



GENERAL MEETING

AGENDA

**Wrest Point
Hobart**

Thursday 3 December 2020

**Commencing
9.30am**

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

13 WHO MAY ATTEND A MEETING OF THE ASSOCIATION

- (a) Subject to Rule 13(f), each Member shall be entitled to send a Voting Representative to any Meeting of the Association, such Voting Representative exercising the number of votes determined according to Rule 16(a).
- (b) In addition to the requirements set out in Rule 13(f), after each ordinary Council Election, the Chief Executive Officer shall request each Member to advise the name of its Voting Representative and the proxy for the Voting Representative for Meetings of the Association until the next ordinary Council Elections.
- (c) Subject to Rule 13(f), Members may change their Voting Representative or proxy at any time by advising the Chief Executive Officer in writing of the Voting Representative prior to that representative taking his or her position at a Meeting of the Association.
- (d) A list of Voting Representatives 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.
- (f) Each Member must provide the Association with written notice of the details of the Voting Representative who was by a resolution of the Member lawfully appointed as the Voting Representative of the Member at a 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

- (a) At any Meeting of the Association, a majority of the Member Councils shall constitute a quorum.
- (b) If a quorum is not present within one hour after the time appointed for the commencement of a Meeting of the Association, the meeting is to be adjourned to a time and date specified by the Chair.

16. VOTING AT MEETINGS

- (a) Voting at any Meeting of the Association shall be upon the basis of each Voting Representative being provided with, immediately prior to the meeting, an electronic voting button or placard which is to be used for the purpose of voting at the meeting. The placard will be coloured according voting entitlement and the voting buttons will be coded according to voting entitlement:

Population of the Council Area	Number of votes entitled to be exercised by the Voting Representative	Colour placard to be raised by the Voting Representative 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) Electronic voting buttons will be the first choice for voting on all decisions, with placards only to be used if the technology fails.
- (c) Voting buttons allow councils to vote for or against a motion or formally abstain from voting. An abstain is not to be taken as a negative vote.
- (d) The Chair of the meeting shall be entitled to rely upon the electronic vote or 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.
- (e) Except as provided in sub-rule (f), each question, matter or resolution shall be decided by a majority of the votes for a motion. If there is an equal number of votes upon any question, it shall be declared not carried.
- (f)
 - (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 present at the meeting.
 - (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 these 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.
- (g) A Voting Representative or his or her proxy in the name of the Member is entitled to vote on any matter considered at a Meeting of the Association.

Schedule

9.15am	Coffee on arrival
9.30 am	General Meeting Commences
12.30pm approx.	Lunch - Sponsored by JLT Public Sector
1.30	Mini Conference Commences

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*** DENOTES ATTACHMENT**

1 MINUTES *

Decision Sought

That the Minutes of the General Meeting held on 11 September 2020, as circulated, be confirmed.

The Minutes of the Meeting held on 11 September, 2020, as circulated, are submitted for confirmation and are at **Attachment to Item 1.**

2 CONFIRMATION OF AGENDA & ORDER OF BUSINESS

Decision Sought

That the agenda and order of business be confirmed.

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

3 PRESIDENTS REPORT

Decision Sought

That the Meeting note the report on the President's activity from 22 August to 30 October, 2020.

Media and Events

- Media Release - CEO Departure
- Media Release - CEO Appointment
- Letter to editor (Mercury) – Asset Management and COVID response.
- Pulse articles
- Annual Report
- LG Tas
- Letter to Minister re Charitable Rates

Meetings

- LGAT General Meeting
- Mayors Professional Development
- Minister Shelton (re rating and Code of Conduct)
- Charitable Rating Exemptions Steering Committee meetings
- General Management Committee zoom meetings

- Performance Review Committee re CEO Appointment
- Devonport, Central Coast, Break O Day and Sorell Council visits.
- ALGA Board
- Regular discussions CEO

Upcoming Meetings

- ALGA Board and AGM
- Premier's Local Government Council
- General Management Committee
- General Meeting and mini conference

4 CEO'S REPORT

Decision Sought

That the Meeting note the report on the CEO's activity from 22 August to 30 October 2020.

Policy, Projects and Presentations

- Elected Member inquiries
- New role for LGAT supporting councils in relation to TasWater ownership including pre ORG zoom meetings and establishment of Expert Advisory Group
- Submission to the Legislative Council Select Committee Inquiry into the operations of Taswater
- Work on Long Service Leave provisions to input into Act Review
- Secured nominations for PESRAC consultation groups

Media

- Resignation
- Shared Statement on Recovery
- TasWater submission
- Dog Control
- Pulse
- LG Tas
- Annual Report including video
- TasWater Owner Representative Meetings, Pre Meetings and Expert Advisory Group Meeting

Meetings, Training and Events.

- General Meeting
- General Management Committee (meetings plus two out of session items)
- Mayor's Workshop
- Preparation for GM's workshop
- Monthly webinars
- Input to State Service Review

- Devonport, Central Coast, Meander Valley, Break O Day and Sorrell Council visits
- Minister Jaensch re PESRAC/Budget submission esp Planning Hub
- ALGA CEO Meeting
- Local Government Legislative Review Steering Committee
- Local Government Division/Director LG regular catch ups.
- Local Government Division re Code of Conduct
- Code of Conduct Hobart forum
- Briefing on bushfire mitigation Bill
- Charitable Rates Steering Committee
- Communities Tas re Child and Youth Wellbeing Strategy
- MAV Insurance Board
- MAV Insurance Online Best Practice Forum
- LG Professionals Tasmania Board Meeting and AGM

Operations

- Event Planning and preparation
- Regular staff meetings
- Completion of LGAT annual audit
- Support to GMC re recruitment of new CEO.

5 BUSINESS ARISING *

Decision Sought

That Members note the following information on business arising.

At **Attachment to Item 5** is a schedule of business considered at the meetings held on 11 September 2020 and the status thereof.

6 FOLLOW UP OF MOTIONS *

Contact Officer: Dion Lester

Decision Sought

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

Follow up on outstanding motions

A matrix indicating progress to date on motions passed at General Meetings, which remained outstanding at the last General Meeting, is at **Attachment to Item 6**.

7 ITEMS FOR DECISION

7.1 LGAT Future Role in Emergency Management Contact Officer – Georgia Palmer

Decision Sought

That member councils agree to LGAT having an emergency response role when there is a significant state-wide impact as a result of an emergency event and the State Control Centre (SCC) is activated by the State Emergency Management Controller.

In these circumstances, LGAT's principal function will be as a Local Government Liaison Officer embedded in the SCC.

Background

LGAT's role in emergency management has traditionally focused on advocacy. This has included providing advice and coordinating input into State Government emergency management policies and legislative reviews as well as advocating for funding to support Local Government capability and capacity building.

Local Government is recognised as a key partner in emergency management. This is recognised in the legislation, management, administrative and governance structures in Tasmanian emergency management doctrine. Each council has a Municipal Emergency Management Coordinator (and Deputy) who play a significant role at both the municipal and regional level.

The CEO of LGAT is a standing member of the State Emergency Management Committee and LGAT and Local Government representatives have formal positions on many state level committees, advisory and working groups. This includes the State Fire Commission and the State Fire Management Council.

Due to the state-wide nature of the COVID-19 pandemic and the significant impact on Local Government, LGAT was invited to provide a representative as a Liaison Officer, to work within the SCC.

This position, along with other LGAT staff, provided the following services to Local Government.

Advocacy

- Advocated to the Federal Government regarding JobKeeper and impact on regional airports;

- Advocated on Local Government matters to be covered in the *COVID-19 Disease Emergency Act 2020* and subsequent notices;
- Met with the Tasmanian Audit Office to discuss the pandemic impact on councils' future financial performance;
- Met with the Premier and Minister for Local Government and ensured regular Ministerial engagement with Members;
- Direct advocacy to SCC Policy and Public Health on the practicality of potential directions, where they impacted council activities; and
- Advocacy on the role of Environmental Health Officers in compliance of COVID-safe plans.

Council Support

- Provided templates and council support in preparing Pandemic Plans and Business Continuity Plans, including one on one work with a number of councils to support them in preparing plans;
- Distributed information including updates from the Public Information Unit (PIU) and Premier's daily update;
- Responded to numerous council specific requests on interpreting Public Health notices at the local level;
- Presence in the SCC as Liaison Officer and coordinated council specific queries to SCC policy;
- Collected and collated information on relief measures, financial and staffing impacts for a regularly updated publication of relief measures by council;
- Developed a COVID webpage, a central point of information on our website for members and for others seeking information about how councils were responding to COVID-19 by implementing a range of relief measures;
- Developed tools such as a model hardship policy, commercial ratepayer hardship policy, template hardship application, remote meeting and returning to face to face meetings guidelines;
- Provided regular advice on a range of matters to Mayors, General Managers, Communication Officers, Environmental Health Officers and Municipal Coordinators;
- Support in development of and sharing Safe Business Plans;
- Advocated to the Federal and State Governments around funding, policy, legislation and recovery;
- Supported state-wide advertising around rates payments to councils.
- Sought to build recognition of the support councils are providing through our publications, op eds, letters etc; and

- Contributed to the development of state-wide messaging through PIU engagement based on Local Government community knowledge and insight.

Feedback from the sector on LGAT's support for the sector during COVID has been overwhelmingly positive. The position in the SCC, the connections at the state level and the ability to get sector-specific advice in a timely manner was valued. The resourcing implications of this support on LGAT was significant, however, given the substantial impact of this emergency on the sector it was deemed to be an important role for the organisation.

In recognition of the success of the approach, it is proposed that the role of a Local Government Liaison Officer in the management and coordination of future state-level emergency events should be formalised. This proposal has been informally discussed with several Tasmanian Government emergency management stakeholders and initial indications are supportive of the proposal, should members agree to the motion.

Formalisation of the role of LGAT in the SCC would need to be through an update to State Control Centre Guidelines, which will be reviewed following COVID. These guidelines will be endorsed by the State Emergency Management Committee. It is essential that this role complements and supports the role of Municipal Emergency Management Coordinators and that overlap and duplication is avoided. It should be noted that there may be other situations where the sector requests LGAT support in response to significant emergencies where LGAT's state level networks can support the sector from an operational or response perspective.

Budget Implications

Does not apply.

Current Policy

Strategic plan

Facilitating Change

8 ITEMS FOR NOTING

8.1 PESRAC Update Contact Officer – Dion Lester

Decision Sought

That Members note the update on the Premiers Economic and Social Recovery Advisory Council (PESRAC) Activities.

Background

The Premier's Economic and Social Recovery Advisory Council (PESRAC) is set to start collecting further information from Tasmanians for its Final Report due early next year. This will involve a series of scenario-based workshops with selected stakeholders. The aim of the sessions is to identify new ideas from a diverse group of people on the impacts and opportunities that different possible COVID-related paths might provide for Tasmania's recovery.

LGAT was invited to nominate six Local Government officers/elected members to participate in two groups, one looking at Community Development and one at the Circular and Blue Economies and Energy. At time of writing we had been advised that one of our nominees had been appointed to the Community Development group.

There will also be regional workshops to run through the feedback from the scenario workshops to ensure a regional perspective is captured. A number of Local Government representatives will be invited to these workshops.

The other key engagement platform being used by PESRAC, is an online public consultation survey, which LGAT has distributed to council communication managers and has promoted through the Pulse.

Here's how you can take part:

- Fill in The Tasmania Project survey at: <https://www.utas.edu.au/tasmania-project>
- Or get help to complete the survey by phoning 6226 7542
- Contribute to the PESRAC Ideas Box at www.pesrac.tas.gov.au/recovery_ideas

Submissions close 22 November, 2020.

Budget Impact

Being undertaken within current resources.

Current Policy

Strategic Plan

- Facilitating change
- Building Local Government's reputation
- Promoting financial sustainability

2020 – 21 Annual Priority

Support councils' recovery efforts from COVID-19.

8.2 Charitable Rates

Contact Officer – Katrena Stephenson

Decision Sought

That the Meeting note a verbal update will be provided to the Meeting.

Background

At the September General Meeting Members agreed:

That this Meeting endorse the Steering Committee to commence a media campaign against the State Government's position on Charitable Rates Exemptions on Independent Living Units, if an amicable solution is not reached.

The Steering Committee have put a transition proposal to Government and at the time of writing, are awaiting feedback.

Budget Implication

Allowance is made to progress this within the budget.

Current Policy

Strategic Plan

- Promoting financial sustainability

2020 – 21 Annual Priority

Priority 2: Support the sector through the next stages of Local Government Reform

8.3 Parliamentary Inquiries – TasWater * Contact Officer – Katrena Stephenson

Decision Sought

That Members note the report on activity related to TasWater.

Background

At the September 2020 General Meeting, following a discussion about the Legislative Council Select Committee Inquiry into TasWater, Members noted there was a need to strengthen support to the Chief Owner Representative and enhance the effectiveness of the Owner Representative Group.

The following resolutions were made:

1. TasWater Owners agree to provide support to the Chief Owner Representative (COR) through an expert Steering Committee and/or engagement of a consultant as required with the first task being to review the Shareholders Letter of Expectations (SLE) and financials from an Owner Perspective.
2. The Owner Representative Group (ORF) is to engage the Board on a range of issues including infrastructure renewals and upgrades, capacity to support new development, provisioning around COVID-19 and their approach to scoping the standard of new infrastructure.
3. That LGAT support the COR by facilitating council only engagement prior to the ORG Meetings.
4. That LGAT work with the COR to for a submission to the Legislative Council focusing on depoliticization of pricing, headworks, the fluidity of dividends and the broad benefits of Local Government ownership.

Since September, LGAT has facilitated two zoom meetings of Local Government owners prior to the TasWater Owner Meeting, called for nominations and established an Expert Advisory Group.

That Group has had one meeting and agreed Terms of Reference (refer **Attachment to Item 8.3**) and additionally commissioned a review of the TasWater Annual Report against the Shareholder Letter of Expectations. This report, which has been circulated to Owners, found that there were no significant omissions from the Annual Report, identified some areas where there may be a value add to the Report and clarified that the Annual Report is not the sole document that would identify compliance with the SLE. A number of questions for TasWater were identified which will be progressed at the next Owner Meeting. LGAT also facilitated a meeting between the Civil Contractors Federation and Local Government TasWater Owners.

Finally LGAT, with the Chief Owner Representative, made a submission to the Legislative Council (refer **Attachment to Item 8.3**) and will be appearing on that in early November.

Budget Impact

Not currently budgeted for.

Will be included in next year's budget as a special project.

Current Policy

Strategic Plan

Fostering collaboration

Promoting financial sustainability

Developing capacity and capability to deliver

8.4 21st Century Councils

Contact Officer – Dion Lester

Decision Sought

That Members note the progress on the 21st Century Councils Project.

Background

The 21st Century Councils Project looks at whether Tasmanian councils are best orientated to service the needs of modern Tasmanian communities. The Project started with a qualitative session (“kitchen table”) at the December 2018 General Meeting, which focussed on three key questions:

1. What are the current issues/weaknesses in how we deliver Local Government services?
2. How could we address these?
3. How should we progress the conversation about the future with the sector more broadly?

Several key themes (e.g. resources, services/facilities, standards, and identity) were identified as a result of this session. As a means of progressing the analysis the following framework was endorsed:

1. Summary Paper – Review of the issues, pressures, and challenges facing Local Government.
2. Member Engagement – To reveal a shared understanding of sectoral values and beliefs.
3. Stakeholder Engagement – To build on member engagement and inform a reform agenda.
4. Pilot Projects – To test change ideas that align with findings from the above.

The summary paper, member and key stakeholder engagement are now complete and will be available for viewing on the 21st Century Councils page on the LGAT website soon.

The last of these, the stakeholder engagement was delayed as a result of COVID – 19 but was recently completed, with some very valuable feedback for this project and more generally received from 11 different stakeholder groups. The information and insights provided are extremely valuable and point to some easy wins for the sector in terms of more active engagement with particular stakeholders.

A summary of the key stakeholder group consultation findings is presented below:

- Planning was of particular concern to stakeholders specifically, the inherent conflict between council's role as a Planning Authority and community advocate/representative and difficulty in navigating the planning process.
- Financial sustainability, including the issue of rating equity and the need for strong local advocacy were also of concern.
- Another perceived weakness related to both shortages of skilled staff in some areas and the issue of elected members needing to undertake relevant skills training.
- Service levels and infrastructure needs, both new and renewal, were also identified in terms of outcomes that stakeholders felt councils need to provide greater attention to.
- The issue of advocacy was a common thread in the stakeholder responses. Many saw the capacity of councils to advocate on behalf of their communities as a great strength of the sector.
- Many also noted the strong links councils have to their communities, including a sound understanding of their community's needs.

Of the stakeholder groups represented, nearly all were appreciative of the sectoral links they have and were keen to continue to be consulted by both LGAT and individual councils.

The degree of commonality between stakeholder responses was quite high given the diversity of the groups participating.

It is expected that the key themes and opportunities emerging from this work will inform LGATs next strategic and annual plans (due for updates in 2021) and also a series of discrete activities and advice to the sector. A summary paper capturing the findings will be complete in coming weeks and distributed to the sector as a means of stimulating discussions on next steps.

Importantly, the effort and feedback provided by the key stakeholders was invaluable and as such LGAT will continue to engage these groups as our resulting work program takes shape to

ensure it is understood that we are taking the feedback received seriously and to foster a culture of direct and open engagement between the sector and these groups.

Budget Impact

Currently being undertaken within current resources, however dedicated further investment may be required depending on next steps.

Current Policy

Strategic Plan

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

2020 – 21 Annual Priority

Support the sector through the next stages of Local Government reform

8.5 Planning

Contact Officer – Dion Lester

Decision Sought

That Members note the report on planning reform and the red tape reduction agenda and proposed advocacy priorities for the next two years.

Background

The focus of the State Government's planning reform agenda has primarily been on delivering the Tasmanian Planning Scheme (TPS) and more recently, led by Minister Ferguson, on "Red Tape Reduction". With 27 councils having submitted their Local Provision Schedules to the Tasmanian Planning Commission, the State Government is ready to move to the next, and all important, stage of planning reform. This will involve development of the Tasmanian Planning Policies (TPPs), some minor improvements to how the Regional Land Use Strategies (RLUSs) are interpreted (as a short-term fix to some highlighted bottle necks). Then, when resources allow, a comprehensive review of the RLUSs will be undertaken. This is likely to commence in late 2021 or early 2022.

LGAT has been consistently advocating for work to commence on the strategic end of our planning system and it appears we are finally about to realise this. However, the main pressure point for Local Government is associated with the RLUSs and although it is

appropriate that substantial progress is made on the TPPs first, it is frustrating that a full review is still some time off,

The State Government's second tranche in the 'red tape reduction' agenda was tabled in Parliament in early October with LGAT successful in effecting a number of significant changes to the Bill in response to Member concerns. Key advocacy outcomes achieved to the benefit of Local Government included:

- Removing invoicing restrictions for councils with Strata Titles and subdivisions;
- Streamlining the council process for signing off permit conditions imposed by third party regulators;
- Extending a number of the proposed timeframes within the Bill across areas of Strata Titles and subdivision title sign off;
- Increasing the assessment timeframe for councils determining if an application requires referral to the EPA; and
- Amendment to increase the evidence requirements for Sealing of Plans for Strata titles and subdivisions.

The State Government is considering a third tranche of reforms to be progressed in 2021, with a commitment made to continue to work with LGAT and the sector on ensuring the proposed reforms are both fit for purpose and cognisant of Local Government views.

Priorities for 2021 / 22

Given the likely shift in focus of the State Government next year to the development of the TPPs and RLUSs, it is timely for LGAT to revisit our planning reform priorities with members.

Our proposed advocacy focus for next year and into 2022 includes:

1. Timely commencement and progress on the TPPs;
2. Appropriate engagement, and strong collaboration, with Local Government on the development of the TPPs;
3. Commencement of the background investigations necessary to inform a review of the RLUSs;
4. A comprehensive review of subdivision legislation (*Local Government Building and Miscellaneous Provisions Act*);
5. Active support for the implementation, and where necessary amending, of the Tasmanian Planning Scheme; and
6. Scrutiny of the Resource Management and Planning Appeal Tribunal process and decision making, particularly as it relates to the awarding of costs and instances where the Tribunal may be deviating into policy setting.

Members are invited to discuss these priorities and raise other areas of concern for LGAT to address related to planning reform.

Budget Impact

Being undertaken within current resources.

Current Policy

Strategic Plan

Facilitating change

Building Local Government's reputation

Developing capacity and capability to deliver

2020 – 21 Annual Priority

Influence the planning and red tape reduction reform agendas

8.6 Waste and Resource Recovery

Contact Officer – Dion Lester

Decision Sought

That Members note the report on waste and resource recovery.

Background

Since the September General Meeting the State Government's focus has been on investigating potential Governance arrangements for the Container Refund Scheme (CRS) and the engagement of a consultant (Urban EP) to undertake a sectoral impact analysis on the introduction of a statewide waste levy. The investigation includes:

- An assessment of the impact on various sectors of the economy of a landfill levy;
- Consideration of levy rate options and options for stepping up; and
- Suggesting a target rate that would achieve an optimal balance between the policy objectives and the cost impacts on the community as a whole.

We understand that the Government is currently considering the draft study, with it likely to be released as part of a broader consultation package later this year in advance of the Government preparing legislation on the levy and statewide governance arrangements.

In recent weeks, LGAT's Policy Director has been participating on the Minister for Environment's Waste and Resource Recovery Advisory Group, with a focus on providing advice on the most appropriate Governance arrangements for a CRS in Tasmania. In essence the choice for Tasmania boils down to following the NSW or QLD/WA adopted models.

The final Waste Action Plan may not be released until the 2021/22 State Budget. However, there is a high probability that it will contain a number of initiatives/projects that LGAT/Councils can begin preparing for now. On our assessment these will include:

- A Waste and Resource Recovery Infrastructure Plan;
- A Statewide Organics Strategy;
- Consideration of single use plastics; and
- Increased support or coordination of education activities.

LGAT has commenced background work on a number of these items, with a particular focus on how Local Government can best be positioned to influence the policy outcomes. We have recently sought feedback on a number of these areas from the LGAT Statewide Waste Action Plan Reference Group. Once this feedback is received, we will commence broader consultation with the sector.

Budget Impact

Being undertaken within current resources.

Current Policy

Strategic Plan

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

2020 – 21 Annual Priority

Lead the waste management reform agenda

8.7 Infrastructure Contributions Survey

Contact Officer – Michael Edrich

Decision Sought

That Members note the investigations underway on infrastructure contributions and the current survey seeking council feedback to inform the development of a sector position.

Background

Further to the report on infrastructure contributions (a.k.a. developer charges or headworks charges) for the July 2020 General Meeting in relation to a motion on TasWater's position on headworks, LGAT anticipates future interest and policy work from the Tasmanian Government

into infrastructure contributions, so we have begun work investigating legislated infrastructure contributions regimes around Australia. LGAT has also released a survey seeking member council feedback on infrastructure contributions; please follow this link to contribute -<https://www.surveymonkey.com/r/92NPPK3>.

Prior to the COVID-19 pandemic border restrictions, Tasmania experienced a string of years of high population growth and urban development, and some indications suggest this growth may resume again once travel restrictions are lifted. However, each development, subdivision and land use intensification incrementally contributes demand and pressure on the infrastructure networks it relies upon, from roads and water supply, to stormwater networks and water quality, as well as community facilities, parks and public open space. To keep pace with development, infrastructure management authorities such as councils must not only plan their infrastructure ahead of time but also find the finances to resource its delivery.

Good development practice requires that developers connect their new developments to existing infrastructure networks and pay to extend any infrastructure networks required to service it, but the cumulative demand will eventually mean that more substantial infrastructure upgrades will be needed at some point to provide sufficient capacity. Without a well-thought out financing mechanism, this can mean that development is held up until the major upgrade can be financed, or the developer must pay for the upgrade to facilitate the development. It can also mean that councils are left to lean on general revenue (i.e. rates) to subsidise local growth, which can impact financial sustainability and cut into local services.

Infrastructure contributions are a key mechanism for supporting local growth and development, which is why every other Australian jurisdiction has some form of state-legislated contributions system. Infrastructure contributions schemes allow infrastructure managers to levy the infrastructure costs of development at the time and place of infrastructure demand, rather than facing pressure to raise rates and slowly recoup these costs over the long term. Indeed, many jurisdictions continue to review and improve their contributions schemes and legislation, there are no known attempts or movements to roll back infrastructure contributions regimes due to their ability to mobilise infrastructure that supports development and growth.

However, Tasmania lacks a comprehensive and consistent infrastructure contributions policy. Because of this, LGAT is seeking member views on infrastructure contributions in the survey above, with a view to informing a sector position on a statewide infrastructure contributions regime early next year.

Members will be aware that TasWater has also been reviewing its approach to developer charges as part of its fourth Price and Service Plan (PSP4, 2021-2025). TasWater has commissioned Marsden Jacob Associates to prepare an assessment of options, undertaken detailed stakeholder engagement, and is considering three main options for infrastructure financing:

- 1) The status quo, which lacks contributions for major capacity upgrades;
- 2) 'Shared external costs', where developers would not be charged, but the infrastructure costs of supporting development would be collected from water customers who would be charged more on regular water bills to finance major upgrades; or
- 3) 'Enhanced status quo', where a standardised contribution would be levied on development.

These options and their implications for infrastructure management and delivery are worth reviewing as examples to inform Local Government's position on infrastructure contributions.

Budget Impact

Being undertaken within current resources.

Current Policy

Strategic Plan

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

2020 – 21 Annual Priority

- Influence the planning and red tape reduction reform agendas
- Support councils' infrastructure planning and financial arrangements

8.8 Energy

Contact Officer – Georgia Palmer

Decision Sought

That Members note the report in relation to Energy and the potential for savings through LGAT services.

Background

LGAT continues to actively identify opportunities for councils to save money on energy with a few opportunities recently being provided to councils for consideration.

Council Small Sites Grouped Tender

The wholesale energy market is currently at an all-time low. This presents a potential opportunity for councils to form a buying group to undertake a competitive tender for small

electricity connections (NMIs) to examine the saving opportunities of moving to a market contract over the standing offer tariff, which most councils are operating on at the moment.

LGAT undertook an expression of interest process to select a supplier who could undertake this tender process for councils. Tasmanian Energy Brokers were identified as the preferred supplier and will provide the service to councils through a broker arrangement.

Councils can opt to participate in the process. There will be no obligation or cost of the service if a council does not opt to enter a contract. Councils will shortly receive correspondence outlining further details and key dates.

LGAQ Energy Detective

The Local Government Association of Queensland (LGAQ) have developed an energy detective product for councils which consolidates and corrects council energy consumption into a single interactive dashboard. The product enables councils to quickly identify actionable opportunities to make energy savings. In particular it:

- Identifies where there are opportunities to move to a different tariff to save money;
- Identifies problem assets and legacy assets where power is still connected but not being used;
- Compares energy use of assets within the council and across councils;
- Provides an NMI metric list to enable individual assets to be examined to a granular level; and
- Explores solar opportunities on each asset by examining KWH and average solar radiance.

The cost of this product is based on the council's energy consumption at \$0.00035 per KWH. This equates to about \$313 a year for a small council.

A briefing has been set up to provide councils with an overview of the product and consideration of investing in the product.

Budget Implications

Does not apply.

Current Policy

Strategic Plan

Promoting financial sustainability

2020-21 Annual Priority

Continue to expand the procurement program

8.9 Emergency Management Contact Officer – Georgia Palmer

Decision Sought

That Members note the report on Emergency Management.

Fire Service Act Review

The State Government announced the review of the *Fire Services Act* and all subordinate legislation in 2018. An issues paper was released in June 2018, to which several councils and LGAT provided a submission. The Independent Chair of the Steering Committee, Mr Michael Harris, resigned from his position on 30 January 2019 and was replaced by Mr Michael Blake. Mr Michael Blake has been working on the review since this time and was to provide an independent report to the Minister by 30 October, 2020.

Mr Blake met with several councils and LGAT as part of his consultation. He also convened targeted meetings with volunteers, the State Fire Management Council, the Minister, and steering committee members who represent various state agencies. Mr Blake met with LGAT to discuss his draft recommendations to the Minister. He did not provide a copy of his report.

It is not known whether the Minister will release the final report.

LGAT received significant commentary from the sector on the draft recommendations, which informed LGATs feedback to Mr Blake. The draft proposals made significant recommendations relating to the governance arrangements of emergency services, the funding arrangements for a new entity and the centralisation of SES volunteer units, amongst other things.

The key issue for the sector related to funding and the proposed increase to the fire services levy to fund the new entity. Of particular concern was that the levy should not constitute the majority of the base funding for emergency services and that the State Government needs to commit to this essential service through appropriation. The importance of ring fencing the levy through legislation was also key. The sector was generally supportive of centralisation of funding for SES volunteer units, contingent on agreement with councils regarding the transfer of assets prior to it being enshrined in legislation.

LGAT will continue to advocate for appropriate consultation on the next stage of the review.

Bushfire Mitigation Measures Bill

The State Government recently released a draft Bushfire Mitigation Measure Bill for consultation. The aim of the bill is to enhance Tasmania's bushfire preparedness and to mitigate bushfire risk.

The key components of the bill include:

- To reinforce the duty of public and private landowners and occupiers to proactively manage bushfire risk on land they own and control;
- To streamline the bushfire mitigation plan approval process by creating a one stop approval process through the establishment of a bushfire mitigation measures panel; and
- To consolidate the framework for bushfire hazard reduction notices.

LGAT engaged with the sector on the Bill and at the time of writing we are drafting the sectoral response to the Bill.

Key issues raised by the sector included:

- The difficulty associated with commenting on the bill without the guidelines, standards and sub regulations which will provide much of the detail;
- The potential for the Bushfire Mitigation Plans to be misused for other purposes given the plans override other legislation;
- The lack of recognition of existing structures and activities such as the Fire Management Area Committees and the state vegetation fire management policy;
- The potential increased cost to councils in managing risk and in administration and enforcement of the Bill, particularly Bushfire Hazard Notices;
- The lack of protections offered to councils and its officers for work undertaken in enforcing the Bill;
- The lack of provisions to enable a council to cost recover as a result of actions under the Bill; and
- The membership and resourcing to support the new Bushfire Mitigation Measure Panel.

As part of the consultation councils were offered a briefing from the Department of Premier and Cabinet. A number of council officers took up this opportunity.

The next stage in the consultation on this Bill is the development of the guidelines. This is likely to be in December with public consultation in January.

The Bill is likely to be considered at an early sitting of Parliament next year.

Budget Implications

Does not apply.

Current Policy

Strategic plan:

Facilitating Change

8.10 Road Safety *
Contact Officer – Katrena Stephenson

Decision Sought

That Members note the draft Safe System Guiding Principles for Local Government and provide any feedback by the end of January 2021.

Background

The LGAT CEO is a member of the State Government’s Road Safety Advisory Council (RSAC). LGAT, in looking at how to better engage Local Government on road safety, has adapted the *Safe System Guiding Principles for Local Government* for use in Tasmania with consent from Western Australian Local Government Association (WALGA), refer **Attachment to Item 8.10**.

The development of the *Safe System Guiding Principles for Local Government* was undertaken to provide guidance and assistance to Local Governments in Tasmania as they work towards the safe system approach, which will support the implementation of *Towards Zero* at a local level.

Internationally, the safe system is recognised as current best practice in road safety. Safe system thinking is underpinned by the belief that all road related serious injuries and deaths are preventable and therefore no loss of life is acceptable.

Councils can utilise the guiding principles to focus on clear targets, go above standards and work towards best practice, incorporate evaluation into all policies, plans and activities, achieve value for money, and learn from past experience and experience of others.

Table 1: Safe System Guiding Principles

Local Government Managers and Elected Members demonstrate leadership by valuing and progressing the safe system approach.	Local Government builds capacity at all levels of the organisation to effectively implement the safe system approach.
Local Government integrates the safe system approach into corporate and strategic plans.	Local Government utilises and examines relevant data to monitor and evaluate road safety performance.
Local Government ensures that safe system policies and practices are proactive, and evidence based.	Local Government fosters shared responsibility, internally and in external partnerships, for the implementation of the safe system approach.

National Alignment

The Australian Government will be launching a new 10-year Road Safety Strategy very early in the new year. It is very likely to have a strong focus on Local Government. The Australian Local Government Association has been strongly advocating issues facing Local Government and has also been part of the consultation process.

It has been suggested that it may be appropriate to launch the LG Guide alongside the National Road Safety Strategy after first ensuring the LG Guide is forward looking by incorporating the renewed focus on Local Government as reflected in the national strategy.

Next Steps

1. To be presented to the November meeting of RSAC.
2. RSAC and State Growth to provide any feedback on the draft document.
3. LGAT to seek any feedback from councils, feedback is due by **end of January 2021**.
4. Consider any changes related to Australian Government Road Safety Strategy.
5. Finalise the document and launch in conjunction with the Australian Government's 10-year Road Safety Strategy being launched early in the New Year.

Budget Implication

Does not apply

Current Policy

Strategic Plan

- Building Local Government's reputation
- Fostering collaboration
- Developing capacity and capability to deliver

2020 – 21 Annual Priority

Support councils' role in community health and wellbeing.

8.11 LGAT Procurement

Contact Officer – Deborah Leisser

Decision Sought

That Members note the following update on procurement support for councils.

Background

LGAT Procurement activities are going from strength to strength, with a focus on promoting the contracts to councils and connecting with suppliers who have agreed to provide goods and services to councils under the LGAT arrangements.

For example, LGAT recently delivered training sessions to the Waratah-Wynyard and Circular Head councils. These councils were provided with an introduction to LGAT Procurement's prequalified suppliers and panel arrangements and a demonstration of the request for quotation process using LGAT's e-procurement system, Vendor Panel. A similar session was delivered to TasWater procurement staff who are able to access the panels as a council owned entity. TasWater is now investigating the possible benefits of purchasing through some of the LGAT Procurement panels.

Further training was held for officers with an interest in civil works in October. This training looked specifically at the Roads, Water, Sewerage and Civil Works (BUS 270) contract including the contract documentation, how the contract has been working in other states, what the benefits are for councils, and how to use Vendor Panel to create a civil works request. A recording of the training is available on the LGAT Extranet - Procurement Page [here](#).

If your council would like to organise LGAT Procurement training, please contact either Deborah Leisser (6146 3741), Georgia Palmer (6146 3745), or Katelyn Cragg (6146 3753).

LGAT has also recently negotiated a new Plant Machinery Equipment (20091) arrangement in partnership with the Municipal Association of Victoria and LGA Procurement SA. The contract features the following categories of small plant and machinery:

- Compressors and generators;
- Elevated work platforms;
- Lawn mowers;
- Material handling equipment;
- Small engine equipment;
- All terrain and work utility vehicles;
- Tractors; and
- Other equipment and accessories

This contract can be found on Vendor Panel, alongside the National Procurement Network (NPN) Plant Machinery Equipment contract (which deals with large and heavy plant and machinery).

For more details on other arrangements which councils can purchase through and Vendor Panel access please contact our Procurement Team (details above).

Budget Impact

LGAT Procurement operates within existing staffing arrangements.

Current Policy

Strategic Plan

Fostering collaboration;

Promoting financial sustainability

Developing capacity and capability to deliver

2020 – 21 Annual Priority

Continue to expand the procurement program

8.12 Strategic Asset Management Plan Training

Contact Officer – Michael Edrich

Decision Sought

That Members note the success of the recent Strategic Asset Management Plan (SAMP) training.

Background

To support councils in maturing their asset management practice and performance, LGAT developed and delivered, in partnership with the Institute of Public Works Engineers Australasia (IPWEA; national body), training for professionals in *Completing your Council's Strategic Asset Management Plan (SAMP)*.

The SAMP is a critical document for councils' financial and operational performance in managing infrastructure. It is a mandatory requirement of the *Local Government Act 1993* (Section 70B¹), alongside a suite of documents that include the long-term financial plan (LTFP), financial management strategy, asset management policy, and asset management strategy. In fact, the SAMP connects to all these other documents, giving effect to the asset management policy, establishing the asset management objectives and how they will be achieved, and providing direction for asset management priorities and program development. Perhaps the most important functions of the SAMP are to inform the long-term financial plan and to explain the consequences of current budget allocations to decision makers. It is because of this central role between high-level/long-term strategy and immediate operational practice that the SAMP was selected as a primary focus for training and support.

The two-hour online training session was hosted on 22 September by LGAT and delivered by technical experts Allen Mapstone and Steve Verity at IPWEA. LGAT arranged for continuing professional development (CPD) recognition for both IPWEA and CPA Australia members. LGAT recorded 48 registrations and at least that number attending (several online participants

¹ See: <https://www.legislation.tas.gov.au/view/html/inforce/current/act-1993-095#HP7@HD2@EN>

were grouped in rooms of several people) from 19 councils, as well as from the Department of State Growth and the Tasmanian Audit Office.

Feedback from the session indicated that it was overwhelmingly well received with 93% in the 'good' (50%) to 'excellent' (43%) range and, 79% feeling that the training will help in the development of their council's SAMP (21% remained unsure, 0% disagreement). Statements of what was enjoyed about the training were more than double suggestions for improvements, reinforcing that the training hit the mark much more often than it missed.

Further engagement with member councils at a recent Tasmanian Asset Management Group meeting shows an appetite for future training sessions and short talks from experts, particularly around the LTFP, more on SAMP preparation, and asset management requirements of the *Local Government Act 1993*. LGAT is keen to explore further training opportunities that support Local Government performance in this area.

Budget Impact

Training cost subsidised by LGAT from residual Tasmanian Local Government Reform Project funds with minimal registration fee.

Current Policy

Strategic Plan

- Building Local Government's reputation
- Promoting financial sustainability
- Developing capacity and capability to deliver

2020 – 21 Annual Priority

- Support councils' infrastructure planning and financial arrangements
- Continue to support Members' professional development

8.13 Policy Updates

Contact Officer – Dion Lester

Decision Sought

That Members note the following updates on various matters.

Federal Infrastructure Funding

Within the recent Federal Budget, a further \$1billion has been allocated for investment in local roads and community infrastructure, as part of targeted, short-term stimulus activity. This is on top of \$500 million announced in May this year.

The Local Roads and Community Infrastructure Program (LRCI) will be provided to councils in the calendar year 2021 and will be coupled with councils' ability to access the \$1.2 billion wage subsidy program for trainees and apprentices.

The funding is pre allocated based on a formula comprising 1/3 Roads to Recovery formula and 2/3 population based.

Councils will be able to access funding under the extension to the LRCI Program Extension from 1 January 2021.

More information is available [here](#).

Legislative Review *

At the time of writing, the Steering Committee had not convened since 13 September. Some technical working groups have been meeting and LGAT has facilitated regional forums on Code of Conduct matters with the Local Government Division. It is anticipated the Steering Committee will meet in early November and a verbal update can be provided at the General Meeting.

LGAT has written to Minister Shelton twice on matters for the Review. The first letter in September sought that Code of Conduct and Charitable Rates Exemption be considered as part of the review or before.

Following the September meeting there has been further correspondence on both these matters. While we are waiting for further advice on charitable rates (see earlier report) a reply regarding Code of Conduct has been received (refer **Attachment to Item 8.13**).

LGAT has developed a paper regarding long desired changes to the Long Service Leave provisions within the Local Government (Building and Miscellaneous) Regulations. Following consultation with HR Managers, suggested areas for legislative change have been provided to the Local Government Division (refer **Attachment to Item 8.13**).

8.14 Environmental Health Officer Workforce Development Project **Contact Officer – Lynden Leppard**

Decision Sought

That Members note the progress of the Environmental Health Officer (EHO) Workforce Development Project.

Background

The EHO Workforce Development Project is a response to the difficulties that Tasmania's 29 Councils are experiencing in attracting and retaining an appropriately skilled EHO workforce. Local Government is the largest employer of EHO's in Tasmania and they play a critical role in protecting the community, the environment and the economy. Profiling the workforce, analysing current barriers and enablers of EHO workforce capacity and developing an evidence

base to inform a shared strategic response are key elements of the project.

The scope and methodology have been developed by a collaborative project management team consisting of members from LGAT, UTAS, Environmental Health Australia, the Environmental Protection Authority, Environmental Health Officers and the Department of Health. Included in the approach are a literature review, online surveys, interviews, and consultation with key industry stakeholders.

The research indicates that there are significant gaps in the EHO workforce, with the workforce numbers being inadequate to properly address the demands of health protection and environmental management needs. The work has also concluded that there is an unequal distribution of EHO services in regional and remote communities.

The final report is nearing completion and is expected to be available later this year. The report will include a workforce development strategic plan to address the key challenges for EHO workforce development identified through the research. The strategic plan identifies 18 strategy priorities including training and professional support, credentialling, career pathways, improved remuneration, role clarity, and ongoing collaborative workforce planning and development. Perhaps the most significant recommendation is to move towards greater co-ordination of services to get more consistency across the state. The priority is to increase efficiency from a statewide workforce management point of view.

Budget Impact

LGAT contributed \$10,000 to the research alongside substantial in-kind support through our role on the steering committee and supporting engagement with the Local Government sector.

Current Policy

Strategic Plan

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

2020 – 21 Annual Priority

- Support councils' role in community health and wellbeing

8.15 Community Health and Well Being Project
Contact Officer – Lynden Leppard

Decision Sought

That Members note the progress on the LGAT Health and Wellbeing Project 2020-2022.

Background

The extension to the LGAT Health and Wellbeing Project commenced in July 2020. The funder of the Project, Public Health Service (PHS) in the Department of Health, committed to continuing the original Project for a further two years. This will enable LGAT to build on the learning and momentum developed so far.

A key component of this stage of the overarching Project is a Workforce Development Project, which will provide new knowledge about the nature of the Local Government community development and health and wellbeing workforce. The research is being conducted by Professor Roger Hughes, School of Public Health UTAS, with the support of an Advisory Group made up of council officers and State Government stakeholders.

Collaboration with council stakeholders will be an important element of the research methodology, with practical actions to be developed through co-construction with council officers. To date, General Managers, health and wellbeing officers and other key council officers have been provided with information about the research process, with an online survey to be conducted throughout November, followed by face to face interviews.

Another key aspect that work has commenced on is the Health Intelligence (HI) pilot study. Council officers have firsthand knowledge about community wellbeing that is not fully represented in the data that governments and other agencies use to inform their work. This was particularly evident during the pandemic lockdown and the recovery phase. Turning that local information into valuable data is a purpose of the Project.

The HI pilot study will involve a selection of councils in the data collection and analysis of community members' views about their health and wellbeing. This collection of local data will give individual councils highly relevant information about their communities that can be used to inform policy at all levels of government. The Project will also explore how up to date and localized data about a range of matters can be used by councils in ways that are of practical use to them. This work will be finalised late this year and a report will be available to all councils early next year.

Budget Impact

The Health and Wellbeing Project is funded by the Department of Health, although LGAT is also providing significant in-kind support.

Current Policy

Strategic Plan

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

2020 – 21 Annual Priority

- Support councils' role in community health and wellbeing
- Support councils' recovery efforts from COVID-19

8.16 Events Update

Contact Officer – Miriam Rule

Decision Sought

That Members note the report and update on LGAT events.

Members are encouraged to attend LGAT Events and training as appropriate.

LGAT One Day Conference – 3 December 2020

The December General Meeting will combine with a [One Day Conference](#) themed "Reconnection" to deliver an inspiring program for Members following this difficult year. This event replaces the traditional LGAT Annual Conference, cancelled due to COVID-19 restrictions, and provides an opportunity for the sector to come together and reconnect under one roof. Due to COVID-19 restrictions, tickets are limited to ensure adherence with public health requirements for events.

The One Day Conference Program includes the following activities and events:

- The LGAT General Meeting;
- Keynote speakers – Mitch MacPherson and Katy Cooper;
- Welcome Morning Tea;
- Networking Lunch/Afternoon Tea/Happy Hour;
- Council Symposiums;
- Small Exhibition; and
- One Day Conference Dinner.

Registrations for the One Day Conference have been priced using a cost recovery model to ensure budget is not impacted due to a reduced number of registrations. Although the sponsorship market declined considerably during the pandemic, LGAT has worked hard to maintain relationships with stalwart sponsors, who have continued to show support for the sector and this event. At the time of writing, those sponsors already on board include JLT Public Sector, Commonwealth Bank, MAV Insurance, RDA Tasmania and Simmons Wolfhagen Lawyers.

Members can register online for the One Day Conference [here](#)

LGAT Lunch Time Webinars

LGAT's monthly lunchtime monthly webinar series continued in the latter part of 2020 with the support of JLT Public Sector. The webinars are designed to provide inspiration and advice for members on topics of relevance to the Local Government sector. In most cases webinar recordings have been made available to Members and, registrations for the live events and to access the recordings have been well subscribed.

In October, Minister Roger Jaensch MP, Minister for Human Services, Environment and Parks, Housing, Planning and Aboriginal Affairs and Liberal Member for Braddon, joined us for a well-attended webinar on the *State Government's forward* program for planning reform.

In November, Brand Tasmania's Jess Radford, joined us to discuss how Brand Tasmania can work with Councils and an overview of our priority activities for 2021.

At the time of writing LGAT is confirming potential speaker Minister Mark Shelton for the December event.

LGAT is currently looking at further webinars as part of the for 2021 events program.

Code of Conduct Sessions

LGAT and the Local Government Division hosted information and consultation sessions, both regionally and via Zoom, to support improving the effectiveness of Local Government Code of Conduct procedures.

Each session included the same content with three parts:

1. The Local Government Division presented potential changes and changes underway, to support the Code of Conduct processes and provisions;
2. Opportunity to provide Local Government feedback on experiences of the Code of Conduct to inform both LGAT and Division policy; and
3. A discussion on how local level informal dispute resolution could be improved.

Mathew Healey, Director, Policy and Sector Performance and Mike Mogridge, Assistant Director Regulator Services from the Local Government Division, Department of Premier and Cabinet facilitated all sessions, with either the LGAT CEO or Policy Director attending.

The General Managers' Workshop

The General Managers Workshop was held 5 - 6 November at White Sands, near Bicheno with a large number of General Managers in attendance. The packed program included the following speakers:

- Andrew Harris PlanBuild Tasmania
- Lia Morris CEO of Marine Infrastructure Tasmania
- Virginia Bashford Relationships Australia
- Ric De Santi & Rob Whitehead Tasmanian Audit Office
- Tasmanian Community Fund Chairperson, Sally Darke & Senior Executive Officer, Lola Cowle
- Mathew Healey Local Government Division

Strategic Asset Management Plan Training (SAMP)

LGAT developed and delivered, in partnership with the Institute of Public Works Engineers Australasia (IPWEA; national body), training for professionals in *Completing your Council's Strategic Asset Management Plan (SAMP)*.

A comprehensive update is provided at **Item 8.12**.

The 2021 LGAT Events and Training Calendar

At the time of writing, LGAT is currently reviewing the 2021 Event Training and Professional Development Calendar. Members will be advised as details are finalised.

Budget Impact

- **LGAT One Day Conference**
LGAT is applying a cost recovery model for registrations, supported by income from Sponsorship.
- **Lunchtime Webinars**
LGAT has negotiated an arrangement with JLT Public Sector, until the end of 2020, to cover any costs.
- **The General Managers Workshop**
The event is run on a cost recovery basis

Current Policy

Strategic Plan

Fostering collaboration

Developing capacity and capability to deliver

2020 – 21 Annual Priority

Continue to support Members' professional development

Support councils' recovery efforts from COVID-19

8.17 Communications Update

Contact Officer – Kate Hiscock

Decision Sought

That Members note the following report, particularly the 2019-2020 LGAT Year in Review that strategically links to the new LGAT advocacy pages on the LGAT Website.

LGAT Year in Review and Website Advocacy Pages

Work has been underway to update the "Policy and Projects" pages on the LGAT website with new "Advocacy and Policy" pages. The series of advocacy and policy pages highlight the current issues that LGAT is progressing on behalf of the sector including identifying advocacy achievements and key advocacy activities such as submissions.

The 2019-2020 LGAT Year in Review (YIR) has also been streamlined, strategically referencing the new advocacy and policy webpages in the YIR as part of a shorter, more succinct document. This project directly links to, and leverages, the work being undertaken by the LGAT Policy team to establish advocacy and engagement plans for key policy and project activities. It also leverages the recent transition to a new web platform delivering a new look and feel to the LGAT website. The YIR will also be presented in web format including welcome videos from the President and CEO.

At the time of writing LGAT's 2019-2020 Financial Statements have been approved by the Tasmanian Audit Office and it is expected the LGAT 2019-2020 year in Review and new advocacy webpages will be jointly released in early November 2020.

Pulse – LGAT Monthly Newsletter

The LGAT monthly newsletter "The Pulse" continues to highlight LGAT news and activities on a monthly basis and is distributed to over 900 subscribers. In an increasingly busy 'information environment' the challenge to reach members with an online newsletter is increasing, given the significant competition for "inbox attention". In the next couple of months LGAT will be looking at options to refresh and potentially re-brand the Pulse, to make it more meaningful to Members. This is likely to include a name change, noting there is now a publication called 'the Pulse of Tasmania' in the corporate sector.

Media

Since the last General Meeting, LGAT has responded to numerous media enquiries and issued two Media Releases, one letter to the editor and an opinion editorial (published). Our presence on social media continues to attract followers on both Twitter and Linked In.

Budget Impact

All within budget.

Current Policy

This project supports the following components in the Strategic Plan:

Facilitating Change

Building Local Government's reputation

In addition, this helps communicate and provide information on and support 2020 – 21 Annual Priorities.

8.18 Operations Update * **Contact Officer – Katrena Stephenson**

Decision Sought

That Members note the report on LGAT operational matters.

Background

On 13 October 2020, LGAT CEO Dr Katrena Stephenson handed in her notice to the General Management Committee(GMC), signaling intent to start as Director Environment, Development and Community with Kingborough Council from the beginning of next year, refer copy of media release at **Attachment to Item 8.18**.

On 30 October Members were advised that the GMC had determined to directly appoint Mr Dion Lester to the role, commencing 6 January 2021. A copy of the media release is also at **Attachment to Item 8.18**.

Budget Impact

Does not apply.

Current Policy

Does not apply.

8.19 LGAT Annual Plan *
Contact Officer – Katrena Stephenson

Decision Sought

That Members note the report against the Annual Plan.

At **Attachment to Item 9** is a copy of the LGAT Annual Plan and progress to date.

Motions For Which Notice Has Been Received

9 ROADS AND INFRASTRUCTURE

There are no Motions in this category

10 SECTOR PROFILE AND REFORM

10.1 Elected Member Election Nomination Requirements Council – Devonport City

Decision Sought

That LGAT determine as a policy position and lobby the State Government to require all future candidates nominating for Local Government elections in Tasmania undertake a National Police check in current name and any previous names.

The requirements to be a mandatory part of the nomination form which must be completed by all candidates and be available for public scrutiny.

Background Comment

National Police checks are now a requirement for most employment applications and for volunteer positions however, have never been a mandatory requirement for candidates nominating at the Local Government level.

Councillors are seen as leaders of the local community when elected and are invited to many different events and functions, which often involve vulnerable members of our community.

It is logical that when nominating all should be willing to allow for this common style of check if putting their hand up to run for such an important role.

Candidates should have nothing to hide if standing for public office and wish to lead the community and should agree to appropriate checks and balances.

LGAT Comment

This matter was subject to similar motions in 2012, 2013 and 2014 and each time they were LOST.

2012

That there be a requirement for all current and future candidates for Local Government to undertake National Police Checks in their current name and any

previous names.

2013

That there be a requirement for all current and future candidates for Local Government to undertake National Police Checks in their current name and any previous names as well as whether any candidate has been discharged or bankrupt.

2014

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

Generally, police checks are reserved for those working with vulnerable people or direct operational roles (eg Finance). Neither of those apply to candidates or councillors. Police checks are not required for candidates or councillors in other jurisdictions.

Currently under the Local Government Act, you are ineligible to be a councillor if you have been:

- Barred by a court under section 48(6), 223A, 338A, 339 or 339A from nominating as a candidate at any election;
- Are bankrupt;
- Are serving a term of imprisonment; or
- Have been sentenced for a crime but the sentence has not been executed.

Tasmanian Government Comment

Candidacy requirements for Local Government electoral nominees are contained in the *Local Government Act 1993* (the Act). Section 270 of the *Local Government Act 1993* provides that a person is not eligible to nominate as a candidate if the person:

- Has been barred by court order from nominating in respect to various offences under the Act;
- Is bankrupt;
- Has been removed from office because of inadequacy or incompetency;
- Is subject to an assessment order or treatment order under the *Mental Health Act 2013* or an order under the *Guardianship and Administration Act 1995*;
- Is undergoing a term of imprisonment; and
- Has been sentenced for a crime but the sentence has not been executed.

It is not a current requirement that a Local Government nominee complete a police check.

Within the limits set out in the Act, it is a matter for the electors to determine as they see fit whether a candidate is a suitable representative.

The electoral provisions of the Act are within the scope of the ongoing Review of the Local Government legislative framework. The Government intends to progress approved electoral reforms through a stand-alone Local Government (Elections) Bill. This approach will streamline provisions only used during elections and ensure that a new Local Government Act will be as concise and user-friendly as possible.

The response to the COVID-19 pandemic emergency has impacted timelines for the Review. Consultation on a draft Local Government Bill will occur in early 2021, with a new Local Government Bill expected to be introduced to Parliament before the end of 2021. To ensure adequate time for consultation with stakeholders and implementation of reforms, a draft Local Government (Elections) Bill will be released for consultation following passage of the Local Government Bill.

In addition to the consultation opportunities in Phases 1 and 2 of the Review, there will be an opportunity for councils to provide comment on the candidacy provision of the Bill at that time. The Review will also consider any outcomes of the State Government’s Electoral Act Review.

**10.2 Code of Conduct and Arbitration Requirements
Council – George Town**

Decision Sought

That LGAT call on the State Government to include mandatory arbitration in the first instance of the Code of Conduct Process.

Background Comment
There are currently a diversity of policies across Councils relating to the Code of Conduct process. For example, the City of Hobart includes an arbitration process in its policies when lodging a Code of Conduct complaint, whereas others do not. This creates disparity in the sector in how Code of Complaints are dealt with and leads to disparity in the public discourse regarding the frequency of complaints and findings. It also results in a great burden of time and costs for those Councils that do not have such policies.

A mandatory arbitration period in the first instance of Code of Conduct complaints would allow for commonality across the sector, potentially reduce the number of Code of Conduct complaints going to investigation and a full panel hearing, and as such reduce the burden of time and cost. It would allow for the resolution of minor issues or misunderstandings without instigating an investigatory and hearing process.

This would be an appropriate first step in reforming the Code of Conduct process through standardisation and improving communication and conflict resolution among elected members.

LGAT Comment

The issue of mediation/arbitration as a first step in resolving Code of Conduct complaints has been raised in a number of forums, including the recent regional forums with the Local Government Division. The principle is widely supported but the format and logistics will need more detailed work.

Tasmanian Government Comment

The current legislative framework provides that complaints should only proceed to investigation where there have first been reasonable efforts made to resolve the issue that is the subject of the complaint.

When the statewide framework was introduced in 2016, there was an expectation that councils would develop Dispute Policies to support informal resolution of disputes between councillors. However, the large majority of complaints lodged are by non-councillors.

With this in mind it is also considered appropriate for the sector to develop Dispute Policies which provide for the informal resolution of complaints lodged by any complainant. It is important that the sector drives this development to ensure that the Dispute Policies can be tailored to individual councils, but are underpinned by a consistent framework and approach.

10.3 Code of Conduct Panel Council – Kingborough

Decision Sought

That the Local Government Association Tasmania declares it has no confidence in the Local Government Code of Conduct Panel and calls on the Minister for Local Government to take a more active role in resolving the issues.

Background Comment

Members will be familiar with media coverage of recent decisions of the Code of Conduct Panel, but can also review recent decisions [here](#).

While the Code of a Conduct itself and process for assessing alleged breaches of it are flawed, it is apparent that the Panel itself is consistently making poor decisions. It is unclear what, if any, commitment the Tasmanian Government is making to resolve these issues. A no

confidence motion may accelerate the disbanding of the Panel, at least in its current form, putting a stop to what is now a discredited Kangaroo Court.

There is a long-running list of poor decisions, which are highlighted by decisions such as:

- The Chairperson of the Panel elected to undertake an investigation into whether a defendant in a previous Code of Conduct case (Cr Mike Wilson, Huon Valley) had lied about mints being handed out at Council meetings [\(link\)](#).
- The Panel found a Councillor (Cr Mike Wilson, Huon Valley) to have breached Part 7.1a of the Code of Conduct in a Facebook post, despite having not named the complainant. Further, the Panel found that “...a Councillor must avoid making public comment that can be seen to take a particular side in debate on an issue that may be an item of Council business...” Such a finding is inconsistent with the Code of Conduct and if broadly enforced, would preclude elected members from commenting on almost any matter in their communities. [\(link\)](#).
- The Panel found a Councillor to have breached Part 1.1 of the Code of Conduct (bringing an open mind to Council meetings) because the Councillor (Cr Annette Rockliff, Devonport City) had closed the Annual General Meeting early. The Panel had no way of knowing whether the Councillor brought an open mind to the meeting and no evidence was presented that she did not. The Code says a member must bring an open mind to meetings, not that they cannot form a view during it. Such an appalling misunderstanding of the Code of Conduct by the Panel should not be tolerated [\(link\)](#).
- Found a Councillor (Cr De Williams, Sorell) to have caused offence, even though there was only the complainant's disputed word for it, by allegedly saying 'I need to get out of here away from a certain person' to a resident in a Council tea room [\(link\)](#).

Every single Local Government Representative is at risk under the Code of Conduct Panel's current makeup. It has demonstrated an inability to sensibly deal with complaints and should be dismissed. Kingborough urges members to support their elected members by voting in favour of the motion.

LGAT Comment

At the last meeting Members carried the following motion: That LGAT call on the State Government to conduct a full review of the entire Code of Conduct process, including the Code.

As reported earlier in the Agenda, the Minister has replied and does not support a holistic review. However as also noted in the Agenda, the Local Government division, facilitated by LGAT, have undertaken a series of forums around Code of Conduct to capture issues and discuss proposed improvements.

The final forum, held by zoom, can be accessed on the LGAT extranet.

Tasmanian Government Comment

The Code of Conduct framework, involving the appointment of an independent panel made up of members with Local Government experience and legal expertise, was established in 2016 at the request of the Local Government sector.

In relation to decisions made by individual Code of Conduct Panels, it is important to note that the Panel operates independently from the Government and that Panel members are appointed by the Minister following nominations by the sector. It is also worth noting that a Panel is not a court of law, and the decisions of one Panel are not binding on another.

Decisions on whether a complaint should be investigated or dismissed on initial assessment are a matter for the Chairperson of the relevant Panel to determine, having regard to the relevant provisions of the Act and the evidence presented to them.

Where a person considers they have not been treated fairly by the Panel, a right of review is available to the Magistrates Court (Administrative Appeals) Division on the basis of a failure by the Panel to comply with the rules of natural justice.

The Tasmanian Government is currently engaging with LGAT and the Local Government sector through a series of information and consultation sessions focused on improving the effectiveness of Local Government Code of Conduct procedures.

The Government is committed to working closely with the sector to ensure that councils have in place appropriate complaints handling and dispute resolution mechanisms at the local level to better prevent the escalation of issues that do not warrant referral to the Code of Conduct Panel.

11 SECTOR CAPACITY

There are no Motions in this category

12 FINANCIAL SUSTAINABILITY

12.1 Grant Timing and Harmonisation Council – George Town

Decision Sought

LGAT calls on the State Government to harmonise the timing requirements of its Local Government grant schemes with other grant funding agencies (such as the Federal Government) in order to reduce contradictory and conflicting expenditure and benchmark requirements.

Background Comment

Federal and State Government grant initiatives are often linked in their purpose and eligibility, but just as often aren't linked in their timing and benchmark requirements.

This leads to situations where a Local Government may be in receipt of or eligible for a grant from the State and Federal Government, but the federal requirements of the grant will be in conflict of the state requirements of the grant, such as time of completion or milestones.

Despite the intended purpose being they both are used. Grants may also be released simultaneously with different purpose, putting great demand on limited resources within the state, meaning timelines and benchmarks are unlikely to be met again. Deeper co-ordination of the grant process between State and Federal agencies would harmonise the process, reduce red tape, ensure benchmarks are aligned, and if timed appropriately, ensure the resources are available to perform the tasks required of the grants.

LGAT Comment

There have been no previous motions on this matter.

Tasmanian Government Comment

The Tasmanian Government supports, in principle, alignment and harmonisation of grant arrangements to Local Government to the extent that this is practically achievable, is within its control, and does not impact on the delivery of grant objectives.

The Tasmanian Government runs Local Government grant programs with regard to its own initiatives and on behalf of the Australian Government.

The Australian Government often prescribes the timing, performance criteria, and milestone reporting of the grant programs that the States run on its behalf. Therefore, the Tasmanian Government does not have the flexibility to significantly harmonise its timing and performance criteria with those of other grant programs.

13 LAND USE PLANNING & ENVIRONMENT

13.1 Dog Control & Wildlife Conservation Council – Break O’Day

Decision Sought

That LGAT ask the Tasmanian Government to improve and increase its education and enforcement programs for the conservation of shorebirds and other coastal wildlife values, in particular to underpin the efforts Councils make, through their Dog Management Policies, to support the Government’s responsibilities for wildlife conservation and Reserve management

Background Comment

The Dog Management Policies of Councils can support state legislation and outcomes for conservation of significant wildlife values. In particular significant public demand exists for access with dogs to beaches which are frequented by significant shorebirds and migratory birds. These are typically Reserved Lands managed by the Parks and Wildlife Service (PWS).

Local cooperation between Council’s and PWS field staff can provide significant benefits with the policy making and subsequent education and enforcement needs. However, there is a need for leadership at the state level to provide greater consistency and effort with conservation advice and education, resources and cooperation with Councils.

Improvement will help the Tasmanian community to appreciate beach values and how to enjoy and protect them, and Council’s to support the Government’s objectives by making and implementing good local policies.

LGAT Comment

There are no previous motions specific to this matter, although a variety of motions (2005, 2006, 2007, 2012, July 2015, July 2016) address dog related issues including microchipping, banning certain breeds, attacks on people and animals, dogs at large, unregistered dogs, power to prohibit on council land, and management of dangerous dogs.

In November 2019, the State Government made amendments to the *Dog Control Act 2000* to protect sensitive wildlife from dog attacks and off leash exercise areas for greyhounds. Councils’ responses to the amendments included concerns about dog management in relation to wildlife conservation, particularly penguins, and Parks and Wildlife responsibility for management of terrestrial areas declared as Reserves.

Council officer feedback to LGAT on dog control and wildlife management since the *Dog Control Act 2000* amendments were introduced has indicated that councils will be better able to develop and implement good local policies when the three issues of management of reserved lands, wildlife conservation and dog management are considered together.

LGAT has had constructive informal conversations with DPIPWE officers about developing a collaborative approach to addressing the matters raised by the motion.

Tasmanian Government Agency Comment

The Tasmanian Government's 2019 amendments to the *Dog Control Act 2000* relating to wildlife and dog interactions were specifically designed to support Local Government in achieving a balance between wildlife conservation and appropriate beach access for dogs and their owners. The amendments include increasing penalties for dog attacks on wildlife and allowing State authorised officers to undertake investigations more efficiently, without the need to obtain Local Government approval first.

In addition to these legislative changes, the Department of Primary Industries, Parks, Water and Environment (DPIPWE)'s Natural and Cultural Heritage Division has dedicated staff resources to provide greater support to Councils in the application of the *Dog Control Act 2000*. This has included providing ongoing advice to all coastal Councils that have Sensitive Areas (penguin habitat).

The Parks and Wildlife Service (PWS) has been working closely with BirdLife Tasmania, North East Bioregional Network, Break O'Day Council and Glamorgan Spring Bay Council to pilot pre-nesting season messaging and communications that alert dog owners to appropriate behaviours and compliance.

In tandem with this communications initiative, the PWS and Councils undertook targeted education patrols of key nesting sites on the weekend of 3 and 4 October.

This successful campaign resulted in local visitors and residents being informed of Council's local policy arrangements and has translated to increased community awareness of the importance of appropriate recreational dog walking.

13.2 Dog Control and Wildlife Management *

Council – Burnie City Council

Decision Sought

That LGAT coordinate arrangements for a more collaborative arrangement between Local Government and State compliance agencies with responsibilities that include dog control and wildlife management and protection.

Background Comment

Recently a suspected dog attack on little Penguins in the Burnie Municipality was a cause for much community concern, with a call for Council to address various matters raised by stakeholders. The community discussion reflected those in other locations when similar instances have occurred.

A Motion on Notice to the Burnie City Council's August 2020 meeting, refer copy at **Attachment to Item 13.2**, has precipitated this motion to the 3 December 2020 LGAT General Meeting.

The Department of Primary Industry, Parks, Water and Environment wrote to Councils in early March 2020 to advise of changes to the *Dog Control Act 2000*. Amendments were introduced to section 19AB to make it a specific offence for a dog to injure or kill any wildlife declared under the *Nature Conservation Act 2002* to be a sensitive wildlife species, within an area of land declared to be a sensitive wildlife area, and to indicate a senior wildlife biologist had been appointed to facilitate implementation of the Little Penguin protection program under the Act.

Advent of the COVID-19 emergency meant it was not possible for the DPIPWE representative to travel and engage with Councils. The program has only recently recommenced.

Dr David Pemberton, a senior wildlife biologist with DPIPWE, manages the implementation program and met with Burnie Council staff on Tuesday, 11 August 2020.

The meeting was of a preliminary nature, during which it was indicated the DPIPWE representative is available to meet with Councillors to provide a briefing on Little Penguin behaviour and wildlife management measures, including requirements under the Act.

The discussion identified that while it is assumed dogs, particularly dogs at large are the main threat to Little Penguins, it is known that cats, and in some locations carnivorous wildlife, also present risk to colonies.

It was advised the northwest coast from Wynyard to Devonport is the priority area for Little

Penguin management given the extent and intensity of colonies and their proximity to threat from human activity. No single municipal area is considered more important than the others given the habitat of Little Penguin is not determined by administrative boundaries.

While Councils have a role to play in regard to enforcing the *Dog Control Act 2000*, there are a number of government agencies that similarly have a role to play in protecting Little Penguins and have resources that can be deployed to support a coordinated response.

In that regard it is suggested there is opportunity for greater collaboration between compliance agencies with wildlife management responsibilities to share resources and provide improved monitoring and compliance response capabilities.

LGAT Comment

There are no previous motions specific to this matter, although a variety of motions (2005, 2006, 2007, 2012, July 2015, July 2016) address issues including microchipping, banning certain breeds, attacks on people and animals, dogs at large, unregistered dogs, power to prohibit on council land and management of dangerous dogs.

In November 2019, the State Government made amendments to the Dog Control Act 2000 to protect sensitive wildlife from dog attacks and for off leash exercise areas for greyhounds.

Councils' responses to the amendments included concerns about dog management in relation to wildlife conservation, particularly penguins, and Parks and Wildlife responsibility for management of terrestrial areas declared as Reserves. The importance of local cooperation between councils and State Government on dog control and wildlife management has been raised with LGAT by council officers across several councils and LGAT has discussed this with staff from DPIPW. The discussions to date have acknowledged the importance of councils' contribution to wildlife conservation through their dog management policies.

Tasmanian Government Agency Comment

The Tasmanian Government is developing internal Standard Operating Procedures to ensure consistent and effective compliance (investigation and enforcement) activities across the Agency, and to enhance collaboration with Local Government.

The Tasmanian Government is also working directly with LGAT to engage effectively with Local Government on these matters. As noted in the 'Background Comments', this work was delayed due to the necessary travel restrictions required by the response to the COVID-19 pandemic but has recently been a focus of the Department of Primary Industries, Parks, Water and Environment.

13.3 EPA Resourcing and Delegation Council – George Town

Decision Sought

That LGAT calls on the State Government to increase or share resourcing to Local Governments to meet the increasing EPA regulatory and compliance functions required to be provided by Local Governments.

This should include the resourcing and authorisation of Council Officers to facilitate illegal dumping enforcement on crown land.

Background Comment

Increasing State compliance and enforcement requirements and tasks of Council regulatory officers are stretching municipal resources. For every increase of requirement upon municipal government to assist or perform a state function there should be a corresponding increase in resources from State to enable municipal government to perform that function.

There are also increasing community demands placed upon Council's to deal with illegal dumping on Crown Lands. Deeper co-operation and funding support would enable Council's to fulfil some of the functions being expected of it by the EPA and other agencies and meet community expectations of combating the illegal dumping scourge.

A uniform arrangement between State and Municipal Government would also reduce the red tape involved in current multi-agency arrangements in this regard.

LGAT Comment

In July 2016 the following motion was passed:

That the State Government be requested to develop an agreed set of clear protocols with Local Government clarifying the split in responsibilities between the two levels of government in regard to enforcement under the Environmental Management and Pollution Control Act 1994.

This motion resulted in the development of an MOU and annual workplan between LGAT and the EPA to address sector issues and inform the support provided by the EPA. EPA resourcing challenges and staff changes has impacted on the delivery of some aspects of the most recent workplan. However, development of the 2021 / 22 workplan has commenced with a renewed focus from the EPA. Consultation with the sector on priorities for inclusion is expected to commence in November.

This motion above would reinforce our recent advocacy and project work. In LGATs October 2019 [submission on the Draft Waste Action Plan](#) we note that effective compliance and

enforcement are fundamental to the success of the waste action plan and the introduction of a statewide waste levy in particular. The submission goes on to note:

The first line of defence is the enforcement capability of the regulators (EPA and Local Government). Appropriate resourcing is required to be both responsive and proactive in engaging with industry and the community. In addition, there needs to be a suite of monitoring and compliance controls and instruments developed or applied to support the effectiveness of regulation and compliance.

The recently completed Environmental Health Officer Workforce Strategy Project also supports the establishment of improved resource sharing and funding arrangements for the Environmental Health Officer (EHO) workforce in Tasmania. This comprehensive analysis has found that there is an estimated deficit of at least 25 full-time equivalent EHOs in Tasmania relative to servicing existing environmental and health risk items and regulatory responsibilities. As a result, EHO practice is prioritised to reactive investigation and enforcement of legislated responsibilities, rather than more sustainable upstream prevention practices. Principal amongst the final report's recommendations is to seek to increase efficiency from a statewide workforce management point of view via greater co-ordination of services.

Refer **Item 8.14** on the Environmental Health Officer Work Force Development Project for further details.

Tasmanian Government Agency Comment

The recent amendments to the *Litter Act 2007* and Litter Regulations enable all Councils to issue infringement notices and collect revenue from offences, in the same way they can under *Environmental Management and Pollution Control Act 1994* (EMPCA). EPA Tasmania officers have collaboratively worked with Local Government officers to assist with litter and related waste management activities and will continue to do so.

Community expectations regarding litter and waste management practices have been increasing in recent years. The Tasmanian Waste Action Plan and specific tools such as Report Rubbish and the Litter and Dumping Management System (LaDMS) provide for continued collaboration, and for the specific management of instances of dumping. LaDMS also provides to Local Government the opportunity to seek the assistance of people with Community Corrections Orders to help clean up litter in parks and reserves around the State. Further information on Report Rubbish and LaDNS can be provided to specific Councils by EPA Tasmania should that be of assistance.

The Government is aware and has openly acknowledged that introduction in late 2021 of a levy on waste being disposed of in landfill may have an additional impact on litter and dumping over and above the current rates of dumping. DPIPWE looks forward to working with Local Government and other stakeholders during the establishment and implementation of the levy

to ensure these issues are addressed by deploying appropriate resources in a manner agreeable to State and Local Government.

13.4 Shipping Containers Council – Northern Midlands Council

Decision Sought

That LGAT lobby for amendment to the State Planning Provisions to further regulate the placement of shipping containers to reduce their visual impact on the streetscape within township areas.

Background Comment

The Northern Midlands Council is experiencing an ongoing issue of shipping containers being placed on private property within its towns and villages, negatively impacting the visual amenity of our towns.

Council has explored the option of implementing a by-law; however, is not confident that a by-law would not conflict with current planning legislation.

The *Northern Midlands Interim Planning Scheme 2013* addresses the placement of shipping containers; however, Council is concerned that the provisions are not stringent enough, resulting in containers being placed in locations which detract from the aesthetics of our municipality.

Council would like to see regulation that includes:

- Time limits on the placement of containers,
- A requirement for all containers to require a planning permit from Council,
- A requirement that containers be located behind the building line of an existing building or appropriately screened, unless used as the primary structure (ie. Food services), and
- A requirement for containers to be freshly painted or clad.

Council's participating in the General Manager's meeting on the 31 July 2020 "*agreed that there was support for more prescriptive controls and parameters and that Councils in the region would support NMC efforts in lobbying for improved controls.*"

LGAT Comment

There have been no previous motions on this matter.

The State Government's planning focus remains the introduction of the Tasmanian Planning Scheme, via assessment and approval of each council's Local Provisions Schedule (LPS). Given this there is a reluctance to entertain review of or amendments to the State Planning Provisions. It should further be noted that while the State Government notes the *"mechanism for planning authorities to raise issues with the SPPs through the Local Provisions Schedules assessment process, a report prepared under s.35G of the Land Use Planning and Approvals Act 1993"*, this has only been attempted on one occasion (by Meander Valley Council, supported by LGAT and a number of other councils) and as yet the outcome is unknown. It may also be too late for Northern Midlands to use this mechanism if council has completed its report to the Tasmanian Planning Commission on the representations on your draft LPS.

Tasmanian Government Comment

The motion appears to be based on the placement of shipping containers on land under the provisions of the Northern Midlands Interim Planning Scheme 2013 and not the State Planning Provisions (SPPs) as these are not yet operating in the municipal area. Consequently, the application of the SPPs to shipping containers has not yet been tested.

The planning legislation provides a mechanism for planning authorities to raise issues with the SPPs through the Local Provisions Schedules assessment process, a report prepared under s.35G of the *Land Use Planning and Approvals Act 1993* (the Act), and if the Tasmanian Planning Commission considers the issue has merit it can advise the Minister accordingly. This will provide for the orderly provision of concerns to the Government along with the advice from the Commission. As only two of the 29 LPSs have been finalised it would be premature to embark on a review of the SPP controls relating to containers, or any other matter, until and if the Commission determines that such an issue requires the Government's consideration.

Notwithstanding this, it is not clear why the Council is in doubt as to the capacity to control the placement of these under current or proposed planning schemes. The placement of shipping containers appears to be 'development' under the definition in the Act (development includes – (e) the placing or relocation of a building or works on land).

Shipping containers are 2.44 m wide and 2.59 m high. They come in a range of lengths but they all have the same width and height (except for the high cube containers that are 2.89 m high). It is important to note that shipping containers are not lesser in height than 2.59 m.

A resident may choose to make use of a shipping container on their land as a permanent shed or outbuilding. In this case, the interim planning scheme or SPPs would apply to the land.

The SPPs exempt 'outbuildings' through clause 4.0, where it is limited in size. An outbuilding is classified as class 10a of the Building Code of Australia.

Clause 4.3.7 of the SPPs provides for outbuildings to be exempt from needing a permit if –

- (a) *there are not more than 2 on a lot with:*
 - i. *a gross floor area not more than 10 m²;*
 - ii. *no side is more than 3.2 m; and*
 - iii. *building height is not more than 2.4 m;*
- (b) *there are not more than 1 on a lot with:*
 - i. *a gross floor area not more than 18 m²;*
 - ii. *a roof span not more than 3 m;*
 - iii. *building height is not more than 2.4 m;*
 - iv. *a distance of not less than 0.9 m from a building;*
 - v. *a setback of not less than 0.9 m;*
 - vi. *no change in existing ground level as a result of cut or fill of more than 0.5 m;*
and
- (c) *not between a frontage and the building line or on a lot with no buildings, not less than the relevant setback from a frontage, unless the Local Historic Heritage Code applies and requires a permit for the use or development.*

The SPPs would require the placement of shipping containers to be assessed under the relevant planning scheme as they would be categorized as an outbuilding (if they are more than transitory) and do not meet the limitations that deem them exempt (because the standard dimensions of containers means they are too tall to comply with the exemptions for buildings).

Most of the settlements in the Northern Midlands Council area are zoned General Residential, Low Density Residential or Village and most of these towns are developed with single dwellings on the lots. This would mean that in most cases, if the relevant standards are met (such as setback), the placement of a shipping container would be 'No Permit Required', however, where the standards are not met a discretionary application would need to be submitted to Council and conditions could be applied to the permit or the application could be refused.

If the container is transitory and not being used (even for relatively short periods) as a shed, then the planning scheme arguably does not apply and a by-law may be appropriate. The wording of the motion does seem to indicate that it is the semi-permanent placement that is at issue.

The SPPs do not set requirements for the appearance of buildings in the residential zones, except for the Rural Living Zone where the Scenic Protection Code may apply. This means a shed could be clad in second hand materials and also forward of a house on the lot if the front

setback provision can still be complied with. The SPPs also do not distinguish between construction forms for sheds, which includes shipping containers.

Imposing an appearance provision on shipping containers would in itself, be singling them out. If the SPPs were to be amended to include appearance provisions for containers being used as sheds, then to be fair those provisions should apply to all types of sheds in residential areas because a shed could (in theory) be built to look similar to a shipping container or have similar impacts.

By-Law legal context

Section 150(1)(d) of the *Local Government Act 1993* provides that a by-law cannot be contrary to law or be in conflict with a relevant planning scheme for the municipal area where the by-law is intended to apply.

It follows that a by-law that seeks to add to planning controls on development of land that is controlled by a planning scheme is likely to be in conflict with the planning scheme. However, a by-law that seeks to control matters that are outside the ambit of a planning scheme would not. In this case, the control of temporary shipping containers placed on land is outside the control of planning schemes and could well be an appropriate response to solving part of the problem mentioned above.

It is also acknowledged that from a planning compliance enforcement point of view, it may be difficult to easily distinguish whether a shipping container is placed on land with a temporary intent as opposed to a permanent intent. Meaning that any by-law would have to be carefully crafted.

14 COMMUNITY AND HEALTH

**14.1 Family and Sexual Violence Strategies
Council – George Town**

Decision Sought

That LGAT Members support in principal the development of Family and Sexual Violence Strategies by Local Governments across the state.

Background Comment

At the June Ordinary Meeting of the George Town Council, the Council adopted a motion to develop a Family and Sexual Violence Strategy.

In accordance with the requirements of the Local Government Act, Council's play a key role in the health and wellbeing of the communities they represent, bringing together different organisations of common purpose to achieve united community health and wellbeing outcomes.

The scourge of Family and Sexual Violence continues to plague Tasmanian communities. By developing a strategy to address this issue, Local Governments can assist in bringing together multiple stakeholders in the Family and Sexual Violence prevention fields to harmonise their efforts and be a voice of advocacy in their communities. This motion seeks to encourage Council's across the state to bring this matter to the forefront of their planning in the health and wellbeing space.

LGAT Comment

There are no previous motions specific to family and domestic violence.

Northern Midland's *Women's Shelter* motion was passed in December 2019. It raised the broader issue of Family and Sexual Violence addressed in this motion and noted the need to investigate the related matter of a lack of women's shelters in regional and rural areas. The Minister for Housing, Hon. Roger Jaensch, replied to LGAT's letter raising the matter. He noted that safe and secure housing is a top priority for the State Government and outlined actions taken this year.

The Government response describes the role and work of Tasmanian *Our Watch* Senior Adviser, Ms Trish Males. LGAT is collaborating with Ms Males on how best to support councils. Approximately 13 Councils are currently working with her on their approaches to family and domestic violence. This motion provides an opportunity to facilitate those, and other interested councils, to identify the approaches considered most suitable in Tasmanian contexts.

Tasmanian Government Agency Comment

The Tasmanian Government remains strongly committed to eliminating family and sexual violence in Tasmania.

On 1 July 2019, the Tasmanian Government launched *Safe Homes, Families, Communities: Tasmania's action plan for family and sexual violence 2019-2022* (Safe Homes, Families, Communities), outlining a vision for our State where all Tasmanians are safe, equal and respected and our homes, families and communities are free from all forms of family and sexual violence. The Government is investing an additional \$26 million into this Action Plan.

A key priority of Safe Homes, Families, Communities is to strengthen primary prevention responses to drive the long-term change needed to end violence against women. We know

that preventing violence from happening in the first place is the single most effective way to eliminate family and sexual violence.

In August 2020, the Premier and Minister for the Prevention of Family Violence, the Hon Peter Gutwein MP, wrote to all Mayors in Tasmania in acknowledgement that Local Governments are uniquely placed to lead community approaches to primary prevention of violence against women and their children, especially as they are in touch with people across their life span, from early years to senior years and interact with a diverse range of community groups including Aboriginal, multicultural and LGBTIQ+.

As part of Safe Homes, Families, Communities, the Tasmanian Government has partnered with Our Watch, the national primary prevention organisation established to drive nationwide change in the culture, behaviours and power imbalances that lead to violence against women and their children.

Our Watch has recently released the Local Government Toolkit resource (the Toolkit) to support and guide prevention of violence against women and their children in communities. It was designed in collaboration with Local Governments and includes information on family and domestic violence and the role of prevention in achieving culture change. The Toolkit also provides evidence-based and practical resources, tools and templates to help local governments plan and implement activities in their communities.

Action 2 of Safe Homes, Families, Communities established a Tasmanian Our Watch Senior Adviser, Ms Trish Males, a national first. The Premier formally introduced Ms Males to Local Governments in his August 2020 letter and noted her role as a resource to assist Local Governments in implementing the Toolkit. Ms Males has already made contact with several Local Governments to introduce the Toolkit and explore how Our Watch can support Local Governments to build capacity for primary prevention work in their communities. Ms Males plans to meet with more Local Governments in the coming months.

Noting that many Local Governments have various levels of capacity, Ms Males has also proposed alternatives to the Toolkit in her meetings, for example, conducting high-level mapping and creating a community of practice between Local Governments in efforts to prevent violence against women and their children.

The Tasmanian Government is supportive of this work and encourages all Local Governments to use the Toolkit or alternative methods to either continue their journey towards preventing violence against women and their children or importantly, begin violence against women and their children prevention work in the community.

The Department of Justice Safe at Home Coordination Unit (and Safe at Home more broadly), as well as the Department of Communities Safe Homes, Families, Communities and Ms Males

from Our Watch could provide relevant information if required. It is also suggested that local councils engage with the relevant regional Domestic Violence Coordinating Committees as a mechanism for engaging with relevant services in their area.

15 PUBLIC POLICY GENERAL

15.1 Date of Australia Day * Council – Burnie City

Decision Sought

That LGAT approach the State Government to lobby the Federal Government for a change of date for Australia Day.

Background Comment

At the Burnie City Council Australia Day ceremony Robyn Moore spoke and her words resonated “Every Day is Australia Day”.

The Chairperson of the Burnie City Council Australia Day Committee presented a position to Council that Australia Day was a divisive issue and a day of celebration. In many ways reading quotes on social media it was becoming a date of hate and ignorance while it should be a day that we all come together to celebrate being Australian and everything that entails.

The idea that leading politicians, cities, and towns across Australia have voted to not celebrate the day should be as offensive to the populace as the day itself is to the Indigenous population.

The idea that the Federal Government needs to mandate that citizenship ceremonies be held on 26 January is concerning. This is a day we should cherish, honour and be proud to celebrate.

The Advocate January 26, 2020:

“At midday on Sunday, thousands of protesters gathered in Hobart and held a minute’s silence to remember atrocities perpetuated against Aboriginal people. Protesters marched through Hobart to Parliament Lawns for the annual Invasion Day rally which calls for the date of Australia Day to be changed.”

The Burnie City Council acknowledges the concerns of the Aboriginal Community and commend this motion to the meeting on the basis that “we” is the operative word when celebrating Australia Day. This includes our first peoples.

LGAT Comment

At the March 2019 General Meeting the following motion was debated and lost (15 for, 32 against and 4 abstaining):

That LGAT lobby the Australian Government to change the date of Australia Day.

At the July 2017 General Meeting a similar motion, included below, also narrowly lost (26 for, 27 against and 5 abstaining):

That LGAT, the 29 Councils and any individual Elected Members be requested to lobby the Federal Government to commence a conversation with the Australian public regarding the date of recognition of Australia Day.

At the Australian Local Government Association National General Assembly (NGA) June 2017, a resolution was passed calling on the Assembly to encourage Australian councils to consider efforts they could take to lobby the Federal Government to change the date of recognition of Australia Day.

The Board of ALGA met subsequently to the NGA to consider this and other Assembly resolutions and determine the resultant Board actions. While the ALGA Board noted the level of debate and the closeness of the result of the debate it was determined that it was not a priority for ALGA at that time.

In more recent times ALGA has responded to the Federal Government's commentary around Australia Day and Citizenship ceremonies. For example, see the ALGA submission on Citizenship Ceremonies at **Attachment to Item 15.1**.

That submission notes:

"it is the responsibility of councils to be responsive to the views of their local communities. It appears that a very small number of councils that have moved their Australia Day celebrations and associated ceremonies away from 26 January are, in the spirit of Australian democracy, reflecting the desires of their communities. It may be uncomfortable to acknowledge the fact that some Australians identify 26 January as a day of mourning but this should not stop councils from trying to find a way to accommodate legitimate community views whilst celebrating everything that is great about our wonderful country. I do note that according to the Australia Day National Council, since Federation in 1901, Australia day has only been consistently celebrated on 26 January since 1988. It was previously celebrated on 30 July, 28 July and a variety of other dates".

Tasmanian Government Agency Comment

The Tasmanian Government acknowledges that the date on which Australia's national day is celebrated is contentious, particularly for Aboriginal people. However, the Government's view is that Australia Day is a time for all Tasmanians to celebrate the things that unite us, in the spirit of reconciliation.

The Government is deeply committed to reconciliation as one of the foundation principles for the process of resetting the relationship with Tasmanian Aboriginal communities; and has consistently argued that changing the date of Australia Day is less important than implementing practical measures to deliver better outcomes for Aboriginal people in Tasmania. As such, the Tasmanian Government has no plans or policies that support changing the date of Australia Day celebrations.

The Government's primary focus is closing the gap in outcomes between Aboriginal and non-Aboriginal Tasmanians and it will continue to dedicate effort and resources to this task.

15.2 Indigenous Sites of Significance Signage Council – George Town

Decision Sought

That LGAT call on the State Government to, where appropriate, support the identification, preservation and celebration of Indigenous places of importance across the municipalities of Tasmania.

Background Comment

George Town Council has recently embarked on the journey of reconciliation and is partnering with Reconciliation Tasmania and the local Indigenous Community in that effort.

Through this effort it has become apparent that there are rich and significant indigenous cultural assets being looked over due to the lack of signage and investment from the State Government in these areas.

Our communities would greatly benefit from, and take a step further along the reconciliation path if these cultural assets were adequately signed and made visible to the general public. This would help bring the story of the first Tasmanians to the community and visitors to our state. As many of these locations and sites are on State owned assets it is appropriate that State Government takes the lead in this effort, supporting municipal governments as appropriate.

Adequate identification and signage would also help improve the tourist trails for those seeking out the Tasmanian Indigenous story.

LGAT Comment

There are no previous motions related to this matter.

The State Government has a *policy for the naming of Tasmanian geographical places and features*. The policy states that -

“the Government is committed to working with Tasmanian Aboriginal people and the wider community to encourage more Aboriginal place names in Tasmania. Part of this commitment is the establishment and use of the Aboriginal and Dual Naming Policy”.

LGAT is represented on the Place Names Advisory Panel as required by the *Place Names Act 2020*.

Tasmanian Government Agency Comment

The Tasmanian Government does not support the public dissemination of the location of Aboriginal sites on the Aboriginal Heritage Register.

The Tasmanian Government notes that signage for Aboriginal sites is best developed on a project or case-by-case basis in collaboration with Aboriginal community organisations.

Councils should be aware of the many public and private instances of interpretation of Aboriginal heritage in the State, including for instance, the *Needwonnee* walk at Melaleuca, the *lamairremener tabelti* walk at Lake St Clair and the *loontitetermairrehoiner* walk in Swansea.

The Tasmanian Government supports Aboriginal and dual naming of places under the Aboriginal and Dual Naming Policy. This applies to naming Tasmanian features and places in accordance with the *Place Names Act 2020*. To date, 13 places around the state contain Aboriginal or dual names.

16 ITEMS FOR DISCUSSION

16.1 Elected Member Professional Development

Decision Sought

That Members discuss, if time allows, what constitutes best practice for Elected Member Professional Development

Background

At the February 2020 General Management Committee (GMC), a discussion on sector reputation highlighted varying levels of commitment to professional development for and by Elected Members. It was agreed this would be worthy of a broader discussion with a view to assisting LGAT's service planning and advocacy.

Consultation with Members on State Government proposals regarding elected member professional development as part of the Local Government Legislative Review revealed the following:

- The concept of capability requirements for elected members generated the most discussion in this theme area. While some councils expressed limited support, others were strongly opposed on the basis that there is no similar requirement of those elected to State and Federal Government. Even where there was support, there were questions as to how the requirements would be applied - particularly where a councillor was returned rather than new to Council.
- It is LGAT's view that community and candidate education is vital to strong election outcomes. LGAT believes there would be support from our Members for candidates to at least engage with some online training prior to nominating, to cover the basics of their roles, and in particular to help them better understand what will be required when they act as a Planning Authority.
- The broader question of mandatory training for councillors which is often raised was considered as part of the Targeted Review and at that time, LGAT's submission noted: "The majority of responding councils felt there should be compulsory induction following elections and that even returning councillors should participate. Others felt that returning councillors might not require the full induction, more a tighter, tailored briefing in recognition of their experience. The focus of any compulsory training should be on **governance, planning and meeting procedures and supported by an ongoing professional development** program. At the July 2015 LGAT General Meeting a motion regarding compulsory training for councillors was amended and carried as follows: *That all councillors be encouraged to undertake training courses i.e. Planning, Legislation, Code of Conduct, Meeting Procedures etc.*"

In relation to the proposal for core capability requirements for elected members outlined in the Review of the Local Government Act Directions paper we note the following:

- There was no consensus on this matter and particularly during workshops this was described as an overly prescriptive direction.
- It was noted by some that because Local Government is no different to State and Federal Governments in that the elected members are democratically elected, at most this should take the form of guidelines.
- Others suggested that training extend beyond planning and Local Government to include topics directly relevant to the role of an elected member (e.g. meeting procedure training).
- One Council raised concern around the term 'core capability' as it implies there may be a pass or fail scenario for elected members. This Council suggested it be changed to 'professional development'.
- It was uncertain how weight would be given to experience both on and off Council.
- Training needs to be delivered in plain English and accessible via multiple platforms.
- Questions were raised as to how it would be implemented and how it would be affordable and accessible relative to the councillor's role and allowances.

And in relation to the proposal for reporting training there was not strong support. One reason given by councils for not supporting this reform is the different level of training required by each elected member, according to their skills, background and experience (i.e. yearly reports will not provide a complete picture of capability and/or existing qualifications). Others, however, see merit in reporting core capability training and in extending this reform to all councillor professional development.

The following feedback was received through the LGAT Performance and Improvement Survey:

- New Councillor Resources (online) and the Councillor Resource kit were the most highly rated LGAT resources.
- Suggestions for resources and tools included a Deputy Mayor toolkit, best practice templates and policies, speed reading and advanced planning authority training.
- Respondents noted they would like to see additional councillor workshops (at convenient times and places) covering a diversity of topics (e.g. project management, grant seeking, dealing with ratepayers and case studies) as well as documents and templates (e.g. best practice and discussion papers, technical reports, and data) – including guidance on how to utilise these resources.

Uptake of LGAT training offerings can be variable. While some short/focussed topics could be offered online, detailed, longer or practically focussed professional development must be face-to-face and generally requires a minimum number of attendees for viability, particularly

when an external provider is required. LGAT continues to offer brokerage services for councils wishing to deliver training locally or regionally.

Budget Impact

Does not apply.

Current Policy

Strategic Plan:

Developing capacity and capability to deliver

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CLOSE