



**Local Government Association Tasmania**

# **General Meeting**

## **Agenda**

**10.00am**

**(Coffee on arrival from 9.30)**

**1 November 2017**

**Derwent Room**

**Wrest Point Convention Centre**

**Sandy Bay Rd, Sandy Bay**

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**PROCEDURAL MATTERS.  
RULES REGARDING CONDUCT OF MEETINGS**

**13. WHO MAY ATTEND A MEETING OF THE ASSOCIATION**

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

**14. PROXIES AT MEETINGS**

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

**15. QUORUM AT MEETINGS**

At any Meeting of the Association, a majority of the Member Councils shall constitute a quorum.

**16. VOTING AT MEETINGS**

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

<b>Population of the Council Area</b>	<b>Number of votes entitled to be exercised by the voting delegate</b>	<b>Colour placard to be raised by the voting delegate when voting</b>
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**

**9.30 Morning Tea on arrival**

**10.00 Meeting Commences**

**12.30 Lunch**

**3.00 Close**

# 1. GOVERNANCE

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## 1.1 CONFIRMATION OF MINUTES \*

**Decision Sought**

**That the Minutes of the meeting held on 26 July 2017, as circulated, be confirmed.**

**Background:**

The Minutes of the General Meeting held on 26 July 2017, as circulated, are submitted for confirmation and are at **Attachment to Item 1.1.**

## 1.2 BUSINESS ARISING \*

**Decision Sought**

**That Members 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 PRESIDENT'S REPORT

### Decision Sought

**That Members note the report on activity since the last General Meeting (24 June to 18 October inclusive).**

### Meetings

- 2017 Annual General Meeting
- ALGA Board Meeting & Post National General Assembly Board Meeting (teleconference)
- ALGA National General Assembly
- ALGA Board Meeting
- General Management Committee x 2
- Launch of the Reconciliation Council of Tasmania (Speaker)
- Premier's Local Government Council
- Regional Development and Cooperation Forum
- Regular Water and Sewerage Campaign Steering Committee Meetings
- Federal Member Chris Bowen Roundtable

### Media/Communication

- Conference Media – Radio, TV, Print
- Media Release - Tamar Taskforce
- Media Release – TasWater Takeover
- Media Release – Water and Sewerage
- Media Release – TasWater Select Committee timeframes
- Media Release – Taswater Legislation tabling
- Media Release – Select Committee Hearings
- Opinion Pieces to The Mercury, The Examiner and The Advocate re TasWater
- Opinion Piece to The Mercury re Taswater
- Pulse Articles x 3

- TasWater Media – Radio, TV

#### **Other**

- Review of Expressions of Interest for CEO Performance Review
- 2017 LGAT Annual Conference
- Presentation to the Legislative Council Select Committee on TasWater ownership
- Hosted Youth Local Government Group at LGAT
- Regular contact with CEO

## **1.6 CEO REPORT**

### **Decision Sought**

**That Members note the report on activity since the last General Meeting (24 June to 18 October 2017 inclusive).**

### **Media and Messaging**

- The Pulse Newsletter
- Development of LG Tas
- Print and radio regarding:
  - TasWater Select Committee timeframes
  - Trade Waste
  - TasWater Legislation Tabling
  - TasWater Select Committee Hearing
  - Derwent Valley Council
- Opinion Pieces Social Licence and Planning (8th August) and TasWater (29 September)

### **Policy and Projects**

- Submission to Legislative Council Select Committee Inquiry into TasWater
- Preparation of papers for General Management Committee
- Further subscription modelling
- Consolidation of Code of Conduct Discussion Paper feedback
- Provided a submission to the Legislative Council on the targeted review of the Local Government Act and subsequent amendments
- Letter of support for the Reconciliation Council of Tasmania
- Attended and presented at the Legislative Council Select Committee on the ownership of TasWater
- Provided a case study report to ALGA on the work Tasmanian councils are doing in transport planning

- Sought and received legal advice on any risk to councils associated with extending current Employee Assistance Programs from staff to elected members (**Refer Agenda item 3.5**)
- Provided a sectoral submission on the scope of an Occupational Licence Review, undertaken by Consumer, Building and Occupational Services

## Meetings

- ALGA Board Meeting Teleconference
- TasPlan CEO - partnership opportunities
- Inaugural Meeting of the Premier's Health and Wellbeing Advisory Council
- Local Government Division - monthly meeting
- Water and Sewerage Steering Committee - regularly
- General Management Committee
- Local Government Association Diversity and Inclusion Officers Group Teleconference
- Telstra - Digital Inclusion
- Road Safety Advisory Council
- CEO Engineering Australia (Tas) - water and sewerage
- Local Government Professionals Tasmania Board Meeting
- Planning Taskforce
- Premier's Local Government Council
- LGAT AGM and General Meeting
- Aboriginal Dual Naming Policy Steering Committee – project inception meeting
- ALGA Board meeting
- Department of Justice Consumer, Building and Occupational Services – issues around building approvals framework
- Department of State Growth – National Heavy Vehicle licencing
- DHHS – Quarterly meeting to formalise communication between LGAT and Public Health Services
- Federal Department of Treasury – Local Government roles and responsibilities in housing infrastructure
- Local Government Division – Code of Conduct review
- Local Provision Schedule Steering Committee - progress update
- Menzies Institute for Medical Research – transport and health project
- National Cultural Development Network – project update
- Planning and Building Portal Project Steering Committee – project progress update
- State Growth – Tasmanian Planning Policies
- Tasmanian Street Lighting Project – inception meeting
- TasWater Steering Committee
- Department of State Growth – National Heavy Vehicle licencing
- VISTAS Steering Committee
- Information, Spatial and Data Management Strategic Working Group – inception meeting
- TasPlan – Partnerships



- Planning Policy Unit – planning reform
- National Housing Finance Corporation Meeting
- Integrity Commission – Southern Ethical Reference Group
- Digital Services Tasmania Working Group
- Biosecurity Bill briefing
- Planning Reform Taskforce

### Events

- Launch of the Glenorchy City Council Community Engagement Framework (CEO)
- Launch of the Reconciliation Council of Tasmania (President speaker)
- Planning Institute of Australia (Tasmania) Conference Panel (CEO)
- CEDA Digital Inclusion Breakfast
- Annual Local Government Conference
- Waste Management Association, Tasmania branch conference
- General Managers’ workshop – Hobart
- TasLeaders Annual Conference Panel (CEO)

### Training/Development

- LG Professionals – Online learning modules

### Operational

- Finalised agenda for General Managers workshop
- Recruitment Senior Policy Officer
- Recruitment Strategic Communications Director
- Recruitment Marketing and Events Officer
- Staff restructure – Communications
- Finalised agenda for Mayors workshop
- Organised regional breakfasts

## 1.7 MONTHLY REPORTS TO COUNCILS\*

### Decision Sought

**That Members note the reports for June, July, August and September 2017.**

### Background:

Monthly reports to Councils that briefly outline Association activities and outcomes for the previous months are at **Attachment to Item 1.7.**

## 1.8 COUNCIL ROUND UPS

### Decision Sought

**That Members determine who will present briefings at the next meeting.**

### **Background comment:**

Waratah Wynyard Council has offered to conduct a brief presentation on a matter that is of interest in their municipality. The session also allows time for questions and provides an opportunity to briefly share and highlight problems or opportunities facing councils.

## 2. ITEMS FOR DECISION

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### 2.1 GENERAL MEETING MOTIONS \* Contact Officer – Georgia Palmer

#### Decision Sought

1. That Members agree to the practice of publishing the vote record by council in the General Meeting Minutes.
2. That Members note that LGAT is developing a model motion template for councils to use when considering LGAT motions at council meetings prior to the LGAT General Meeting. This will provide delegates with the confidence to accurately represent their councils position if a motion is redrafted during the meeting.

#### Background

LGAT holds at least four General Meetings every year, in addition to the Annual General Meeting. The function of General Meetings is to formulate and ratify policy of LGAT on behalf of the sector

Under the rules regarding the conduct of General Meetings each member council is entitled to send a voting delegate to any meeting.

Throughout 2017 LGAT has trialled an electronic voting system. This trial has been successful in ensuring an accurate vote. However, concern has been raised that the record of the voting is not as transparent as the previous manual method, i.e. it is not possible for delegates to note which council voted for or against a particular motion.

The current electronic voting process records which councils voted for, against or abstained from voting. However, it is not currently displayed, either at the meeting itself or following the meeting. This has been driven by the difficulty in accurately recording votes by council whilst using the card voting method. Now that the method for collecting votes has changed to electronic voting, it is now possible to run reports providing this level of detail. The provision of details of vote by council provides greater transparency to the voting process. If agreed by members it is recommended that the details of vote by council will be provided in the meeting minutes.

#### Model motion template for councils

The issue of the delegate being able to confidently vote on a motion if the motion has been amended during the General Meeting has been identified as a potential issue for delegates. The development of a model motion template by LGAT to support councils in developing a council position has been identified as an opportunity to address this issue.

A draft model template is at **Attachment to Item 2.1**

LGAT will liaise with council officers before finalising the template.

### **Budget Implications**

Being undertaken within current resources.

### **Current Policy**

Strategic Plan:

- Building Local Government's reputation.

## **2.2 MOTION: WASTE MANAGEMENT Council – Kingborough**

### **Decision Sought**

**That Council request LGAT's support to;**

- 1. Facilitate a forum with key waste & recycle stakeholders (Veolia, SKM etc) with LG members, to explore ways of improving waste management across the State.**
- 2. To determine issues, impediments, opportunities and strategic actions to advance improve both waste and recycling across the State.**
- 3. Report findings to LG members.**
- 4. Facilitate a forum with the Environmental Protection Authority, Minister for the Environment and LG members.**

### **Background**

The State Government is looking closely at plastics bags, and undertaking an audit for both lightweight and heavier plastic bags.

Hobart City Council has recently discussed banning single use plastics. Kingborough Council has commenced a Waste Strategy Plan.

Recent viewing of television program 4 Corners on waste and recycling has left many questions unanswered.

Various regional and state bodies exist with an interest in waste management, but no whole of sector approach has been adopted.

We need to investigate all options identified and whether or not economies of scale will present and to plan for the future.

### **Discussion**

For example we need to examine, but not limit ourselves to the following;

### **Recycling:**

- Our community supports recycling, and would expect all their recycled products not to end up in landfill.

- Does the industry expect any variation to items/procedures for recycling, now and in the future?
- Is there an Industry Development opportunity to establish a business in Tasmania?

#### Waste reduction:

- What opportunities are there for waste reduction?
- Should retailers dispose of packaging that ends up in landfill, or should the status quo remain where the householder attends to this.
- Is the community fully aware of items that can be taken from landfill and be recycled?

#### Plastics:

- Much has been said about plastics, including that there is by number, more pieces of plastic in our oceans than the number of fish.
- How many plastic water and other drink bottles are sold in Australia each year? How many end up in our waterways and oceans?
- At LGAT Conference 2017, it was indicated that in Queensland alone, some 1.6 Billion plastic water bottles are consumed annually.
- Which plastic can be recycled? Does our community know? How do we educate our communities?
- Should Kingborough join some 50 Councils around Australia and be 'Plastic Free July', starting in 2018?

#### Food and Drink containers:

- What would be the impact if all items were compostable?
- What infrastructure requirements would be required for compostable disposal?
- Landfill would reduce, but would there be additional costs to dispose of these containers?
- From a food retailers point of view, what financial impost could emerge, and would consumers accept a small price increase?
- Some coffee outlets are providing discounts to customers that provide their own drink container. Generally these discounts are well above the savings on containers - should there be a reward to these retailers and others that follow suit?
- Some food I drink outlets have replaced steel cutlery with plastics. Should there be an incentive to revert to steel? What options are available to these retailers?
- What grade of plastic is used for cutlery? For health reasons, what grade plastics should be used?
- What numbers I volume end up in waterways?
- Is there support/commitment to Container Deposit Scheme (Levy).

#### Product importation and sustainability:

- Should Australia import products it is capable of manufacturing, and be aware of that the products pass the safe and strict 'health' tests?
- What regards to sustainability are there in these exporting countries?

#### Carbon Footprint:

- Covers all the above points, and must be included in final recommendations.
- What opportunities can be identified to reduce our carbon footprint.

Constitution:

- We need to be mindful of the free trade between States and New Zealand.
- Will a business case emerge that supports all States to come together on many recommendations to either restrict and/or phase out nonessential plastics.

Finance:

- What financial savings can be made by changes to our waste management and recycle methods?
- What savings can be generated by reducing our carbon footprint?
- What further infrastructure will be necessary to ensure financial savings?

**LGAT Comment**

At the July 2016 LGAT General Meeting, members moved that LGAT re-establish the Waste Reference Group (WRG) to develop recommendations for Members, with respect to a waste strategy and/or levy.

The WRG consists of representatives from each of the three regional waste authorities and the LGAT Policy Director. This group met a number of times throughout late 2016 and early 2017, culminating in the preparation of the LGAT Waste & Resource Management Strategy (the Strategy).

The Strategy was presented at the February and April General Meetings and is now available on the LGAT website:

[http://www.lgat.tas.gov.au/webdata/resources/files/LGAT%20Waste%20and%20Resource%20Management%20Strategy\\_Final%20.pdf](http://www.lgat.tas.gov.au/webdata/resources/files/LGAT%20Waste%20and%20Resource%20Management%20Strategy_Final%20.pdf)

The Strategy was provided to the EPA and Minister for Environment earlier this year to inform the State Government's work on preparing a State Waste Strategy. Since that time LGAT staff have met with the EPA on a number of occasions to discuss their progress.

At the time of writing, progress from the State Government had stalled due to resourcing constraints, however the work remains a priority for LGAT and also is a standing item on the Premier's Local Government Council (PLGC) agenda.

In relation to the Kingborough Council motion the following specific comments are made:

1. Facilitate a forum with key waste and recycling stakeholders (Veolia, SKM etc) with LG members, to explore ways of improving waste management across the State.

Comment: The LGAT WRG reviewed all previous strategic and other investigative studies in order to inform the development of the LGAT Waste & Resource Management Strategy. In most cases, the previous work researched included substantial stakeholder engagement.

This combined with the skills and experience of the WRG and the consultancy group engaged to support its work mean that there is a comprehensive understanding of the actions required to improve waste management across Tasmania.

2. To determine issues, impediments, opportunities and strategic actions to advance / improve both waste and recycling across the State.
3. Report findings to LG members.

Comment: The LGAT Waste & Resource Management Strategy achieves this.

4. Facilitate a forum with the EPA, Minister for the Environment and LG members.

Comment: LGAT is in regular communication with the EPA on the progress of the State Waste Strategy. The issue is also a standing item on the PLGC Agenda.

## **2.3 CODE OF CONDUCT\***

**Contact Officer – Dion Lester**

### **Decision Sought**

**That Members note the feedback from the Code of Conduct Review and endorse the resultant draft Recommendations.**

### **Background**

At the February 2017 General Meeting, Members received a report from the Director of Local Government on the Code of Conduct and noted that the Minister, through the Premier's Local Government Council, had committed to a 12-month review of the Code of Conduct legislation.

On the 1 May, the Minister wrote to all Mayors advising that he has requested LGAT take carriage of the Review and report. In subsequent discussion with the Local Government Division it was agreed that the Division will be seeking feedback from Code of Conduct Chairs, Panel Members and the Executive Officer; while LGAT would seek feedback from Local Government. The advice from LGAT Members, Panels and the Division will be jointly considered in developing recommendations for the Minister.

On the 23 June, LGAT wrote to all councils seeking feedback on the Code of Conduct Provisions. This was accompanied by a discussion paper. A copy of this paper is at **Attachment to Item 2.3A.**

In that discussion paper, LGAT raised a number of concerns that we were aware existed. They were:

- The legality of the Model Code;
- The extent (or lack of) to which Chairs are applying frivolous and vexatious powers;
- The weight given to unsubstantiated claims;
- The lack of interaction with Council or LGAT with regard to training requirements;
- The application of training sanctions to a whole council when the complaint is against individuals;

- The lack of interaction/advice from General Managers in relation to complaints being determined;
- The experience/consistency (or lack of) of the panellists and/or Executive Officer;
- The application of procedural fairness and natural justice processes;
- The appropriateness of Code of Conduct panels for matters which have other avenues for appeal (eg planning decisions);
- The cost of determining a complaint; and
- The role of the Local Government Division.

The feedback provided was supportive of these issues and included a number of other concerns or suggestions. A summary of the feedback and the resulting recommendations is provided at **Attachment to Item 2.3B**.

**Recommendations:**

The draft recommendations for Members to consider are as follows:

Recommendation Number	Recommendation
1	Limit 7(1)(a) to fairness
2	Include an explanatory note regarding a 'reasonable person'
3	The process for determining variations to the Model Code (Clause 28T of the Local Government Act) and the rationale for denying a variation needs a greater level of transparency.
4	Delete 8(6), which says "A councillor must show respect when expressing personal views publicly."
5	Remove the 'materiality' test from Part 2 of the Model Code
6	Include recognition of a councillor exposing fraud or other illegal activity as not offending Part 3 (1) of the Model Code.
7	Exclude when council are acting as a planning authority from the Code of Conduct Process.



8	Code of Conduct sanctions should only be imposed on those against whom the complaint is made.
9	Code of Conduct Panels should only be able to direct that training be undertaken, and that training is to include certain matters. The Panel should not be able to bind a third party to provide that training.
10	The Legislation should require a General Manager to notify a subject of a complaint once the General Manager has determined the complaint meets the requirements of Section 28V.
11	Once the Panel is notified of a complaint the General Manager should be required to table the complaint in a Closed Session of Council.
12	The Chair should be able to seek preliminary advice from the General Manager to consider other matters before dismissing or proceeding with a complaint.
13	Timeframes should be included for the formation of the Panel (within 4 weeks of the complaint being referred) and for a hearing to be held (within 30 days of the formation of the Panel).
14	Improve the complaint forms to ensure there is clarity regarding the complaint. For example, complainants should be able to select the descriptor that best applies.
15	A Statutory Declaration from the complainant and respondent should be required.
16	Councillors whose conduct is being reviewed by a Panel should have the option of appearing before the Panel.

17	The Panel must be appropriately experienced, trained and supported and must demonstrate they have the ability to perform the role before being appointed.
18	The Chair must have the experience to both control and lead the interview process and not allow too much leeway for comments outside the scope of the complaint.
19	Panels should have the ability to dismiss a complaint at any stage in the process.
20	Allow the Chairs to be able to dismiss trivial complaints.
21	Fixed costs incurred by the State Government for the Executive Officer role and associated Panel support should not be "cost recovered" from councils.
22	Clarification is required on who holds the responsibility for overseeing the effective implementation of the framework and the governance model and a greater commitment to providing guidance and support for councils and Panel members is required.
23	Clarify that panel chairs are obliged to refer matters that are the jurisdiction of the Director of Local Government, prior to a full Code of Conduct process.
24	A mechanism for mediation should be created.

### **Budget Impact**

Being undertaken within current resources

### **Current Policy**

Strategic Plan

- Building Local Government's reputation; and
- Developing capacity and capability to deliver.

## 3. ITEMS FOR NOTING

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### 3.1 ALGWA MEMORANDUM OF UNDERSTANDING Contact Officer – Katrena Stephenson

#### Decision Sought

**That Members note the MOU between LGAT and the Australian Local Government Women’s Association Tas.**

#### Background

The LGAT CEO met with the State President of the Australian Local Government Women’s Association (ALGWA), Kay McFarlane and National Delegate, Alwyn Friedersdorff at the LGAT Conference to discuss the 2018 Local Government Elections and seeking a consistent and partnership based approach to enhancing diversity in Local Government and achieving gender equality.

It was noted by the ALGWA Representatives that a number of other States have MOUs in place with the State Associations. It was also noted that an MOU is in place between LGAT and Local Government Professionals and has provide a good vehicle for open dialogue and collaboration on matters of mutual interest.

At its August meeting the LGAT GMC agreed that an MOU between LGAT and ALGWA be implemented. The MOU would not be legally binding on either organisation nor require specific funding.

An MOU is currently in preparation and it is expected that it will be completed and signed at or before the next General Meeting.

It is worth noting that the Australian Local Government Association has recently established a Local Government Association Diversity and Inclusion Officers Group which aims to facilitate collaboration between State and Territory Associations with respect to women in Local Government and diversity in representation. The CEO is participating on this group.

#### Budget Implications

Being undertaken within current resources.

#### Current Policy

Strategic Plan:

- Facilitating change;
- Building Local Government’s reputation;
- Fostering collaboration; and
- Developing capacity and capability to deliver.

## 3.2 TASWATER

Contact Officer – Dion Lester

### Decision Sought

**That Members note the following report on the Taswater takeover.**

### Background Comment

Responding to the State Government's proposed takeover of TasWater has constituted a significant volume of work over the last few months. This has included numerous print, TV and radio media. At the time of writing the Legislative Councils Select Committee on the ownership of TasWater had concluded, with the report yet to be released. LGAT provided a submission to the select committee and also presented our position in person.

Our submission provides significant details on the reasons why Local Government opposes the takeover, with our central point being that the takeover is not in the interests of councils or the Tasmanian community.

Our key points included:

- There is no crisis in water and sewerage services in Tasmania;
- TasWater has a 10 year fully funded and transparent plan that it is undertaking systematically and based on need and priority;
- The State Government has no plan and no financial modelling to support the takeover; and
- Therefore we question the justification of the State Government to borrow \$548 million to undermine the single largest micro-economic reform in Tasmania over the last 25 years.

A full copy of the LGAT submission can be found at:

<http://www.parliament.tas.gov.au/ctee/Council/Submissions/TWO/LCSC%20TWO%2048%20LGAT.pdf>

LGAT will now be focussing our efforts on highlighting the issues associated with the proposed takeover and also the Water and Sewerage Tasmania Bill 2017 to the full Legislative Council. The timing of when the Legislative Council will consider this is uncertain, as the Government has deferred the TasWater takeover vote, originally scheduled for the next sitting of the Legislative Council in mid-October, until after the Pembroke by-election.

### Budget Impact

Being undertaken within current resources, noting this forms a significant workload

### Current Policy

Strategic Plan:

- Building Local Government's reputation; and
- Promoting financial sustainability.

### **3.3 TASMANIAN COMMUNITY HEALTH AND WELLBEING PROJECT**

**Contact Officer – Penny Finlay**

#### **Decision Sought**

**That Members note the following report.**

#### **Background Comment**

LGAT's Community Health and Wellbeing Project will work with Local Government as a network, sharing and support mechanism to achieve population health improvement and reduce rates of chronic disease and health risk factors. The Project has been made possible as a result of funding LGAT has secured from the Department of Health and Human Services.

In order to deliver the Project, LGAT has advertised for a part time project officer for three years to work with councils to:

- Support continued provision of services and facilities to their communities that support health and wellbeing;
- Increase their ability to have a strategic and structured approach to embedding the social determinants of health across all teams/departments or program areas; and
- Support advocacy for local communities for adequate access to preventative health services.

At the time of writing, applications were still being received for this position, with recruitment expected to be completed by mid-November.

Most councils have been in contact with LGAT about their work to support health and wellbeing in their communities and are at varying states of implementing a strategic approach. An initial step for the project officer will be to make contact with all councils to determine how best the project can support them in this work.

The Project will be supported by a steering committee that is currently being formed.

#### **Budget Impact**

This Project is being undertaken as a result of LGAT securing external funding from the Department of Health and Human Services.

#### **Current Policy**

Strategic Plan:

- Facilitating change;
- Building Local Government's reputation;
- Fostering collaboration; and
- Developing capacity and capability to deliver.

### **3.4 TARGETED REVIEW OF THE LOCAL GOVERNMENT ACT**

**Contact Officer – Dion Lester**

#### **Decision Sought**

**That Members note the update on the Targeted Review of the Local Government Act.**

#### **Background**

Following completion of the targeted review of the *Local Government Act*, the *Local Government Amendment (Targeted Review) Bill 2017* was tabled in Parliament in mid-September. It has had its second reading in the Legislative Council and is expected to pass in the next sitting week.

Since being announced by the Minister for Local Government in 2015, the Association has been actively engaged in the review, via participation on the Steering Committee and extensive consultation with our sector. We would like to thank the Local Government Division staff responsible for progressing the review and for the ongoing opportunities to provide input.

Most of the suggested amendments are supported but in one key area, the Ministerial Orders, many councils feel there is simply not enough detail to understand the potential implications of the changes.

A summary of the key changes to the *Local Government Act* are included below.

#### **Ministerial Orders**

The Bill introduces the ability for the Minister to issue Orders in relation to matters that include the role of mayors, functions of elected members, functions of general managers, the appointment and performance of general managers and the role of general manager liaising with the mayor. While the Bill provides for consultation with the sector and the Orders can be disallowed by Parliament (the same as regulations), concerns still remained within the sector. The only concession made by the State Government was the inclusion in the Second Reading Speech of the Bill in the Legislative Council, of a commitment to abide by the statewide partnership agreement on consultation and communication for consultation prior to the establishment of a Ministerial Order (i.e. a five-week consultation period).

#### **Performance Improvement Directions**

The Bill introduces Performance Improvement Directions to provide early intervention and rapidly improve performance before it escalates and impacts more seriously the operations or governance of a council. They are intended to be a 'middle ground' option between an investigation by the Director of Local Government and a Board of Inquiry. A Performance Improvement Direction will be able to be applied to a council, all councillors or individual councillors and will only be made on the recommendation of the Director of Local Government where the Director believes that there has been a failure to comply with statutory requirements under the Act or any other Act.

### **Board of Inquiry**

The Bill clarifies and tightens the Board of Inquiry processes, including the ability to suspend individual, several or all councillors during any stage of the Board of Inquiry and a similar flexibility following the Inquiry. The Board can now request information or access to information within a certain timeframe and with associated penalties for non-provision and will not be required to hold a public hearing or permit the cross-examination of a witness by a legal practitioner. It will now be an offence for a person to disclose confidential information that has been provided to them by the Board.

### **Other Matters**

The Bill will:

- Amend section 27 of the Act to clarify the role of the mayor to include promoting good governance and charring meetings in a manner that supports decision-making processes and remove the role to oversee the councillors in the performance of their functions and in the exercise of their powers;
- Clarifies appointments of acting general managers by providing councils with the ability of determining whichever practice may best suit their policies;
- Accommodate online or electronic petitions; and
- Require general managers to maintain a gifts and donations register for elected members.

### **Budget Impact**

Being undertaken within current resources.

### **Current Policy**

Strategic Plan:

- Facilitating change;
- Building Local Government's reputation; and
- Developing capacity and capability to deliver.

## **3.5 EMPLOYEE ASSISTANCE PROGRAM FOR ELECTED MEMBERS \*** **Contact Officer – Scott Blacklow**

### **Decision Sought**

**That Members note the report and attachment.**

### **Background**

LGAT was asked to investigate the possibility of an Employee Assistance Program (EAP) service being extended to elected members across all or a group of councils. An EAP uses counselling and referrals to help staff to deal with negative impacts on their wellbeing, stemming from their personal life, which could impact work.

LGAT surveyed councils earlier this year and found:

- All councils surveyed already had an EAP contract in place;
- Councils prefer to bundle all counselling related services (emergency counselling, EAP, coaching, return to work) with one provider for simplicity and safety; and
- Counselling services tend to be charged at common published hourly rates.

The findings indicated that LGAT providing an EAP to elected members through a panel of multiple providers was impractical. Through LGAT's 2017 survey, it was noted that some councils already offered their EAP to elected members. However, a small number of councils took the view that EAP was a staff only service.

As EAP services were already being offered by some councils to their elected members, LGAT turned its focus on identifying barriers to other councils making a similar decision if they wished.

The chief barrier appeared to be the uncertain level of risk associated with extending EAP to elected members.

LGAT obtained professional legal advice that noted:

- There is no additional risk or legal barrier to councils extending their EAP to their elected members;
- There is no legislative requirement for councils to extend their EAP to their elected members; and
- Extending EAP to elected members may be considered by some councils to be an effective risk management strategy.

A copy of this legal advice is at **Attachment to Item 3.5**.

Given the survey results and legal advice, councils are free to determine whether or not to extend their EAP to elected members as part of their risk management.

### **Budget Impact**

Funded from current allocations.

### **Current Policy**

Strategic Plan:

- Developing capacity and capability to deliver.



### **3.6 REGIONAL BREAKFAST SERIES**

**Contact Officer – Dion Lester**

#### **Decision Sought**

**That Members note the upcoming Regional Breakfasts.**

#### **Background**

The second series of regional breakfasts for 2017 are coming up later this month and in early December. For this round the focus is on the future, innovation, productivity and how councils can prepare in order to maximise opportunities for their councils and communities, with further details below.

The dates and locations are:

Hobart:                Wednesday 29 November 2017  
                              The Salamanca Inn  
                              10 Gladstone Street

Burnie                 Tuesday 5 December, 2017  
                              Makers Workshop  
                              2 Bass Highway

Launceston:        Wednesday 6 December, 2017  
                              Best Western Hotel  
                              3 Earl Street

#### **David Adams - Pro Vice-Chancellor (Community, Partnerships & Regional Development) & Professor of Management at University of Tasmania**

Professor Adams has had an extensive career as a senior executive in the public, private and community sectors in Australia. Prior to his employment at the University of Tasmania, he held a number of civic roles including as Chair of the Tasmanian Food Security Council and as the inaugural Social Inclusion Commissioner for Tasmania.

New skills and constantly upgrading skills are key to the future of work, innovation, productivity and growth in Tasmania. Local councils have an opportunity to take a key role in preparing for and shaping those local skills and jobs of/for the future – and therefore attracting and retaining the businesses and other activities that will create wealth and wellbeing. Internationally councils are seeing this as a core role – David will explore what this might look like in Tasmania.

#### **Peter Carr – CEO Peter Carr Advisory**

Peter is recognised as one of Australia’s leading independent technology analysts and regularly attends international invitation-only events as a recognised thought leader, speaker, and business advisor.

Peter is the former Australia-New Zealand head of global analyst firms Forrester Research, META Group, and Longhaus and brings over 20-years of global experience to help organisations bring confidence, trust and control into executive and board-of-management decision making processes by delivering independent advocacy and guidance at their point of need.

Peter will address how councils can improve service delivery and operational efficiencies via process management, such as lean and other methods that include the critical underlying technology in the solution.

### **Budget Impact**

Being undertaken within current resources.

### **Current Policy**

Strategic Plan:

- Facilitating change;
- Fostering collaboration; and
- Developing capacity and capability to deliver.

## **3.7 STORMWATER MANAGEMENT PLANS** **Contact Officer – Michael Edrich**

### **Decision Sought**

**That Members note the requirement to develop a stormwater system management plan before 19 December 2019 and contact LGAT to note any technical or resourcing issues with compliance.**

### **Background**

The *Urban Drainage Act 2013* (the Act) took effect on 19 December 2013 as a result of a review of the now repealed *Drains Act 1954*. The Act is intended to provide councils with statutory powers and obligations to manage urban stormwater. The main objective of the Act is to protect the community from flooding as a result of urban stormwater flows through the provision of stormwater planning, services and infrastructure.

Section 10(1) of the *Urban Drainage Act 2013* states:

*A council must develop a stormwater system management plan for the urban area of its municipal area within 6 years after the day on which this Act commences.*

Therefore, every council must have a stormwater system management plan for urban areas in place by 19 December 2019. In order to support this, LGAT partnered with the Tasmanian Division of the Institute of Public Works Engineering Australasia (IPWEA) to develop a technical document to assist councils in meeting their requirements under the Act.

This document was published in September 2016 on LGAT's website, titled: "Stormwater System Management Planning - A Guide for Local Government in Tasmania - September 2016".

Some councils have begun to utilise this resource to develop stormwater system management plans for their Local Government areas. As a result, initial questions have been raised regarding the work and resourcing required for councils to meet their obligations under the Act.

Councils are encouraged to provide feedback to LGAT on the requirements of the Act and the technical guide to facilitate continuous improvement of the technical resources we manage on behalf of the sector.

Further information on the Act and the technical guide can be found at these links:

- *Urban Drainage Act 2013* information page (DPIPWE):  
<http://dpiwwe.tas.gov.au/water/the-water-and-sewerage-sector/urban-stormwater-drainage/new-stormwater-legislation>
- LGAT & IPWEA Technical Guide: <http://www.lgat.tas.gov.au/page.aspx?u=658>

### **Budget Implications**

Being undertaken within current resources.

### **Current Policy**

Strategic Plan:

- Facilitating change;
- Fostering collaboration; and
- Developing capacity and capability to deliver.

## **3.8 STAFF UPDATE**

### **Contact Officer – Katrena Stephenson**

#### **Decision Sought**

**That Members note the staff changes at LGAT.**

Since the July General Meeting there have been a number of staff changes at LGAT.

### **Policy and Projects Staff**

Michael Edrich has joined the team as a Senior Policy Officer. Michael comes from a planning and infrastructure consulting background and is replacing Melanie Brown across the portfolio areas of infrastructure, human resources and careers, climate change and will be supporting the Policy Director in land use planning.

As was reported at the July General Meeting, LGAT has secured some funding from the Department of Health and Human Services for the establishment of a health and wellbeing program for Local Government.

The program will be run by a new Project Officer and recruitment is underway for this position, with the new person expected to commence before the end of this year.

### **Communications and Events Staff**

Historically, the role of LGATs Communications Manager has been largely focussed on major events management, (the Conference and the Elected Member weekend and their associated sponsorship arrangements) and editorial on the Pulse, LG Tas bulletin and LGAT Noticeboard, with content being largely produced and sourced by the Policy Team.

Other training events are developed and delivered by the Policy and Project team (for example, regional breakfasts, special topic workshops). The administration staff provide support in relation to distribution of registration forms, venue and catering booking, registrations and payments.

This structure, which has been in place for more than 10 years, has not kept pace with the increasing focus on building the reputation and capability of the sector. We now produce more content, have greater regard to our website and social media, run television advertising and have significantly increased our professional development offerings.

It was decided earlier this year that LGAT required a more strategic and cohesive approach to our communications, training and events and sponsorship. In order to achieve this LGAT has restructured this part of the organisation, resulting in the establishment of a Strategic Communications Director and an Events and Sponsorship Officer, with the second position reporting to the Strategic Communications Director.

The re-structure has been made possible within our existing budget by the resignation of Alyce Jordan, who was working as Executive Officer at LGAT 2 days per week and undertaking some of the training and professional development activities.

We have recruited Kate Hiscock to the role of Strategic Communications Director. Kate was previously a Senior Policy Officer here at LGAT and so is well known to us and many in the sector. At the time of writing we were also in the process of completing the recruitment process for the Events and Sponsorship Officer.

### **Budget Impact**

Being undertaken within current resources.

### **Current Policy**

Strategic Plan:

- Facilitating change;
- Building Local Government's reputation;
- Fostering collaboration;
- Promoting financial sustainability; and
- Developing capacity and capability to deliver.

### 3.9 POLICY UPDATE

Contact Officer – Dion Lester

#### Decision Sought

**That Members note the following report on current Policy Activity.**

#### Planning

The State Planning Provisions (SPPs) were declared in early 2017, with the State Government also completing a suite of support documentation to accompany the SPPs and to aid councils in the preparation of their Local Provision Schedules (LPSs) for their respective municipal areas.

Most councils have commenced this process, with a number well progressed. Broadly speaking this has or will involve a number of key steps for councils.

These steps are:

- Development of individual and regional workplans;
- Review of the Regional Land Use Strategies and minor updates to correct inconsistencies with SPPs and to capture any recent strategic planning processes that have been through a community and council endorsement process;
- Preparation of the LPS zone maps;
- Development of any local area objectives, Special Area Plans, Particular Purpose Zones and Site Specific Qualifications;
- Preparation of Code mapping or lists as required; and
- Development of the required supporting documentation.

The exhibition of the LPSs, whether that be informal or formal, creates a key risk for Local Government. Most people in the community have not engaged with the development of the SPPs to this point and many will be concerned by some of the changes within them.

Unlike previous iterations of planning scheme development, the community will not have any opportunity to influence the ordinance. They will only be allowed to seek changes to the zoning allocation, i.e. the maps. Local Government may bear the brunt of any associated community angst.

#### Energy

The Street Lighting LED replacement project is now moving into implementation phase with a number of Councils recently receiving notification that they have been successful in receiving interest free loans through the Statewide Accelerated Local Government Capital Program (ALGCP).

Councils who have confirmed involvement include Central Coast, Kingborough, Clarence, Brighton, Sorell and Tasman. Councils who are still undecided on the project can continue to participate in project meetings and enter the project in due course.

Goanna Energy is currently working on stage three and five of the shared procurement for street lighting energy for those councils who agreed to these stages. Councils should be receiving the results of stage three soon and the stage five business intelligence reports on a quarterly basis for the 2017/18 financial year.

### **Emergency Management**

The State Government is currently reviewing the Local Government Relief and Recovery Policy. The Policy outlines the financial assistance that the Tasmanian Government may make available to Local Government after a natural disaster.

The Policy was first developed in 2009 and is being reviewed to capture learnings from the 2016 floods and to align with the Natural Disaster Relief and Recovery reform occurring at the federal level.

To inform the review, the Department of Premier and Cabinet developed a discussion paper which poses a number of questions. These relate to the proposed changes to the policy as well as potential ways the state government can assist Local Government through the provision of templates, guidance documents, case studies and training.

Councils have provided input into the discussion paper and a sector response has been developed. Councils will also have an opportunity to comment on the draft policy at forums in early November.

### **Cat Management**

Councils from each of Tasmania's three regions have been invited to submit an expression of interest to host one of three Cat Management Coordinator positions for three to four years. The officers will oversee the implementation of the Tasmanian Cat Management Plan in their respective regions. The Tasmanian Cat Management Plan was launched in June 2017 by the Minister for Primary Industries, The Hon Jeremy Rockliff MP. The Plan recognises that cat management is a shared responsibility across all levels of government, business and the community.

LGAT has worked with the Department of Primary Industry, Parks, Water and Environment to ensure that Local Government can participate appropriately in the delivery of the Plan.

The key responsibilities for the officers will be to support improved levels of responsible cat ownership across Tasmania through:

- Developing and implementing awareness and education programs
- Providing access to practical community based information
- Assisting Councils in the development of policies, including the potential development of by-laws.
- Developing and implementing compliance programs for the Cat Management Act.

The Cat Management Coordinators provide an opportunity for councils to work collectively with the community on responsible cat ownership. Funding for the positions has been provided by the State Government with the recognition that additional resources are required to support Local Government participation in the implementation of the Tasmanian Cat Management plan.

### **National Heavy Vehicle Regulator – New Portal Module**

The National Heavy Vehicle Regulator (NHVR) is in the process of a staged rollout of the NHVR Portal, a secure online platform to manage access permit applications. Since the release of the first module of the NHVR Portal in August 2016, over 26,000 permits have now been lodged online.

On 9 October 2017, the latest module for the NHVR Portal was released allowing all Road Managers to process and manage consents online. To transition online to the NHVR Portal, Road Managers will need to use an online “Portal Form”. To assist Road Managers in migrating to Portal Forms, the NHVR has created an online resource, including instructional videos.

These can be found at:

[www.yoursaynhvr.com.au/portalforms](http://www.yoursaynhvr.com.au/portalforms).

If you need help, please contact the NHVR by emailing [accessconnect@nhvr.gov.au](mailto:accessconnect@nhvr.gov.au).

### **Climate Change Governance Project**

As a part of the Tasmanian Government’s Climate Change Action Plan 2017–2021, The Tasmanian Climate Change Office (TCCO) commissioned a Climate Change Adaptation Governance Assessment of Tasmania’s Local Governments.

The assessment reviewed key governance documents from each of the 29 councils related to climate change preparedness and adaptation in the following areas:

- Strategic planning & financial management
- Public risk register & asset management
- Land use planning
- Emergency and disaster management
- GHG emissions & Climate risk management
- Adaptation planning & Climate change policy

Preliminary results have been collated and a draft visualisation tool has been prepared. Once finalised, the TCCO intends to provide individual summary reports of the findings to each council. Expect communication from the TCCO in the coming weeks to discuss governance and the specific needs of your council.

### **National Local Government Human Resources Conference 2017**

The National Local Government Human Resources Conference is for Local Government professionals dealing with Human Resources matters, held every two years in Queensland, NSW or Victoria. This year the conference is being hosted in Sydney by Local Government NSW in partnership with all of the State associations around Australia.

The conference runs from 15-17 November and is an opportunity for Tasmanian Local Governments to:

- Hear what is happening in other states;
- See how other states are addressing skills, organisational and human resourcing issues; and
- Improve their human resource management and organisational competitiveness.

The conference will feature expert Local Government, academic, corporate and government speakers and interactive workshops covering a wide range of topics relevant to the changing face of Local Government and current HR trends and themes.

For more information and to register, see the LGNSW website at:

<http://www.lgnsw.org.au/events-training/national-local-government-human-resources-conference-2017>

### **Procurement and Contract Advice and Templates**

In the 26 July 2017 General Meeting policy update, it was noted that LGAT had obtained copies of documents from other Local Government Associations. These were designed to assist their councils to conduct formal purchasing and manage contracts legally and ethically in their jurisdiction and context.

From that large suite of documents, LGAT has drafted five example resources for the Tasmanian context. One is a general advice document on formal purchasing, and the other templates are:

- A Request for Quotation;
- General Conditions of Contract, for goods/services by a Request for Quotation;
- Conditions of Tender for goods/services; and
- General Conditions of Contract for Minor Works by Tender.

These draft documents have been sent to a small group of council staff - who work in procurement and contract management - for consultation. With their input due to be received by the end of October, LGAT will subsequently be in position to determine the most effective course of action to assist councils in this area.

### **Budget Impact**

Being undertaken within current resources.

### **Current Policy**

Strategic Plan:

- Facilitating change;
- Building Local Government's reputation;
- Fostering collaboration;
- Promoting financial sustainability; and
- Developing capacity and capability to deliver.



### **Budget Impact**

Being undertaken within current resources.

### **3.10 ALGA UPDATE** **Contact Officer – Katrena Stephenson**

#### **Decision Sought**

**That Members note the recent activity of ALGA**

ALGA has continued to pursue its policy objectives through liaison with government and non-government representatives and through written submissions, this has included:

- The Federal Government Consultation paper on amendments to
- Telecommunication carrier powers and immunities;
- The House of Representatives Inquiry into the Australian Government’s role in the
- Development of Cities;
- The Productivity Commission Inquiry into Transitioning Regional Economies;
- The Senate Inquiry into impacts of climate change on infrastructure; and
- The Department of Infrastructure and Regional Development National Freight and Supply Chain Strategy Issues Paper.

The ALGA President Mayor David O’Loughlin has met with a number of relevant ministers and backbenchers to highlight and pursue ALGA priorities:

- Senator the Hon Fiona Nash, Minister for Regional Development and Local
- Government
- The Hon Angus Taylor, MP, Assistant Minister for Cities and Digital Transformation
- Mr Stephen Jones, Shadow Minister for Local Government
- Senator Jacqui Lambie, Senator for Tasmania

The ALGA President has also attended and spoken at a number of State Association Annual Conferences, including LGATs.

### **Budget Implications**

Does not apply.

### **Current Policy**

Strategic Plan:

- Fostering collaboration.

**3.11 ANNUAL PLAN\***  
**Contact Officer – Dion Lester**

**Decision Sought**

**That Members note the report.**

A report against the progress of the LGAT Annual Plan is at **Attachment to Item 3.11**

## 4. ITEMS FOR DISCUSSION

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### 4.1 ELECTION PRIORITIES Contact Officer – Katrena Stephenson

#### Decision Sought

**That Members discuss priorities for the LGAT Election Manifesto, ahead of the State Government Elections**

The State Government election is scheduled for March 2018 and LGAT needs to be ready with a manifesto to engage with the parties sooner rather than later. To that end the CEO has contacted Mayors and General Managers to seek input on sector wide priorities and any locally or regionally significant priorities. The regional authorities are also being kept in the loop.

The council feedback to date has included a range of local and regional infrastructure priorities.

In addition, and most relevant to LGATs advocacy work, the following statewide priorities have been reported as being most significant to those that responded:

- Planning reform;
- TasWater ownership;
- Smart cities and regions;
- Natural disaster community resilience; and
- Regional & economic development.

The purpose of this discussion is to enable LGAT to finalise input into the Manifesto following the November General Meeting.

Members are asked to consider the following questions prior to the General Meeting:

1. Are the five State election priority areas listed above appropriate?
2. Are there any specific initiatives within each of these priority areas that warrant particular attention?
3. What additional priorities should there be?

#### **Budget Implications**

Being undertaken within current resources

## **Current Policy**

Strategic Plan:

- Facilitating change;
- Building Local Government's reputation;
- Fostering collaboration;
- Promoting financial sustainability; and
- Developing capacity and capability to deliver.

# 5. OTHER BUSINESS & CLOSE

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