food activities (eating with friends), and food vans.

The Government is aware that as part of the Tasmanian Health Assistance Package the Australian Government, through Tasmania Medicare Local, has funded the Heart Foundation to implement the *Healthy Food Access Tasmania* project. This project seeks to make healthy food choices easy choices by ensuring that fresh foods (preferably locally grown) are readily available across Tasmania. This project will work with UTAS, Local Government areas and communities to map the local determinants of healthy eating across Tasmania (including price and availability of fruit and vegetables). The project will support locally based solutions to improve food security.

The *Tasmanian Food and Nutrition Policy*, adopted initially in 1994 and reviewed in 2004, is scheduled for redevelopment during 2014. The Policy covers many of the issues raised in the motion posed by the Derwent Valley Council. The intention is to redevelop the Policy during the latter half of 2014, which should allow opportunities for consultation on, and consideration of, the issues raised in this motion.

The Government's election commitments include:

- providing an additional \$180,000 to support and extend the reach of mobile food vans currently operating in Hobart, Launceston and Devonport;
- investing \$100,000 to resource 15-20 start-up food cooperatives to help families and individuals access low cost, healthy, fresh and nutritious food;
- maximizing the value of the emergency relief dollar through food security partnerships;

- supporting community sector organisations involved with food relief, particularly collaborative projects and partnerships and initiatives that address the underlying causes of food insecurity and deliver resilience over reliance; and
- working proactively to bring together different streams of funding to better target all resources on a statewide basis.

17 ANIMAL CONTROL

No Motions Received

18 COMMUNITY & SOCIAL DEVELOPMENT

18.1 Motion – Amendment to Local Government (Highways) Act 1982 Council – Burnie City

Decision Sought

That the LGAT request the parliament of Tasmania to make an amendment to the Local Government (Highways) Act 1982 to include in section 104{1} an ability for a corporation (council) to issue a permit in respect of a vehicle that is used for the conveyance of a person who is a blood donor to be parked in a controlled parking space without the operation of a parking meter by payment or without the purchase of a parking voucher for the period during which such person is donating blood.

Background Comment

The Burnie City Council has recently had cause to consider a request for blood donors to be provided with a permit to allow occupation of controlled kerb-side car parking spaces within the local highway of the Burnie central business area in the general vicinity of the Red Cross blood donation premises without charge or penalty for the period during which they are actively involved in donating blood.

The proposition was agreed as a means for recognising those who volunteer to donate blood; and as an incentive to encourage a greater participation by other members of the community.

Council consider blood donation to be an essential action for protecting the health and life of people within the population at large who must undergo surgery or who are the victims of accident. Section 104 provides a council may issue a permit for a vehicle to occupy a controlled parking space without payment subject to such terms and conditions as it specifies.

Section 104 limits the class of people to which such permits may be issued to a vehicle that -

- a) is used for carrying goods, equipment, or materials in the course of trade, business, or an undertaking involving similar use of vehicles.
- b) is used necessarily by a professional or business man to carry on his profession or business;
- c) is used by a person suffering from a disability; or
- d) is used by the occupier of residential premises situated on part of a highway in which there are parking spaces who satisfies the corporation that there are no parking facilities in those premises

Section 104 does not allow issue of a permit to park a vehicle of a blood donor. Council accepts and supports purpose of the provision is to limit the ability to allow occupation of on-street parking spaces in a manner that is inequitable for the general community

However, Council consider the provision in s104 should provide some flexibility to extend operation to include vehicles of persons who are deserving of an exemption from the need to pay for on-street parking.

Council consider blood donors to be within such a class. Blood donation is a unique and selfless act for which there is no practical alternative if the benefit of replacement blood products is to be a part of medical treatment for prolonging and saving life.

Council does not consider the amendment will precipitate request from other volunteer and charity groups. There is no conceivable equivalent for blood donation.

LGAT Comment

The commentary provided by State Government below is self-explanatory and provides the council with the necessary authority to meet the requirements of what is being requested without amendment to the legislation.

Tasmanian Government Agency Comment

The Department of Premier and Cabinet's Local Government Division (LGD) understands that the Burnie City Council has requested an amendment to section 104 of the *Local Government (Highways) Act 1982* (the Act), to allow the Council to issue parking permits to blood donors, for use on controlled on-street parking spaces without operation of a parking meter or voucher.

The Council wrote to LGD regarding this matter in March 2014. The Director of Local Government advised in his response that, in his view, councils are provided with the necessary powers under the Act to provide free parking for blood donors, if they so wish.

Under subsection 104(1)(b) of the Act, a council may issue a free parking permit in respect of a vehicle that is 'used necessarily by a professional or business man to carry on his profession or business'.

Therefore, the Council may be able to achieve the desired result of providing free car-parking for blood donors, by issuing permits to the Australian Red Cross in Burnie under subsection 104(1)(b), for use by blood donors. The Council could then manage this permit process by setting the terms and conditions under the Council's Car Parking Policy.

