



Local Government Association Tasmania

General Meeting

Agenda

**10.30am
13 February 2015**

**Brighton Civic Centre
Green Point Road, Bridgewater**

326 Macquarie Street, GPO Box 1521, Hobart, Tas 7000

Phone: (03) 6233 5966

Fax: (03) 6233 5986

Email: admin@lgat.tas.gov.au

Home Page: <http://www.lgat.tas.gov.au>

**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.

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* Denotes Attachment



GENERAL MEETING SCHEDULE

10.00 Coffee on arrival

10.30 Meeting commences

11.30 Presentation

Pam Marriott

Secretary - State Grants Commission

An introduction to what the Commission does and an overview of the models and annual processes. This is by way of providing background understanding of the processes ahead of Hearings and visits scheduled for late February and March 2015.

12.30 pm Approximately, lunch will be provided

1. GOVERNANCE

1.1 CONFIRMATION OF MINUTES *

Decision Sought

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

Background:

The Minutes of the General Meeting held on 19 November 2014, as circulated, are submitted for confirmation and are at **Attachment to Item 1.1**.

1.2 BUSINESS ARISING *

Decision Sought

That the Meeting note the information.

Background:

At Attachment to Item 1.2 is a schedule of business considered at the previous meeting and its status.

1.3 CONFIRMATION OF AGENDA

Decision Sought

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

Background:

Delegates will be invited to confirm the agenda for the meeting and the order of business.

1.4 FOLLOW UP OF MOTIONS*

Decision Sought

That Members note the report.

Background:

A table detailing action taken to date in relation to motions passed at previous meetings is at **Attachment to Item 1.4.**

1.5 MONTHLY REPORTS TO COUNCILS*

Decision Sought

That Members note the reports for October, November and December 2014.

Background:

Monthly reports to Councils that briefly outline Association activities and outcomes for the previous months are at **Attachment to Item 1.5.**

1.6 COUNCIL ROUND-UPS

Decision Sought

That Members note the presentations being provided by West Coast and Derwent Valley Councils.

Background:

West Coast Council and Derwent Valley Council have offered to conduct a brief presentation on matters that are of interest in their municipal areas. Flinders, Burnie City and Kentish Councils have offered to present at future meetings. Councils will be contacted prior to the meetings to coordinate presentations.

The session allows time for questions and provides an opportunity to briefly share and highlight problems or opportunities facing councils.

2. ITEMS FOR DECISION

2.1 TIMING OF GENERAL MEETING PAPERS Contact Officer - Katrena Stephenson

Decision Sought

That the Meeting agree that, with the exception of the July (conference) General Meeting, papers be provided to LGAT members two weeks in advance of the meeting and that for the July meeting, papers be provided four weeks in advance.

Current Situation

LGAT currently provides the Agenda and papers for General Meetings four weeks in advance of the meeting.

This practice was initiated a few years ago in response to a motion from Launceston City Council, in order to ensure LGAT papers could be discussed at Council Meetings.

While this ensures voting reflects the formal position of councils, it does have an impact on the currency of items, particularly those providing updates on State and Federal legislation and policy.

LGAT proposes that, with the exception of the July (Conference) General Meeting, where there are traditionally many more matters for decision (through council motions), Agenda papers be distributed two weeks prior to the meeting.

This still gives Mayors the opportunity to canvas those matters for decision that arise outside the July Meeting with their council, even if through less formal paths, whilst ensuring the updates are more current and precluding the need for detailed explanations at the meeting by LGAT staff.

Budget Impact

Does not apply.

Current Policy

Papers are currently distributed four weeks in advance of all General Meetings.

2.2 COMMUNITY SATISFACTION SURVEY

Contact Officer - Katrena Stephenson

Decision Sought

1. That the Meeting note that it is intended to undertake the biennial State-wide Community Satisfaction Survey around May this year;
2. That Members discuss whether they would like LGAT to explore expanding the State-Wide Community Satisfaction survey to allow for individual council level;
3. That Members advise LGAT if they are considering commissioning an add-on to the State-Wide Community Satisfaction survey (that is additional questions or bigger sample); and
4. That Members determine what, if any, new issues should be covered in the State-Wide Community Satisfaction survey, particularly in relation to the future conversations on voluntary amalgamation.

Background

This will be the seventh state-wide community satisfaction survey. The survey has traditionally been able to demonstrate fairly high and stable levels of satisfaction with Tasmanian councils (and generate positive media), illustrate regional differences as well as a council-type differences (eg rural vs urban) across all functional areas and specific functional areas. However, the sample size is not sufficient to report by individual council.

Ahead of progressing the 2015 survey, LGAT would like to understand if councils see value in being able to have comparative data from which then to base their own further qualitative work. At the September 2014 General Meeting a motion in support of establishing a performance index for benchmarking was passed and the satisfaction survey has been previously identified as a key mechanism for collecting performance data (see Sustainability Objectives and Indicators Report on the Local Government Division website).

The likely cost is not yet known but it is anticipated it would be of a much greater order than the current survey. Smaller populations need proportionally larger sample sizes to be statistically significant (see image below).

	Confidence level = 95%			Confidence level = 99%		
	Margin of error			Margin of error		
Population size	5%	2,5%	1%	5%	2,5%	1%
100	80	94	99	87	96	99
500	217	377	475	285	421	485
1.000	278	606	906	399	727	943
10.000	370	1.332	4.899	622	2.098	6.239
100.000	383	1.513	8.762	659	2.585	14.227
500.000	384	1.532	9.423	663	2.640	16.055
1.000.000	384	1.534	9.512	663	2.647	16.317

LGAT also needs to understand how many councils already undertake their own surveys and whether such a project would provide value for money as compared to the traditional survey approach.

LGAT is intending to undertake a thorough review of the current questions and methodology in any case as they are now somewhat dated. Any amendments to the process will take into account historical data and still allow for some trend analysis and LGAT would welcome input into this process.

The 2013 report is available on the LGAT website (www.lgat.tas.gov.au) under Reports and Submissions.

Budget Impact

If the survey is expanded, it would require a significant additional contribution of councils beyond subscriptions.

Current Policy

Members agreed in August 2009 to fund future surveys through subscriptions, in recognition of the potential from positive survey results.

2.3 FOLLOW UP OF OUTSTANDING MOTIONS REPORT

Contact Officer - Katrena Stephenson

Decision Sought

That the Meeting endorse the changed format for Follow-Up Of Outstanding Motions report and note the process that will be used in relation to monitoring legacy motions.

Background

The Follow-up of Outstanding Motions Report was adopted some years ago as a mechanism for keeping Members informed of LGAT progress on policies set through the General Meeting voting process.

Over time however, the report has become quite cumbersome. Currently there are two components – Part A continues to provide updates on matters still being pursued by LGAT – even where these are quite old. Part B details motions where the intended outcome has not been achieved but the matter cannot be progressed further unless there is a change in Government policy or action. Items are removed when the intended outcome has been achieved or the matter is no longer current.

The revised report attached to this Item has been significantly streamlined, providing updates only on those matters LGAT is still actively pursuing and removing those items which have come to an end point. Where the endpoint has not been that desired by Local Government, the item will be kept on record and taken to the General Management Committee (GMC) annually to review and determine action or advocacy on any matter that should be resumed as a priority. That is, effectively the Part B report will become a report for GMC rather than to the General Meeting.

It should be noted that LGAT has a running list of all motions (carried or lost) since 2003. This will also continue to be maintained as a reference tool.

It is hoped that through these changes, Members can be kept up to date on matters actively being pursued without having unnecessary additional reading for matters which rarely change.

Budget Impact

Does not apply.

Current Policy

Does not apply.

2.4 ROLE OF LOCAL GOVERNMENT PROJECT*

Contact Officer - Katrena Stephenson

Decision Sought

1. That the Meeting note that in relation to the Role of Local Government Project, there will need to be a significant resource commitment by LGAT if key actions are to be progressed; and
2. That the Meeting endorse this as a priority area for the Association.

Background

The Premier's Local Government Council (PLGC) at its December 2013 meeting agreed to establish four high level working groups for the following priority areas: collaboration, economic development, governance and legislation.

The PLGC Working Groups have been tasked with developing a three year strategic action plan. The Role of Local Government Project (RoLG) Strategic Action Plan will present a range of short-term to long-term strategies and actions designed to remove impediments and build Local Government capability.

The PLGC Working Groups have met on a monthly basis to discuss issues, establish an evidence base and develop projects. The meetings have been well attended by both sectors of government and members are strongly committed to developing a comprehensive suite of actions to improve performance in the four priority areas.

Consultation

Elected members have been kept informed through a project update from LGAT in October which provided a broad outline of the focus of the groups and the amended timeframes.

Councils and Tasmanian government agencies will be consulted on the draft RoLG Strategic Action Plan in March 2015.

Working Groups

A summary of working group activity is provided at **Attachment to Item 2.4**.

Strategic Action Plan

A draft document has been produced, but at the time of writing this report, has yet to be discussed by the working groups collectively or the group of Chairpersons.

Budget Impact

Regardless of the outcomes of the consultation and the final Strategic Action Plan, LGAT anticipates having to dedicate significant resources if a number of the actions are to be progressed in a meaningful timeframe and will likely require an adjustment of work priorities for the Policy Staff. There may also be a call on councils in relation to providing input through working groups or feedback on discussion papers and the like.

2.5 WORKFORCE DEVELOPMENT SURVEY

Contact Officer - Katrena Stephenson

Decision Sought

- 1. That the Meeting note the preliminary findings of the second Tasmanian Local Government workforce development survey;**
- 2. That the Meeting note that in relation to a sectoral report, each council which participated in the second Tasmanian Local Government workforce development survey will receive a report and recommendations relevant to them;**
- 3. That the Meeting agree that participating councils will review the workforce development reports and provide feedback on the usefulness of the data and recommendations; and**
- 4. That Members encourage a greater level of participation for the 2016 survey.**

Background

Further to our report at the November meeting, LGAT has completed data collection and analysis for the second Local Government workforce survey.

Nineteen councils participated and while this is a statistically good return rate, the sectoral picture would be enhanced through the participation of more councils. A sectoral report is being finalised along with council workforce plans for those councils who participated.

This survey looked at resignation and all other reasons for leaving in more detail, building upon the retirement analysis of the previous survey and early indications are that there may be a significant turnover of staff over the next six years across the sector, upwards of fifty percent.

The individual workforce plans aim to help participating councils understand their priority occupations and to strategically combat turnover due to resignations and retirements from now to 2030.

Recommendations are also being developed for the whole sector on the basis of the analysis and it is anticipated that the sectoral report will be available on the LGAT website in the near future.

Budget Impact

Within current budget.

Current Policy

Agreed as part of the Careers Project.

2.6 PRESIDENTIAL ELECTION/EXTENSION OF TERM

Contact Officer - Allan Garcia

Decision Sought

That the Members approve the extension of tenure of the incumbent LGAT President for a further two years.

Background

The Rules of the Association require an election of the President and General Management Committee of the Association to take place in the year following the conduct of an ordinary council election. This process is scheduled to commence in March of this year with the calling of nominations for President, the listing of nominations and then the voting process itself.

The voting for the General Management Committee follows the same timetable.

The tenure of the membership of General Management Committee members was extended for one year due to the delaying of council elections. The Rules allow for the extension of this tenure by the membership of the Association at a General Meeting of the Association for whatever term the membership determines appropriate.

The membership agreed to extend the tenure for an additional twelve months with terms due to expire at the July 2015 AGM.

In the case of the President, a fresh election was held with the pending departure of the former President, Barry Easther. The current President, Barry Jarvis, took up office on 1 November 2014.

The issue arises as to whether the position of President should be subject to another election so quickly when the current incumbent will have only been in place for some three months before nominations open for a fresh election.

Similar to the circumstances involving the extension of terms of the two former presidents, it is recommended that the General Meeting give consideration to extending the tenure of the incumbent President for a further two years.

The membership has only recently voted on the position and is questioned as to whether the process needs to be repeated so soon.

It should be noted that elections for GMC membership would be conducted in the normal way.

2.7 FILLING OF CASUAL VACANCY ON GMC

Contact Officer - Allan Garcia

Decision Sought

That the Members note the action taken in respect of filling the vacancy on the General Management Committee from Northern Region Councils with populations of less than 20,000 people and endorse the proposal to seek to have the successful candidate extended for a further two year period.

Background

With the election of Clr Barry Jarvis to the Presidency of the Association a vacancy arose on the General Management Committee (GMC) of the Association. The vacancy may be filled by a person who previously ran for the position and was the second highest vote getter. As no other candidate nominated and ran against Barry at the last GMC election, an election for the casual vacancy is triggered.

Consequently, the Tasmanian Electoral Commission has been requested to undertake the election process for a candidate to represent those councils in the northern region with populations under 20,000 people.

The nominations opened on 19 November 2014 and closed on 6 December 2014. Three nominations were received - Clrs Mick Tucker, Carol Cox and Craig Perkins. Ballot material was posted on 17 December 2014 and the ballot will close on 30 January 2015.

In much the same way as the proposition to extend the President is being mooted in an earlier item, it is worthy of seeking ratification of the northern Member councils to extend the term of the successful candidate without the need for a new election, given that the successful candidate may not have even attended a GMC meeting before nominations again open for the filling of the pending vacancy.

2.8 VOLUNTARY AMALGAMATIONS

Contact Officer - Allan Garcia

Decision Sought

That the Meeting consider the matters raised in this item and discuss issues of concern, possible strategies and/or tactics in relation to taking this process forward.

Background

The State Government has advised that it is seeking to commence a conversation with Local Government on the subject of voluntary amalgamations.

The Minister for Planning and Local Government advised Mayors at the recent Mayors' Workshop that it was intended to conduct a series of regional workshops with councils to consider issues, incentives, requirements and resources that may be necessary to assist the debate and action by the sector.

He also highlighted four starting principles for the debate;

- Any change must be in the interest of rate payers;
- Any change must improve the level of services for communities;
- Any change must preserve and maintain local representation; and
- Any change must ensure that the financial status of the entities is strengthened.

The Minister considers that community consultation on the voluntary amalgamation debate is essential and encouraged councils to undertake such activity.

He also indicated that while it was his initial view that he would like to commence the discussions with Mayors of councils he would be guided by councils as to representation at the meetings. In discussions following the Minister's departure it was agreed by councils that Mayors, Deputy Mayors and General Managers would be in attendance from councils. This advice was relayed to the Minister's office and invitations were subsequently distributed by the Minister.

It is also proposed that the Association would be in attendance at each of the regional workshops. It is understood that at least one council has made representations to the Minister indicating that all of its elected members should be able to participate in the workshop discussions.

Each council was also provided with an array of information and statistics to assist in its broader consideration and deliberations on the amalgamation issue.

At the December meeting of the Premier's Local Government Council it was flagged with the Minister that the workshop discussions would benefit from a wider agenda than simply focusing on voluntary amalgamations and that debate around strategic resource sharing and shared services needed to have some airplay.

It was also queried as to what level of amalgamation activity would be considered "successful" at the completion of these conversations and subsequent actions. While a direct answer was not forthcoming a proposition of three amalgamations of two councils each was considered likely to be inadequate.

Is Amalgamation Supported by Councils?

In entering into these upcoming conversations there are a number of matters for councils to consider collectively and individually.

Not all councils support amalgamations but not all councils are against amalgamations. In times past there has been a unified position against amalgamations but there are some councils that have specific issues and see merit in joining either wholly or partially with neighbours. Given that the nature of the debate is around voluntarily amending structures and geography it will be important to find like-minded "partners" rather than relying on others to force a process.

The Premier and Minister have reiterated in recent times that the concept of forced amalgamations is not on the Government's agenda.

Is Financial Sustainability a Key Driver for Debate on Amalgamations?

It should be noted that the reporting regime undertaken by the Auditor General each year has not yet identified a council that is deemed to be financially unsustainable. This is not to say that councils don't have difficulty at times in meeting statutory requirements, general commitments and/or community expectations.

What it does demonstrate is that on a number of measures, Tasmanian councils fare quite well. It does not mean that all councils are operating at the optimum level or can achieve a significantly better position.

By its own admission, the sector has indicated that there is much room for improvement and it is willing to participate in processes to achieve this.

Efforts in recent years in the areas of long term financial management and asset management have demonstrated the willingness of councils to embrace sustainability activities and have strengthened the base for the financial sustainability of councils but the promulgation of these plans is really the commencement of the process rather than an end in itself.

What is the Position of the Community?

The Association also conducts a community satisfaction survey on behalf of the sector every two years and rather than communities raising significant concerns about productivity or service levels, the results would seem to suggest that the community is very satisfied with the sector's service delivery.

The Property Council has conducted a number of surveys over the past few years and highlights that there is overwhelming support by the community for council amalgamations.

The recent Local Government elections were conducted under a new format with mass media coverage yet the issue of amalgamations barely raised a breath in the election process either from the perspective of candidates or community representatives.

Similarly, there have been no instances of communities petitioning or advocating at the local level for their council to be joined with the neighbouring council or a group of councils close by.

The important issue is that if the community is to be consulted, it should occur on the basis of being informed and presented with facts and likely outcomes rather than speculative statements of savings and benefits.

How Are Councils Working Together?

A number of councils are deeply engaged in resource sharing activities with perhaps Kentish and Latrobe the most progressed in terms of not only utilising common personnel, including the General Manager, but rationalising facilities, sharing equipment, integrating structures and moving towards shared systems. Sorell and Tasman also share a General Manager and are working closely on improving synergies and shared services across councils.

Brighton Council effectively operates a contracting business and has sought to engage personnel of high calibre that can assist councils on a fee for service basis under a service level agreement which is aimed at providing recipient councils with statutory and professional advice and services at competitive prices.

There are a range of other operating arrangements around the sector but the real benefit for councils is to consider broader and more strategic opportunities for resource sharing and shared service models that enhance not only the financial sustainability of councils but provide for innovation and scale benefits.

The Association is providing a sectoral procurement service and, while in its infancy, is generating significant savings to councils through the aggregation of purchasing power not only in this state but across the country. We have also recently gone to market on behalf of the sector for aggregated street lighting power supply and will deliver significant savings to the sector.

Efforts in the areas of workplace relations and delegations have also been facilitated by the Association to provide a cost effective access to all councils for expert and up to date information and advice.

What Else?

The above areas of endeavour tend not to enter into the broad realm of council operational activities but it is considered that there are many more areas where cooperation and innovation by councils could deliver savings and efficiency.

The Collaboration Working Group of the Role of Local Government Project noted that there are a number of structures and arrangements in place across Local Government activities in Australia and elsewhere that are translatable to the Tasmanian circumstance. Investigating opportunities and undertaking research is essential to having a robust conversation about strategic resource sharing and shared services by councils. Many of the activities presently being shared by councils have arisen out of necessity or have been opportunistic.

Achieving real efficiency and effectiveness will likely require a level of boldness and enterprise by councils with an open mind to innovative business models, structures and governance, It is likely this area where councils need to drive the conversation with State Government but when they arrive there, it may require a significant leap of faith and commitment.

There are a range of interesting models of cooperation across Queensland, NSW and New Zealand to name a few. Dissecting these, understanding the problems we are seeking to fix, assessing the pain and gain factors and committing the resources to not only the analysis but implementation will be key to achieving successful cooperative outcomes.

2.9 STATE BUDGET CONSULTATIONS

Contact Officer - Allan Garcia

Decision Sought

That the Meeting discuss the key priorities for the sector that should be included in the State Budget considerations.

Background

The Association has been invited to make its annual submission to the State Budget process. As in similar years we face a circumstance where the State Government is facing fiscal challenges and will be seeking means by which to achieve efficiency and effectiveness without significant outlays or handouts of funding.

Submissions to the State Government's 2015-16 budget process are due at the end of January 2015.

In the lead up to the last State election, LGAT developed an election manifesto “Collaborating for our Communities” which sought commitments in relation to planning, waste management, State/Local Government relations, Local Government revenue, roads and other infrastructure, disaster resilience/emergency management and regional development.

A number of the commitments sought still have validity.

While there are a range of past requests that have been denied by State Government to Local Government, there are a few that have currency and would seem to provide a basis for thoughtful consideration by the State Government.

The National Heavy Vehicle Regulatory (NHVR) process has suffered a number of setbacks at the jurisdictional levels of the states and Local Government. The difficulties for councils have been both capability and capacity issues and the Association has lobbied the State Government to access financial resources to assist with the reviewing of bridge structures and pinch points in the network to facilitate the freight task.

Efforts are being made to free up funding but it is considered that the issue could form part of the Budget Submission on the basis of the overall contribution to productivity and growth.

The amalgamations conversation lends itself clearly to a funding pool. The amalgamation process in NSW has seen hundreds of millions of dollars on offer to progress structural reform in that state. While the same funds are not anticipated to be available or necessary here, there is an argument to support funds being available to undertake analytical work and modelling to ensure that informed and sensible conversations can occur with the community in the context of either a full amalgamation process or a strategic resource sharing model.

The Role of Local Government project has highlighted a number of opportunities across the areas of collaboration, governance, legislation and economic development that are all worthy of some level of funding. It is considered that this is another worthy plank of the LGAT submission.

Other matters arising early this year that are likely to have an impact on the Budget submission include:

- The Planning Reform has not been allocated funding in the forward estimates and yet is likely to take considerable effort in relation to legislative drafting; policy and code development; testing including legal testing; guidance and information; consultation and so on.
- There will continue to be pressures on councils with regard to waste management, emergency management and road maintenance.
- There are emerging areas of activity for councils, such as economic development that may require a focus on capability building.
- There are likely to continue to be emerging pressures on councils to fill gaps arising through the scale back and reconfiguration of the public sector.

The Association has formally written to all councils seeking inputs to the Budget process but the General Meeting provides an opportunity for thoughtful and vibrant conversation on the matter.

The Budget Submission will be made available on the LGAT website.

3. ITEMS FOR NOTING

3.1 ELECTED MEMBER CENSUS Contact Officer - Katrena Stephenson

Decision Sought

That the Meeting note the LGAT elected member census is to be undertaken shortly and agree to actively encourage the participation by all elected members.

Current Situation

For some years, after a Local Government election, LGAT has conducted a census of Elected Members. The results provide the Association with information on a broad range of matters relating to Tasmanian elected members and our sector. It is necessary to regularly update this data to inform LGAT policy and program development and training opportunities, and to maintain a current understanding of the profile of elected members.

There has been a significant gap because of the change of election cycle, but with new Councillors now well entrenched in council life, the survey will be conducted again.

This year, to simplify the process of data entry and analysis we will be using an online survey tool – survey monkey, but hard copy questionnaires will be available for those with limited use of the internet.

Surveys are anonymous. No individual elected member or council will be able to be identified during the data collection, analysis or reporting process. LGAT encourages those who are not comfortable responding to all the questions, to provide some basic data relating to gender, age and ethnicity. This enables us to gauge the degree to which the sample is representative of the whole population of elected members in Tasmania.

It is estimated that the census will take approximately ten minutes to complete. A report will be generated.

The last census report is available on the LGAT website (www.lgat.tas.gov.au) under Tasmanian Councils/Profile of Local Government.

Budget Impact

Within current resources.

Current Policy

Continuing, existing practice.

3.2 LEGISLATION UPDATE

Contact Officer - Katrena Stephenson

Decision Sought

That the meeting note the report on current legislative activity and in particular:

- 1. There will be a continued strong focus on changes to planning legislation during 2014; and**
- 2. That it is anticipated the new Code of Conduct provisions will be tabled during the Autumn 2015 session of Parliament.**

Local Government Act/Regulations

Further to the report for the November meeting:

Local Government Amendment (Code of Conduct) Bill 2015

- With regards to code of conduct, the proposed amendments aim to streamline the complaints process under the Local Government Act 1993 and replace the 29 individual council code of conduct panels with a single, independent panel. The Bill also proposes a number of other minor amendments such as making it optional for a council to hold an annual general meeting.
- A draft version of the Bill has been released for stakeholder comment. Feedback received as a result of this consultation process is currently being reviewed by Local Government Division (LGD) and the Bill will be updated as a result of this.
- A final draft Bill is expected to be prepared in early 2015, for tabling in Parliament in the Autumn 2015 session.

Local Government (Meeting Procedures) Regulations 2005

- The Regulations expire in June 2015 and are required to be replaced or remade by this time.
- LGD has completed a review of the Regulations, which included stakeholder consultation.
- LGD will consult with stakeholders on the new draft regulations in early 2015.
- A key component of the review is to reduce red tape associated with Local Government newspaper advertising requirements and provide clarity to existing Regulations.

Local Government (General) Regulations 2005

- The Regulations expire in June 2015 and are required to be replaced or remade by this time.
- LGD has completed a review of the Regulations, which included stakeholder consultation.
- LGD will consult with stakeholders on the new draft regulations in early 2015.

- A key component of the review is to reduce red tape associated with Local Government tendering and contracting practices and ensure that council land information certificates (section 337 certificates) reflect changes to State legislation.

Burial and Cremation (Handling of Human Remains) Regulations 2005 and the Burial and Cremation (Cemetery) Regulations 2005

- Both sets of regulations expire in June 2015 and are required to be replaced or remade by this time.
- LGD has completed a review of the regulations which included stakeholder consultation.
- LGD will consult with stakeholders on the new draft regulations in early 2015.
- Along with minor proposed amendments, a proposed component of the review is to combine the regulations, along with the *Burial and Cremation (Cremation) Regulations 2012*, into one set of regulations.

Dog Control Amendment Bill 2015

- Key proposed amendments include exempting greyhounds that have graduated from the Greyhound Adoption Program from the requirement to wear a muzzle while in a public place, requiring a dog owner to inform a council of their dog's microchip number and further provisions for dealing with dangerous dogs and providing councils with the power to restrict dogs permanently from council controlled land.
- Stakeholder consultation on the aforementioned proposed amendments has been undertaken and LGD will consult with stakeholders on the proposed draft amendments in early 2015.

Land Use Planning

The *Land Use Planning and Approvals Amendment (Streamlining of Process) Bill 2014* passed both houses of parliament at the end of November 2014 and has now been enacted. LGAT was successful in gaining some changes to initial proposals based on feedback from councils. We will continue to work with councils and council planners with regard to implementation issues and future legislative proposals.

The Planning Taskforce has provided a report and recommendations to the Minister on next steps and we are awaiting the outcome of his deliberations to understand where to next. The Minister has also indicated he is supportive of the establishment of a technical reference group to support the LGAT CEO in his role on the taskforce.

LGAT has also written to the Minister advocating for enactment of the enforcement provisions following concern that there is still no clear timeframe with regard to commencement (specifically Divisions 4A and 4B dealing with infringement notices).

These amendments have long been sought after by Local Government and took considerable time to get through Parliament, having lapsed on at least one occasion because of proximity to a State Election.

Traffic Facilities Management Approvals

As noted in an update for the last General Meeting (November 2014) the State Government had proposed changes to Traffic Facilities Approvals by removing the requirement for councils to seek Transport Commission approval to install traffic facilities within local municipal areas. This requirement has now been removed, effective as of 1 January 2015.

Whilst the State Government's proposal was initially welcomed at a General Managers' Meeting held around that time, there have been concerns voiced subsequently from a number of councils in relation to a potential loss of State Growth expertise to assist council officers, as well as the loss of a state wide approach to traffic management.

Further, practitioners within the sector have questioned State Growth's assertion that all councils do in fact possess the requisite traffic engineering expertise and capacity to analyse traffic issues and to develop and document traffic management schemes as required.

LGAT has been liaising with both councils and the Department of State Growth to clarify the extent and impact of the changes brought about by the removal of the traffic facilities approvals process. In its enquiries made to State Growth, the Association has been advised that the Transport Commission will continue to issue directions in relation to technical standards for the use of traffic signs and facilities, and remains available to provide advice to councils on traffic matters, if requested to do so.

The Transport Commissioner has also proposed the establishment of a Traffic Standards Group with representation from across industry to advise the Commissioner on the setting of these standards to ensure that a consistent approach is maintained.

The Association has also received correspondence from the Department of State Growth acknowledging what it described as 'some confusion' among councils in relation to responsibility for maintenance of signage and line marking on council roads.

The advice from State Growth was that the current arrangements in these areas will remain largely the same with some minor alterations, namely:

- State Growth delivers the State's contribution to line marking maintenance, funded by the Road Safety Levy and fines revenue (there is no change here);
- The Transport Commission will continue to fund signage for traffic facilities, though the Commission will no longer order and pay for the signs in the first instance - councils will order the signage themselves, and the Commission will continue to pay by reimbursing councils' costs.

A related issue that has arisen pertains to the current conversation between TasRail and councils regarding draft *Rail and Road Joint Asset Interface Agreements*. Again, the issue of responsibility for maintenance of signage and line marking on council roads is a point of contention. State Growth has advised TasRail that councils hold responsibility for line marking and signs at level crossings, a point which councils strongly disagree with.

These matters remain ongoing and LGAT will continue to monitor and represent the interests of the sector on the issues that arise.

Bushfire Prone Areas

1. Mapping
 - a. Bushfire-prone area mapping has commenced with 14 Councils (four in the south, six in the north and four in the northwest).
 - b. Near-complete mapping drafts are available for several Councils to consider for inclusion in planning schemes.
2. Briefings
 - a. Briefings of counter staff have been completed with 14 Councils.
 - b. Additional Council briefings and consultations on mapping are currently being undertaken, with more scheduled over the balance of January and February.
3. Publications
 - a. The review of the *Building for Bushfires* brochure is nearing completion, with a revised edition planned for distribution in 4th quarter.

Review of BioSecurity Legislation

The Department of Primary Industries, Parks, Water and Environment (DPIPWE) are undertaking a review of biosecurity legislation and will be seeking public input into future options in early 2015. The Project Manager will be meeting with LGAT in the near future to discuss how best to consult with councils.

Review of the Role of the Economic Regulator

You may recall that the Department of Treasury and Finance is reviewing the role of the Tasmanian Economic Regulator, following the removal of the Economic Regulator Board.

A discussion paper is available at: [http://www.treasury.tas.gov.au/Review of the role of the Tasmanian Economic Regulator.pdf](http://www.treasury.tas.gov.au/Review%20of%20the%20role%20of%20the%20Tasmanian%20Economic%20Regulator.pdf)

Councils have been asked to provide any comments towards a sectoral submission by 23 January 2015.

Tasmanian Emergency Management Plan Review

A process has been established to review the Tasmanian Emergency Management Plan (TEMP). Under the Emergency Management Act 2006 a review of the TEMP is required every two years. In accordance with The Act, the State Emergency Management Committee (SEMC), through the Security and Emergency Management Advisory Group (SEMAG), has tasked the State Emergency Services to undertake the biennial review.

As part of the review SES has established a reference group to assist in overseeing the review. LGAT is represented on this group.

The review is being undertaken with the knowledge that a more thorough review may be required once the Department of Justice finalises its review in response to Recommendation 100 from the 2013 Tasmanian Bushfires Inquiry to develop a suitable model for integrated and interoperable emergency management arrangements in Tasmania. The Department of Justice review is expected to be finalised by the end of June 2015.

All Councils, through the General Manager, should have received a request for comment in relation to the Review. Comments on the proposed changes to the TEMP should be provided to LGAT by close of business 2 February 2015 so that a sectoral response can be submitted to SES.

Noise Regulations

Council Environmental Health Officers are being surveyed in relation to the *Environmental Management and Pollution Control (Miscellaneous Noise) Regulations 2014*. The survey is to inform a detailed review of the Regulations by the EPA Division. Feedback is being sought on the usefulness of the current provisions and the major sources of complaints received by Council.

The survey concludes at the end of February 2015.

Budget Implications

Does not apply.

Policy Implications

Does not apply.

3.3 POLICY UPDATE

Contact Officer - Katrena Stephenson

Decision Sought

That the meeting note the report on current policy activity and in particular:

- 1. The process for finalising the unmetered public lighting contract; and**
- 2. The growth in guides, tools and templates available through the LGAT extranet.**

Indigenous Recognition

There has been no formal input by Tasmanian Councils but anecdotally it appears there is a reasonable level of support for recognition of Indigenous peoples in the Australian Constitution.

At this stage neither ALGA, nor the other State Associations have made submissions.

On that basis LGAT will make only a brief submission outlining some of the key learnings from the Local Government campaign that will need to be considered including sufficient resources for a widespread education campaign, bipartisan support and absolute commitment to the goal.

The Submission will be made available on the LGAT website.

Unmetered Public Lighting Contract

Our first tender process was successful in attracting offers from two energy retailers: Aurora Energy and ERM Business Energy offers suggest annual savings for the sector of around six per cent.

Legal advice revealed a significant number of terms for negotiation. Consequently we were unable to execute contracts within the timeframe for this initial process, however we will call again for offers shortly.

Copies of offers received from Aurora and ERM Business Energy in late December 2104, as well as legal advice on terms and conditions, will be provided imminently to members for information.

By reviewing these offers, Councils will be well informed in preparation to respond to the next call for pricing offers, likely to occur in late January 2015.

Once offers are received, we will have less than five working days to accept a proposal and lock in the price. To do this, each Council will need to sign its contract with the retailer within this five day timeframe. LGAT will coordinate this process via email.

Procurement

Many councils in Tasmania take advantage of purchasing items through LGAT National Procurement Network contracts. Items most commonly purchased include fleet (trucks and small plant and machinery) where Local Buy (QLD) is the lead agent for the contract. Purchasing through the contracts provides significant time and money savings for councils.

There are a range of other LGAT NPN contracts available to councils to purchase from. These contracts are listed below.

- Road and Bridge Making Equipment - BUS212 – 0511
- Trucks – NPN04 – 13
- Earth Moving and Material Handling Equipment – BUS213 – 0511
- Small Plant and Machinery – BUS205 – 011
- Mobile Garbage Bins – NPN1.11 – 2 (new contract)
- Fuel and Lubricants C031 – 12
- Tyres, Tubes and Batteries – NPN1.14 (new contract)
- Telecommunication – BUS238 – 0813
- Workwear and Personal Protective Apparel –NPN3.11
- Corporate Wardrobe – NPN2.11
- Office Supplies – ST4412
- Motor Vehicles – BUS 233 - 1112

LGAT is currently scheduling visits to councils to provide detail about the National Procurement Network, the products available, how to make best use of the Network and how it may provide benefits for your council.

The presentation takes around one hour with time for questions included. Please contact Deborah Leisser on 6233 5971 or via email at deborah.leisser@lgat.tas.gov.au to schedule a visit or for further information.

Professional Development

The LGAT professional Development Calender for 2015 is currently being populated and councils are encouraged to contact LGAT to discuss Council professional development needs in strategic areas. Professional Development opportunities that are currently being brokered include Procurement training, Environmental Assessment and Regulation training through the Environment Protection Agency, and financial and asset management for elected members.

The Local Government Division has also been working on some electronic professional development material for Elected Members. The first of these resources, focused on legislative compliance, is likely to be available in February.

National Local Government HR Conference

The National Local Government Human Resources Conference is to be held in Melbourne, 11-13 November 2015. As has been the practice for some years, all Associations have partnered together (through a Deed of Agreement) in relation to the conference planning and promotion.

While the Municipal Association of Victoria has the primary role, as the host organisation, all Associations provide input into the conference program and sponsorship, chair sessions, assist in conference evaluation and provide local marketing. Any conference profits are shared proportionally based on the number of paid enrolments from each state/territory.

While in some years, LGAT has received a small payment, last time no Tasmanians attended the conference. It is hoped with the closer proximity of Melbourne, the conference may be more attractive to Tasmanian councils.

National Local Government Cultural Forum

As members may recall, the LGAT and Hobart City Council are members of the National Local Government Cultural Forum (National Forum), a forum created by The Cultural Development Network (CDN) and the Australian Local Government Association (ALGA) through the National Sector Development Initiative of the Australia Council Community Partnerships Committee.

The National Forum was formed to generate ideas and learn from the experiences of the national network of councils; and to provide a testing ground of community arts and cultural development practice and opportunities for strengthening communities and improving health and wellbeing through the arts.

The National Forum meets at least twice a year in a combination of video conference and face-to face meetings to develop long-term strategic objectives and prioritise activities. The next face to face meeting will be held in Hobart in mid-March 2015 and will be hosted by Hobart City Council. LGAT plans to facilitate a state-wide arts and cultural development workshop for Local Government practitioners to be held adjacent to the Forum meeting, to provide an opportunity for Arts and Cultural Officers and others to share information and ideas, as well as hear about some 'best practice' examples of recent projects in the cultural development and arts space, both nationally and in Tasmania.

Financial and Asset Management Practice Notes

Twenty practice notes have now been drafted and had Local Government input. By the time of the meeting, it is anticipated they will have been finalised and available on the extranet. Some further work will be undertaken on the Asset Management Strategy/Strategic Asset Management Plan template which will be compliant with the requirements under Tasmanian legislation and eventually should be incorporated into the NAMS tools for easy use by councils.

Personal Behaviours Toolkit

The LGAT Policy Director and Peter Rodwell (Hobart City Council) met with Brendon Honner from the Australian Services Union (ASU), in late November, regarding consultation on the Personal Behaviours Toolkit which LGAT commissioned from Page Seager.

Earlier in the year, following two forums, we sought council comments. The draft documents were then further revised ahead of commencing consultation with the unions, with a view to minimising local level consultative requirements. The drafts are available on the extranet.

The process we have agreed with the ASU is that over the next eight weeks (one week for each topic/theme) the ASU will review the documents and progressively provide feedback/raise concerns. We will consider those concerns, consulting with the Sector and seeking advice from Page Seager as required. We then anticipate being able to finalise the documents by mid February.

3.4 GENERAL MANAGEMENT COMMITTEE ELECTIONS

Contact Officer - Allan Garcia

Decision Sought

That the Meeting note the arrangements and timetable associated with the election of members of the General Management Committee.

Background

As indicated in item 2.7, the process for the election of the General Management Committee commences in March with the calling of nominations for all positions, excluding that of the Lord Mayor which is granted as of right when Hobart City Council is a member of the Association.

In the event that the two former motions are endorsed by the meeting, the Tasmanian Electoral Commission will be requested to undertake the process of seeking nominations for the remaining vacancies on the General Management Committee.

With the conduct of these elections, members will be back in "sync" with the council election process and will serve a two year term. In accordance with the amendments to the Rules of the Association, members will be appointed for a two year period with new GMC elections to occur at the "mid-term" point of normal council elections.

3.5 BASS STRAIT SHIPPING UPDATE*

Contact Officer - Allan Garcia

Decision Sought

That the Meeting review the information contained in documentation received from the State Government and note the recent developments in relation to International shipping.

Background

Previous motions have required the Association to lobby both State and Federal Governments on Bass Strait Shipping services and freight equalisation. The matters often collide and appear to be passed from one sector to another in respect of fault, shortcoming or liability. The Association recently met with the Department of State Growth to seek an up to date briefing of where all the component parts of the Bass Strait puzzle sat at the moment and it was thought useful to have this documented to bring back to a General Meeting for information and consideration.

The freight equalisation issue remains in flux following a Productivity Commission Review into Tasmanian Shipping and Freight. The Australian Government is yet to take a final position on the Productivity Commission's recommendations and has given no indication of timing as to when a decision might be taken. The State Government has publicly supported an extension of the Tasmanian Freight Equalisation Scheme (TFES) to international exports.

The State Government has also committed up to \$11 million a year for three years to support a direct international container shipping service by Singapore based Swire Shipping from Tasmania. The arrangement is subject to an MOU and market testing prior to the service being put into effect.

In the meantime another player, Mediterranean Shipping Company, has announced plans to include Bell Bay in a port rotation connecting Tasmania and the east Coast of Australia with New Caledonia and New Zealand.

Fortnightly exports and imports will be offered to Tasmanian clients but if the demand grew a weekly service could be considered.

A copy of correspondence received from the Department of State Growth is at **Attachment to Item 3.5** for reference.

3.6 STATE OWNED PUBLIC LAND* **Contact Officer - Allan Garcia**

Decision Sought

That the Meeting note the advice received from the relevant Minister.

Background

At the July 2014 General meeting the following motion was passed:

That LGAT formally request the State Government to review and amend the Government's procedures for the disposal of State owned public land, including property acquired by default, by introducing prior sale conditions that:

- (a) Requires the Government to have effectively dealt with any environmental rehabilitation and/or the removal of hazardous materials prior to offering the property for sale;
- (b) As part of the sale process, require prospective purchasers to provide details of the proposed future use of the site and include as a condition of sale that the property is to be developed within a specified timeframe;
- (c) Make available to the public the results of any feasibility study accepted as part of a sale contract for re-development and future use of the site or premises consistent with the relevant planning scheme and zoning; and
- (d) That the first option to purchase be made to council to make a strategic purchase.

Correspondence has subsequently been received from the Minister for Environment, Parks and Heritage fundamentally not supporting any component of the motion. The Minister has tended towards an open market process where sales should be open and unencumbered.

He does not support the first option of purchase to councils although does highlight that many transactions do take place between State and Local Government at little or no cost.

The Minister highlights that it is the practice of the State Government to remediate land where appropriate, prior to sale and to disclose any outstanding issues if it is not practical to remediate.

He does not see merit in putting timelines on developers' progress with implementing their plans and highlights that the example of Mersey Hospital is over two decades ago and the most recent sale process did not involve the Crown.

The copy of the Minister's letter is at **Attachment to Item 3.6**

4. ITEMS FOR DISCUSSION

4.1 ONE VOTE PER COUNCIL* **Council - Derwent Valley**

At the General Meeting in November 2014, Derwent Valley Council raised the following items for discussion:

That the rules of the association be amended to provide for one vote per council.

Council prior to that meeting was requested to provide additional information and this was as follows:

I wish to advise that through the process of election for President of the LGAT one of our councillors wrote to each person who nominated asking for their comments in regard to the one vote per Council. The response received from most was that they were prepared to consider this matter at a future meeting of the Association if they were successful in their endeavours to become President. It is for this reason that we request further discussion in regard to this matter, bearing in mind it was raised by Derwent Valley at the most recent Annual General Meeting of the Association and was not supported.

At the meeting in November 2014 Council advised that as a percentage of rates smaller councils were contributing a greater portion, this comment received some sympathy and we were asked to provide this information for further debate on the matter.

At **Attachment to Item 4.1** is a spreadsheet detailing the percentage of rates required to service the LGAT Subscriptions. The spreadsheet also shows subscriptions based on rate revenue and population.

4.2 MINUTING OF COUNCIL VOTES **Council - Derwent Valley**

Council requests that the Association ensure that the vote of each Council is recorded in the Minutes including the number of votes cast by each Council and details of any proxy votes exercised.

Council was also asked prior to the November 2014 meeting to provide additional information and this was as follows:

The reason for this request is only for discussion and it is recognised that the Association is not bound by the same rules as Council in regards to the recording of those who voted but it is the view of the Derwent Valley that to ensure due process and the ability for the association and those Councils who are members of it to be open and transparent that the way in which each Council voted on each resolution should be included in the Minutes of the Association.

It is also recognised that at all LGAT meetings any Council who wishes to have the way they voted recorded may do so. We recognise that it may also be difficult to administer this request but feel that it should be at least discussed and determined if there is an appropriate mechanism for the recording of the way each Council voted.

At the meeting in November there was discussion on this matter more in line with the difficulty to administer, and the fact that councils have the right now to request the way they voted recorded in the minutes.

There was also debate in regard to the view that having the vote recorded allowed Councils considering similar motions at a latter stage, knowledge in regard to how Councils may vote and therefore providing Councils the opportunity to lobby prior to the meeting to gain support on their motions.

It also gave Councils the opportunity to talk to like minded councils in regard to the development of future motions for LGAT meetings.

5. OTHER BUSINESS & CLOSE