

Minutes  
Meeting No. 47  
Launceston, 21 October 2015

**PARTICIPANTS**

**State Government**

Hon Will Hodgman MP Premier, Chair

Hon Peter Gutwein MP Minister for Planning and Local Government

**Local Government Association of Tasmania**

Ald Doug Chipman President, Local Government Association of Tasmania (LGAT)

Cr Daryl Quilliam Mayor, Circular Head Council; Vice President, LGAT

Cr Jan Bonde Mayor, Central Coast Council

Ald Sue Hickey Lord Mayor, Hobart City Council

Ald Kristie Johnston Mayor, Glenorchy City Council

Cr Craig Perkins Mayor, Meander Valley Council

**Officials in attendance:**

**Local Government**

Dr Katrena Stephenson Chief Executive Officer, LGAT

Mr Dion Lester Policy Director, LGAT

Mr Tim Watson General Manager, Dorset Council

Mr Peter Brooks General Manager, Glenorchy City Council

Ms Sandra Ayton General Manager, Central Coast Council

**State Government**

Ms Rebekah Burton Deputy Secretary, Department of Premier and Cabinet

Ms Angela Williamson Adviser, Office of the Premier

Dr Tony McCall Adviser, Office of the Minister for Planning and Local Government

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| Ms Penny Nicholls  | General Manager, Road User Services, Department of State Growth                                  |
| Mr Phillip Hoysted | Director of Local Government, Local Government Division (LGD), Department of Premier and Cabinet |
| Ms Harriet Close   | Senior Policy Analyst, LGD   |
| Ms Greta Boots     | Graduate Policy Officer, LGD   |
| Mr Anthony Reid    | Policy Analyst, LGD  |

### **Guests**

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| Cr David Downie  | Mayor, Northern Midlands Council   |
| Mr Des Jennings  | General Manager, Northern Midlands Council   |
| Mr John Mollison | Deputy General Manager, Environment Protection Authority Division, Department of Primary Industries Parks Water and Environment. |

### **Apologies**

Apologies were received from:

- Kim Evans, Secretary, Department of State Growth;
- Councillor Christine Holmdahl, Mayor, West Tamar Council;
- Councillor Deirdre Flint, Mayor, Central Highlands Council; and
- Greg Brown, Deputy Director, LGD.

### **Welcome**

The Premier welcomed members to the second Premier's Local Government Council (PLGC) meeting for 2015 and welcomed Alderman Kristie Johnston, Mr Tim Watson and Mr Dion Lester to their first PLGC meeting.

The Premier acknowledged the tragic passing of former LGAT President, Councillor Barry Jarvis, and his brief but important contribution to LGAT and the PLGC. The Premier thanked Councillor Daryl Quilliam for acting in the role of LGAT President under difficult circumstances.

The Premier also welcomed Alderman Doug Chipman and congratulated him on his appointment as the new President of LGAT.

The Premier thanked the local government sector for its genuine contribution to the true partnership between the State and local government in Tasmania, during a time of significant change.

Apologies were noted.

## **Agenda item**

### **1) Draft Minutes of the PLGC meeting on 13 May 2015**

The PLGC accepted the minutes of the meeting held on 13 May 2015 as a true and accurate record of the meeting.

### **2) Matters of Topical Interest**

#### **I. Review of the *Local Government Act 1993***

Phillip Hoysted indicated that the Minister had made a commitment to have the Terms of Reference for the review drawn up by the end of 2015. Work had commenced on drafting the Terms of Reference. Mr Hoysted stated that the review would be targeted on delineating the roles and functions of elected members and staff.

The LGAT President reiterated the Premier's introductory comments on the strong local government/ State Government relationship, and added that LGAT would be keen to assist in the review of the Act.

The Minister confirmed that he would like to see the Terms of Reference for the review prior to the conclusion of 2015 and that in his view the Act did not need a major overhaul.

#### **II. Voluntary Amalgamations / Shared Services**

The Minister expressed his appreciation to all mayors and councils for the way they had engaged on the voluntary amalgamations / shared services initiative.

The Minister informed the PLGC that conversations to date were positive, with the Greater Hobart Councils proposal including the Hobart City, Clarence City, Glenorchy City and Kingborough Councils in the process of signing Memorandums of Understanding (MoUs) to begin the process of undertaking a feasibility study.

The Minister also stated that he had meetings scheduled with the Sorell, Tasman, Glamorgan-Spring Bay and Clarence City Councils to discuss a number of proposals for the south-east of the State.

The Minister indicated that the northern councils were looking at a shared service model and were still in the process of determining whether a regional or neighbouring council model would suit best.

The Minister indicated that he had received some concerns from a number of councils regarding the independent consultancies that had been selected through a robust process to undertake the feasibility studies. The Minister asked that all councils engage with the consultants to objectively assess whether the consultants could provide the services required by the council.

The LGAT President echoed the Minister's comments, suggesting it would be prudent for councils to get quotes from all four available consultancies and assess the quotes independently and objectively.

### **III. Capital Value of Complex Properties**

The PLGC noted that LGAT and the LGD had met with the Valuer-General (VG) to discuss the issue of valuation of complex properties under a capital value model. Katrena Stephenson indicated that the VG offered a way forward using a little used section of the *Valuation of Lands Act 2001*. The VG had presented this to LGAT's most recent General Manager's workshop but indicated that the approach was yet to be tested.

The LGAT President highlighted the rating problems associated with complex properties on Commonwealth land such as at airports. Properties on Commonwealth land (particularly airports) on the mainland had refused to pay rates to their respective local councils, as they did not accept the respective state VG's interpretation or valuation ascribed to their property. This had implications for the State Government, as the same laws applied to land tax as to rating.

The LGAT President mentioned that the Australian Local Government Association (ALGA) was pushing for local government valuations to apply to airports on the mainland, with a number of airports now battling it out in court.

### **IV. Aboriginal and Dual Naming Policy**

The Premier noted that the Policy was to provide clear direction for Government agencies, local councils and the Nomenclature Board about the use of Aboriginal names for Tasmanian features.

Councillor Daryl Quilliam informed officials that the Policy was discussed at a recent LGAT meeting where a general consensus was presented that councils should be at least notified before the proposed name change was provided to the Nomenclature Board. Cr Quilliam went on to suggest that the local Aboriginal community should also be consulted prior to the Nomenclature Board formally accepting and processing the nomination.

The Premier indicated that he was open to improving the Policy and its implementation to include greater consultation and engagement with stakeholders, and particularly councils, prior to proposals being forwarded to the Nomenclature Board.

### **V. Records Keeping for Councillors**

LGAT informed the PLGC that the issue had in part been addressed with the State Archivist at a meeting prior to the PLGC. LGAT indicated that there was a mismatch between the opinion of the State Archivist and the expectations placed on councils by Tasmanian Archives and Heritage Office (TAHO) staff who conducted records keeping audits. Generally, the State Archivist held the view that a 'risk-based' approach to record keeping was entirely appropriate, but outcomes of record keeping audits conducted by TAHO staff did not reflect that view.

LGAT and the LGD met with the State Archivist to discuss the onerousness of the TAHO guidelines and audit recommendations. Dr Stephenson indicated that a working group would be convened to provide clarity around the requirements of the guidelines and their application to the local government context.

## **VI. Heavy Vehicle Access Arrangements on Local Roads**

Penny Nicholls provided the PLGC with an update on the new access arrangements for the Over Size Over Mass (OSOM) vehicles with the implementation of the new Heavy Vehicle National Law (HVNL). Ms Nicholls advised that the traditional 'various to various' permits issued to heavy vehicles wishing to use certain parts of the road network were due to expire in December 2015, and could not be extended or reissued under the new NHVL. Ms Nicholls indicated that engagement with local councils during the project had been exceptional and she thanked Melanie Brown of LGAT for facilitating the process.

Ms Nicholls indicated that progress on the transition had been very positive, with 22 councils providing the percentage of their network capable of accommodating OSOM vehicles, and the remaining five councils (King Island and Flinders Island are not included) were not expecting to uncover any significant problems with the transition. Ms Nicholls informed the PLGC that it was the intention of the Department of State Growth to build and expand the network over time, by encouraging councils and industry to work together on identifying required access routes for OSOM vehicles.

The LGAT President acknowledged the \$1.7 million provided by the State Government towards the project, and expressed his gratitude on behalf of Tasmanian councils for the contribution.

## **VII. Waste Management – Disposal of Used Tyres**

Councillor David Downie provided the PLGC with a brief background on the issue of the waste tyre stockpile at Longford. Cr Downie indicated that even though the owner of the stockpile wanted to process the tyres in some form of down-stream processing, there has not been any viable business models put forward that would see processing infrastructure established and the stockpile reduced in size.

Cr Downie indicated that he was due to meet with Minister Groom the following week and that he would discuss the matter with him.

John Mollison provided the PLGC with the perspective of the Environment Protection Authority (EPA). Mr Mollison stated that the tyre industry charged consumers a waste tyre levy (somewhere between \$5-8) but there was a mismatch, as storing the tyres at Longford was not that expensive. Mr Mollison offered the view that the tyre levy should be used to provide a solution to the problem. He advised that there was a national stewardship devised to address the issue of waste tyres, but it was in its infancy.

Cr Downie said that time was the key. If the current proposals fell through, Cr Downie questioned what would happen to the tyres once the permit to dump at Longford expired. Cr Downie recommended that a working group needed to be established to tackle the issue.

The Premier agreed that establishing a working group to address the issue would be useful, but suggested that this be done after the scheduled meeting between the Northern Midlands Council and Minister Groom on the matter.

## **Governance of Local Government:**

### **3) Legislation update**

Mr Hoysted informed the PLGC that the Local Government Amendment (Code of Conduct) Bill 2015 had passed through Parliament on 26 August 2015. Mr Hoysted stated that work that needed to be done prior to implementation included drafting the model code in consultation with LGAT and OPC, establishing the Code of Conduct Panel and appointing an executive officer. Mr Hoysted indicated that implementation of the new arrangements was likely to be in place in early 2016.

Mr Hoysted provided an update on other legislation the Local Government Division (LGD) was working on including;

- Updating the *Local Government (Highways) Regulations 2003* provided for under the *Local Government (Highways) Act 1982*;
- Dog Control Amendment Bill 2015 – will be finalised following the outcome of the Parliamentary inquiry into greyhound racing;
- *Burial and Cremation (Handling of Human Remains) Regulations 2005* and the *Burial and Cremation (Cemetery) Regulations 2005* had been recently remade;
- *Local Government (Meeting Procedures) Regulations 2005* had been remade; and
- *Local Government (General) Regulations 2005* had been remade.

**\* The Premier departed the meeting at 12:15pm and Ald Doug Chipman became Chairperson of the meeting.**

#### **4) Strategic Action Plan (SAP) update**

Mr Hoysted informed the PLGC that implementation of the initiatives from the Strategic Action Plan (SAP) had been progressing very well and provided a summary of initiatives that had been implemented.

Mr Hoysted requested a decision from the PLGC to postpone parts of three SAP initiatives until the second year of implementation, namely:

- 1) Initiative 2(c), Develop guidelines to assist councils to measure the costs and benefits of shared service arrangements – the SAP Implementation Committee recommended that this initiative would be best progressed following the conclusion of the voluntary amalgamation/strategic shared services initiative.
- 2) Initiative 7(a), Develop a framework to assist councils to assess and evaluate the benefits of entering into shared service arrangements – the SAP Implementation Committee recommended that this initiative would be best progressed following the conclusion of the voluntary amalgamation/strategic shared services initiative.
- 3) Initiative 6 (b) and (c) require funding which is not available at this time.

Dr Stephenson commended the LGD staff for keeping the SAP on track and said that a lot of important work had been completed to date.

#### **5) Good Governance Guide**

The Minister informed the PLGC that he thought that the Good Governance Guide was comprehensive document, but he was concerned that it reflected the existing code of conduct (COC) provisions, not those from the recent Bill that had recently passed through Parliament. The Minister informed officials that there were three options with respect to the proposed launch, namely:

- 1) release the Guide along with the proposed media release;
- 2) release the Guide after a corrigendum was inserted explaining the new COC provisions to be implemented in 2016; or
- 3) defer release of the Guide until the COC provisions have been implemented.

The Minister indicated he was open to the view of the PLGC on the most appropriate way forward.

The PLGC resolved to launch the Guide after the implementation of the COC provisions.

Harriet Close provided the PLGC with a brief presentation of the Guide and the associated webpage that would become live when the Guide was officially launched.

## **6) Continuous Improvement Framework**

Mr Hoysted advised the PLGC that the LGD had been progressing the development of the Continuous Improvement Framework (CIF) in consultation with LGAT and the local government sector. Mr Hoysted stated that the CIF was designed to build on the existing reporting framework and provide support and resources for councils in their pursuit of a continuous improvement culture.

Ms Close provided the PLGC with a brief rundown of the evolution of the CIF. Ms Close indicated that the purpose of the CIF was to promote a continuous improvement culture and provide tools and resources to build capacity within local government organisations.

## **7) Disability Action Plan**

The LGAT President informed the PLGC that the purpose of this agenda item was to endorse the Disability Access Strategy.

The PLGC unanimously endorsed the Disability Access Strategy.

## **Planning and Environment**

### **8) State-wide Planning Scheme**

The Minister informed the PLGC that the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme) Bill 2015 was due to progress through the Legislative Council the following week. The Minister asked for support of LGAT and the local government sector to lobby members of the upper house to ensure the progress of the draft bill was not slowed.

### **9) PLGC Work-plan 2015-2018**

Mr Hoysted informed the PLGC that the work plan had been updated and was now due for endorsement by the PLGC.

The PLGC unanimously endorsed the PLGC Work Plan 2015-2018.

### **10) Other business**

No other business was raised.

**Meeting closed.**

| AGENDA ITEM | ACTION   |
|-------------|--|
| 2i          | Terms of Reference for the review of the <i>Local Government Act 1993</i> to be developed and provided to the PLGC for endorsement at the December 2015 PLGC meeting.  |
| 2iii        | Minister to meet with the Clarence City and Northern Midlands Councils to discuss issues around the rating of airports.  |
| 2iv         | DPAC to ensure active engagement of councils prior to decisions being made around Aboriginal or dual naming of Tasmanian features.   |
| 2v          | DOE to convene a working party to provide input into review of the guidelines for councillor record keeping and provide an update at the December 2015 PLGC meeting.   |
| 2vii        | Pending outcome of Northern Midlands Council meeting with Minister Groom, LGAT and the EPA to convene a working party to address the issue of the waste tyre stockpile at Longford, and report back on progress at the PLGC meeting. |
| 5           | Release of the Good Governance Guide at the same time as the implementation of the new COC provisions.   |