

# LOCAL GOVERNMENT BOARD

## Review of the Southern Waste Strategy Authority

Submission Paper

May 2008

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## **Glossary**

<i>the Authority</i>	Southern Waste Strategy Authority
<i>Board of Management</i>	Board of Management including the CEO
<i>CEO</i>	Chief Executive Officer of the Authority
<i>CNPs</i>	Competitive Neutrality Principles
<i>Dulverton Authority</i>	Dulverton Regional Waste Management Authority
<i>GPOC</i>	Government Prices Oversight Commission
<i>LGB</i>	Local Government Board as appointed under the Act
<i>Member Councils</i>	A council that establishes or is part of a group of councils that establishes a single or joint authority
<i>NCP</i>	National Competition Policy
<i>PCRs</i>	Participating Council Representatives: Representatives from member councils
<i>Rules</i>	Rules of the Southern Waste Strategy Authority setting out its functions and operations.
<i>SWSA</i>	Southern Waste Strategy Authority
<i>The Act</i>	<i>Local Government Act 1993</i>

## Chapter 1 Introduction

The Local Government Board (LGB) is responsible for providing advice to the Minister on the performance of councils and authorities in Tasmania. The LGB concluded its first cycle of council general reviews in 2007.

The LGB has now commenced reviews of single and joint authorities (Authorities) in accordance with the *Local Government Act 1993* (the Act) in order to provide an appropriate level of advice to the Minister through its report and recommendations.

On 24 August 2007, the LGB initiated reviews of single and joint authorities with the waste management authorities: Copping Refuse Disposal Site Joint Authority and Dulverton Waste Management Authority. On 7 January 2008, the Board commenced reviews of the regional and strategic joint authorities: Cradle Coast Authority, Southern Tasmanian Councils Authority and Southern Waste Strategy Authority (SWSA).

The SWSA has prepared a submission to the LGB by responding to guidelines developed for the review of single and joint authorities. This paper sets out information from the Authority's submission together with additional information provided by the Authority in response to questions posed by the LGB during a hearing with the Authority on 11 March 2008 at the Executive Building Hobart.

The LGB invites submissions from interested persons on any matter referred to in this document. Copies of the review guidelines and this paper are available on the Local Government Division website at:

<http://www.dpac.tas.gov.au/divisions/lgo/information/board/index.html>

or from the Local Government Division as indicated below.

The LGB will consider all submissions received in the course of public consultation. All care will be taken to give proper weight to evidence received in the course of a review both by submission and during hearings. The LGB also operates with regard to the necessity for sensitive materials to remain confidential.

Commercially sensitive or legally privileged information provided on this basis will be kept confidential by the LGB. It is requested that submissions be lodged as electronic documents by email to [lgboard@dpac.tas.gov.au](mailto:lgboard@dpac.tas.gov.au).

Alternatively, submissions in hard copy may be sent to:

The Chair  
Local Government Board  
GPO Box 123  
Hobart, TAS 7001

## 1.1. Review Process

While the LGB has extensive powers to conduct a review, it has a recommendatory role in relation to local government reform. The Act provides that the LGB's written report to the Minister may contain recommendations on:

- the structure of an authority and compliance with the rules of an authority
- the relationship between the authority and the participating council(s)
- the management and operations of the authority
- any relevant matter.

The LGB has determined that the primary focus of its reviews will be on the relationship between an authority and its member councils. The LGB proposes to focus on this area as it is through robust processes for good governance that councils will ensure that authorities:

- remain accountable
- perform in accordance with set functions and objectives
- ensure that public money is spent effectively.

The LGB may carry out a review in any manner it considers appropriate but the Act requires that it provide 'reasonable opportunity' for public consultation and for the relevant authorities and councils to make submissions.

Following the conclusion of the consultation process, the LGB will submit a written report on the review of the Authority to the Minister. The Authority will be given the opportunity to comment on the report before it is sent to the Minister. The Act requires that the Minister provide the preliminary report, on a confidential basis, to the authority concerned and to the relevant member councils, inviting submissions on any matter in the report.

The Minister may accept, reject or ask the LGB to review its recommendations following any requests from the relevant authorities or councils. The report is published once the Minister has approved it.

## Chapter 2 Report Overview

This chapter will appear in the final report and will provide an overview of the LGB's findings in the review into the Southern Waste Strategy Authority.

## Chapter 3 Recommendations to the Minister

This chapter will appear in the final report and will set out a list of the recommendations made by the LGB to the Minister.

## Chapter 4 Background

The following chapter sets out the information provided to the LGB by the Authority as background to the establishment of the SWSA. The Authority was also asked to provide an overview of current developments in regard to the operation of the Authority.

### 4.1. History

*The Southern Waste Strategy Authority (SWSA) was formally established in October 2001 by the twelve southern Tasmanian Councils.*

*Its aim was to implement a comprehensive Waste Management Strategy for Southern Tasmania, which focuses upon waste avoidance, resource recovery, responsible waste disposal, community awareness, and performance monitoring with respect to waste management activities.*

*The Authority is a small facilitation and co-ordination organisation, which draws on the expertise and resources of its member Councils. Its main aims are to:*

- Cooperate closely with the other arms of Government, industry, and the community to refine regional and state waste management policies and procedures.*
- Provide professional advice in investigating and analysing improvement proposals for waste management in the region.*
- Facilitate specific service development projects.*
- Liaise with external bodies, to develop and implement its regional public awareness program.*
- Develop and implement a regional performance monitoring system.*

*SWSA came into being as a result of an agreement between the State Government and the 12 Southern Councils for those Councils to establish a structure which would enable Local Government to carry out the above functions. In return the State Government agreed not to impose a levy on waste going to landfill. The Authority's first strategic plan (2001-2005) reflected these objectives.*

*This was an outcome of discussions on solid waste within the Premier's Local Government Council and the completion of a Partnership Agreement between the Local Government Association of Tasmania and the State Government.*

*Regional organisations for the North and North-West of the State were not established at that time.*

#### 4.1.1 Can the Authority clarify the contractual or employment arrangements for the CEO and employees?

The LGB was advised that:

*Employees are on five year contracts which were prepared by an industrial relations lawyer and are detailed and comprehensive. We are nearly two years into these contracts.*

*The regularity of performance reviews was initially six monthly but now occurs on an annual basis. The CEO is due for a performance review.*

*During the reviews, performance is marked out of five and the results including any variances discussed.*

4.1.2 What are the contribution and funding arrangements for the Authority?  
The LGB was advised that:

*The Rules are silent as to funding. Clause 30 provides for 'Financial contributions as agreed.'*

4.1.3 Can the authority discuss the reasons for the adoption of a single tier structure?

The LGB was advised that:

*The Authority was established for two purposes:*

- 1. to ward off the state levy and*
- 2. to get councils to cooperate on a range of waste management issues across Tasmania.*

*The Authority's CEO, Mr David Sales, was part of the working group which produced the paper 'A waste management strategy for Tasmania'. However this has not progressed as there was no agreement on funding arrangements. The Department of Environment set up a high level committee and Mr Sales was part of this too. There were promises made along the lines that there would be no levy imposed if councils were working together as a region.*

*Constitution of the Dulverton facility as a joint authority was a show of faith that it would be managed as a region. The contribution system was a levy on tonnes of waste going to landfill. It was agreed it would be \$2 per tonne. A budget is calculated based on what is needed: measure the tonnes of waste, divide the number of tonnes into the revenue required and this gives a recovery rate. Contributions are erratic due to troughs and peaks in waste. If the councils can weigh it on a weighbridge they do but otherwise it must be estimated.*

*Currently the Authority cannot get accurate measurements on every landfill. Where waste goes direct to a landfill (commercial and industrial waste) there is no levy being paid – excluding Glenorchy and Hobart as their waste does go over a weighbridge. There are large volumes going direct to Copping on which no waste levy is paid. If the amount is the same ratio in other councils – there is 40 per cent going without levys. There is no legal power to impose the levy. Copping Authority has long term contracts which may create difficulty in imposing charges.*

4.1.4 If revenue is based on volume has these caused problems for the Authority?  
The LGB was advised that:

*The CEO advised that this depended on the sum of money that the member councils are prepared to pay. Because of the objectives of the Authority it could be viewed as a success if tonnage was generally reduced, in which case the Authority would need to increase the charge per tonne and the budget would be obtained one way or another.*

*The Authority was not an operational authority – i.e. it does not undertake business activities. A large part of the role is political.*

The LGB noted that the provision relating to comptroller is to be amended. The Authority advised that it had been waiting on the Hobart City Council for some time for this.

## 4.2. Current Developments

*Following the establishment of SWSA little changed in the relationship between the State Government and Local Government and no steps were taken in other parts of the State to fulfil the commitments that Local Government had made in the Partnership Agreement.*

*A High Level Officers Group (HLOG) on waste was established consisting of representatives of the State, LGAT and the LG Officers from the regions.*

*It was established that implementing regional approaches to waste management was one of the priority issues remaining (2005) outstanding from the 2003 report to the PLGC.*

*In September 2005, the Environment Division prepared a draft discussion paper entitled Regional Waste Management in Tasmania. Following refinement by HLOG, the paper was released for comment by all Councils.*

*Submissions from LG were generally supportive of regional approaches to waste management.*

*In June 2006, HLOG considered the LG submissions and while recognising the good work then being carried out by LG, reaffirmed its intention to improve the development and implementation of regional approaches to waste management.*

*HLOG agreed:*

- That Local Government requires flexibility to tailor regional approaches to waste management to suit each regional group of Councils,*
- That adoption of a non prescriptive model for regional approaches to waste management nonetheless requires a common framework for all regions. This framework should include objectives for regional approaches, broad principles for intra and inter regional communications, principles for funding regional projects and mechanisms for measuring and reporting progress towards achieving objectives,*

- That a statewide strategic planning process should be initiated through a series of independently facilitated forums that would set agreed strategic directions, and
- That the development of regional approaches does not need to wait for the proposed strategic planning process to be completed. The proposed statewide strategic planning process will provide overarching principles and objectives to be furthered by the regional groups and will therefore provide input to the priorities to be covered in the regional strategies.

Subsequently DTAE and LGAT jointly wrote to Councils and Regional Organisations seeking a commitment from each region that it would establish by 30th June 2007 a regional structure able to deliver, as a minimum each of the following:

A regional strategy that addresses both statewide and regional waste management objectives. Statewide waste management objectives would be established through a consultative process that was then currently being put in place but were considered likely to include;

- Improved resource recovery
- Identification of infrastructure needs
- Collaboration on statewide initiatives
- Process of engagement with stakeholders
- Regular meetings of member Councils, at decision maker level (preferably General Manager or Senior Manager)
- Adoption of an appropriate and transparent funding formula by which member Councils contribute funds to agreed state and regional waste management initiatives and a process for setting and reviewing an annual budget for waste management as agreed by member Councils.

A process for measuring and regularly reporting progress towards achieving regional waste management objectives and providing data for reporting against agreed statewide objectives.

SWSA was already in existence and could meet the requirements outlined above. No such regional structures existed in either of the two other regions and as a consequence in the period from June 2006 to July 2007 little progress was made on regional objectives pending establishment of the structures in the other two regions.

Work was commenced on the preparation of a statewide strategy with the State appointing independent consultants as agreed to facilitate the process. Numerous workshops were held around the regions in the second quarter on 2007. A draft was released in July 2007 and further consultation took place. Our understanding was that the final draft would be available in September 2007. At the end of January 2008 it was still not available.

Obviously this has also inhibited progress of both the statewide and regional projects and policies.

SWSA has convened a number of meetings during 2007 of regional representatives, LGAT and DTAE and a number of discrete projects have been undertaken with varying degrees of participation.

Agreement was reached on the joint LG/State funded household hazardous wastes project whereby one million dollars will be expended over 5 years funded 50/50 by LG and the State.

SWSA will be the funding source for the contribution by Southern Councils.

As a consequence, as reported in the Annual Report, 2006/07 has been a year of some frustration in that SWSA has not been able to progress many matters as quickly as desired due to the fact that it is waiting for a number of external events to occur.

4.2.1 Can the Authority expand on the status of the establishment of the regional structures and the state-wide strategy?

The LGB was advised that:

*The other two regions have adopted a different approach. In the North-West, regional waste management administration occurs through the Cradle Coast Authority and the operational activities are run by the Dulverton Authority. There is no separate strategic waste management joint authority. In the North it is managed by the Northern Tasmanian Development Company. The general managers group supervises the budgeting and management.*

*Other regions agreed on \$2 per tonne of waste. Launceston City Council has the only significant landfill; in the North-West they remit money to Cradle Coast Authority. The other two bodies are still developing their strategies. To date they have established that they will contribute to the 'Do the Right Thing campaign' and 'Clean Up Australia.'*

*The ratio of cost input into state projects is 50/30/20. The South has 50 per cent, the North-West has 30 per cent and the North has 20 per cent. It was understood that the state strategy would be available at the end of 2007. The Authority was reluctant to spend money in areas potentially not part of the state strategy. It was stated that there would be a draft in late August and hearings in September but this was still not available at the time of this hearing with the LGB. This has had a significant impact in delaying progress by regions. A State strategy would provide direction to the regions which will provide implementation.*

4.2.2 Does the Authority see potential for a closer working relationship with Copping Authority?

*The Authority has sent letters and there have been internal discussions which have produced some ideas about how there could be a lot closer relationship between Copping Authority and SWSA. The decision to establish Copping Authority almost divided the region, but now there is a willingness to investigate alternate arrangements. The CEO attends southern general managers' meetings.*

## **Chapter 5 Relationship between the Authority and the participating Council(s)**

A basic principle of the Act is that councils are accountable to the community. Authorities are bodies created by councils either singly or jointly to perform functions or exercise powers that would otherwise have been performed or exercised by the council. Councils retain responsibilities for the strategic direction of the Authorities, monitoring the activities of the Authority through the reporting and consultation arrangements and retain the power to wind-up Authorities if necessary.

Good reporting and oversight arrangement should ensure that member councils are made aware of areas of concern in management and operations.

## 5.1. Current role undertaken by PCR's

*The PCR's form the Board of the Authority, effectively making all decisions other than those delegated to the CEO in the rules. There is no Board of Management or Directors as exist in a number of other joint authorities. The Board meets five times each year. A number of committees or working parties have been established but none have any decision making power merely making recommendations to the Board.*

## 5.2. The background and relevant experience of the current PCR's

*N.B. The information included below has been supplied by the constituent councils.*

<b>Council</b>	<b>Representative</b>	<b>Qualifications/Memberships</b>
Brighton	Cr Peter Geard	<ul style="list-style-type: none"> <li>• Has been an elected member for the past 15 years.</li> <li>• Has been a member of Council's waste committee for the last 8 years.</li> <li>• Has been the Proxy on SWSA for the last 4 years.</li> <li>• Involved in "Clean up Australia Day".</li> </ul>
Central Highlands	Cr Andrew Downie	
Clarence City	Ald Richard James	<ul style="list-style-type: none"> <li>• Tasmanian born and a resident of the eastern shore for over 40 years.</li> <li>• Worked in the State Public Service for eighteen years.</li> <li>• Involved in Local Government as an elected member of the Clarence City Council for over nineteen years.</li> <li>• Currently Council's representative on Business East Inc., Hobart Regional Water Authority, Richmond Planning Advisory Committee and Southern Waste Strategy Authority.</li> </ul>
Derwent Valley	Cr Martyn Evans	
Glamorgan-Spring Bay	Deputy Mayor Jenifer Crawford	<ul style="list-style-type: none"> <li>• Elected Representative since 2005.</li> <li>• Deputy Mayor since 2007.</li> <li>• Council's SWSA Representative since 2005.</li> </ul>

<b>Council</b>	<b>Representative</b>	<b>Qualifications/Memberships</b>
Glenorchy City	Ald Jim Manson	<ul style="list-style-type: none"> <li>• Elected to Council in October 1996.</li> <li>• Deputy Mayor since 2005.</li> <li>• Alderman Manson has been on the SWSA since it's inception in 2001.</li> </ul>
Hobart City	Ald Ron Christie	<ul style="list-style-type: none"> <li>• Elected member of Hobart City Council from 2002.</li> <li>• Member of HCC's Services Committee from 2002 (Chairman from 2005).</li> <li>• Council Representative on SWSA from 2005.</li> </ul>
Huon Valley	Cr A.D (Tony) Dillon	<ul style="list-style-type: none"> <li>• Elected as Councillor to Huon Valley Council in October 2005.</li> <li>• Executive Member of the Council: high-level decisions affecting the executive management of the organisation.</li> <li>• Member of the Council (acting as the Planning Authority): deliberations on Development Applications.</li> <li>• Southern Waste Strategy Authority Board of Management 2008.</li> </ul>
Kingborough	Cr Julian Bush (Chairman)	<ul style="list-style-type: none"> <li>• Since 1984 Cr Bush has been a councillor for 19 years.</li> <li>• A portion of that time was spent as Warden of Bruny Island.</li> <li>• Cr Bush has represented Kingborough Council on the SWSA for 5 years and was elected chair of SWSA at the AGM in 2007.</li> </ul>
Sorell	Cr Jack Rheinberger (Deputy Chairman)	
Southern Midlands	Deputy Mayor Helen Scott OAM	<ul style="list-style-type: none"> <li>• Elected to the Southern Midlands Council in 1999.</li> </ul>
Tasman	Cr Bruce Wiggins	<ul style="list-style-type: none"> <li>• Represented this Council for many years in relation to waste management services.</li> <li>• Instrumental in, and a driving force behind, reforming waste collection in this municipality several years ago.</li> <li>• Was the Chair of the Southern Waste Strategy Authority and continues to be the representative on that Authority.</li> <li>• Tasman Council's representative on the Copping Landfill Joint Authority.</li> </ul>

**5.3. Arrangements for reporting by the Board of Management to the PCR's and/or member councils, including regularity of provision of reports and of information provided in annual and quarterly reports**

*There is no Board of Management. A management report prepared by the CEO covering all aspects of the Authority's activities is submitted to each meeting of the Authority.*

**5.4. 6.4. Arrangements for reporting by the PCR's to the Member Councils;**

*Detailed below is the information submitted by member Councils.*

<b>Council</b>	<b>Representative</b>	<b>Reporting Arrangements</b>
Brighton	Cr Peter Geard	<i>The PCR reports verbally to the council meeting as part of the "Reports from Council Representatives with other organisations".</i>
Central Highlands	Cr Andrew Downie	
Clarence City	Ald Richard James	<i>Council has a section included in each meeting set aside for consideration of the reports from Authorities. All quarterly reports, financial reports and the annual report are included in the Council agenda. Further minutes of SWSA meetings are tabled within this section of the Council agenda. All Aldermen are informed of the meetings of the Southern Waste Strategy Authority, and in particular are invited to the AGM.</i>
Derwent Valley	Cr Martyn Evans	<i>Any issues raised at the meeting of the board are advised to the Council by its representative at the council meeting. Copies of minutes of the Southern Waste Strategy Authority are provided to Councillors.</i>
Glamorgan-Spring Bay	Deputy Mayor Jenifer Crawford	<i>The PCR discusses issues with the General Manager. If considered necessary for a decision an Agenda Item is prepared. Other issues that do not require a decision are discussed at Workshop.</i>
Glenorchy City	Ald Jim Manson	<i>The SWSA quarterly reports are placed on a Briefing Report for the information of Aldermen. The SWSA representative provides an annual report on the activities of the SWSA and this report is also provided to Aldermen for information via the Briefing Report. Any matters requiring a Council decision are reported to Council by the SWSA management</i>

<b>Council</b>	<b>Representative</b>	<b>Reporting Arrangements</b>
		<i>representative.</i>
Hobart City	Ald Ron Christie	<i>Reports may be presented to the City Services Committee on issues that are considered to be of interest to the elected members or that require them to make a decision. The City Services Committee forwards issues to full Council and where the Committee does not have delegated authority to make a decision.</i>
Huon Valley	Cr A.D (Tony) Dillon	<i>Reporting is undertaken on an 'as required' basis by both the Manager EDS, and the PCR. Depending on the cycle of Council meetings it is not always possible to meet the timeframe for comment. In this instance, the Manager EDS thru the GM provide comment on behalf of the Council and inform the PCR.</i>
Kingborough	Cr Julian Bush (Chairman)	<i>The SWSA quarterly reports are tabled in a formal report format to the Infrastructure and Resource Management Committee (IRM meeting). The SWSA quarterly reports are then placed on the agenda for the full Council meeting to be ratified. The SWSA representative also has an opportunity to provide additional information. Any matters requiring a Council decision are reported to Council by the SWSA management representative. The CEO of the SWSA has been requested on several occasions to brief Council (and has attended committee meetings) on SWSA activities both present and planned.</i>
Sorell	Cr Jack Rheinberger (Deputy Chairman)	
Southern Midlands	Deputy Mayor Helen Scott OAM	<i>Minutes of the SWSA, and other relevant documents, are circulated to all Councillors via the Councillor Information Bulletin. The dates of these Bulletins are inserted in the Ordinary Council Meeting Agenda for formal receipt. This also provides an opportunity for Councillors to seek clarification or raise questions in relation to any issues being considered by the Authority.  Where an issue requires specific Council Policy direction, a separate Agenda Item is prepared</i>

Council	Representative	Reporting Arrangements
		<i>for consideration by Council.</i>
Tasman	Cr Bruce Wiggins	<i>Reports are provided to Council on a regular basis as they are received. Where appropriate and when required, verbal briefings or updates are provided to Council by the PCR on points in the reports.</i>

5.4.1 What expectations does the Authority have, regarding reporting back to member Councils?

The Chair of the PCRs stated that it may come as a shock to some councillors how little of the reporting goes back to the member councils. He advised that he often received questions that should have been abundantly clear if a report had been read. He stated that the matter would be given further consideration having seen the variation in responses and was open to suggestions from the LGB as to what action should be taken. He further advised that:

*The CEO gets the information to the PCRs and to the council management. What happens after this depends on the particular council wishing to get it there and being conscious of getting it there.*

*The Authority has no power to require councils to treat reports in a particular way.*

5.4.2 Are there situations where Authority writes and asks for feedback specifically?

The LGB was advised that:

*The Authority adopts a paperless office approach and tries to do everything electronically. The rate of response to formal letters is very variable. A letter sent out to all 12 councils three months before the hearing had received its second response only. A general meeting has been held since and the matter discussed.*

5.4.3 Does the Authority agree that reporting should be consistent across all Councils?

*The Authority would welcome suggestions from the LGB as to minimum standards of reporting. There are clearly disparate approaches between councils. In terms of the Authority's power to make documentation available all reports are placed on the website and publically available.*

## 5.5. The process within member councils for review of material submitted to it by the PCR's or the Board of Management

*Detailed below is the information submitted by members councils:*

Council	Representative	Review of Information
Brighton	Cr Peter Geard	The material is reviewed by the appropriate council officer and by a council workshop for matters of great import.
Central Highlands	Cr Andrew Downie	
Clarence City	Ald Richard James	Material submitted to the Council by the Board of Management of the Southern Waste Strategy Authority is first reviewed at workshops conducted with the Aldermen. If required, a formal report is then prepared by Council officers for consideration and resolution by Council as a formal agenda item.
Derwent Valley	Cr Martyn Evans	Any issues raised at the meeting of the board are advised to the Council by its representative at the council meeting. Copies of minutes of the Southern Waste Strategy Authority are provided to Councillors.
Glamorgan-Spring Bay	Deputy Mayor Jenifer Crawford	The Council receives reports from the Board either as attachments to the Council Agenda for confirmation or by email for noting the information.
Glenorchy City	Ald Jim Manson	Matters on the Briefing Report may generate discussion at a Council meeting or a Notice of Motion on the Council agenda for further consideration. All elected members are invited to attend the SWSA annual general meeting.
Hobart City	Ald Ron Christie	Any material submitted to Council is provided in writing to each elected member, together with a recommendation that the materials be noted and/or a specific action be undertaken.

Council	Representative	Review of Information
Huon Valley	Cr A.D (Tony) Dillon	Generally, the Manager EDS thru the GM provides comment on behalf of the Council and informs the Mayor. Depending on the subject matter, the Manager EDS prepares an Agenda Item for discussion at MANEX before the matter goes before the Council for decision. The Manager EDS, the GM may present an informal briefing paper for the information of Councillors. The Mayor may also casually inform the Council on a matter to gauge a view.
Kingborough	Cr Julian Bush (Chairman)	All reports from the SWSA are provided in writing to each elected member. Opportunity to discuss, review and request further information relating to these reports is provided.  A Council's officer on the SWSA management committee has the opportunity to report or bring to the attention to Council any issue of particular interest .
Sorell	Cr Jack Rheinberger (Deputy Chairman)	
Southern Midlands	Deputy Mayor Helen Scott OAM	Refer comments above.
Tasman	Cr Bruce Wiggins	As stated above, reports and any other material deemed appropriate is provided to Council as part of the ordinary meeting agenda through the 'Communications Journal'.

**5.5.1 Is there, in the opinion of the council representatives, an adequate level of review occurring within councils? Is there any qualified advice provided to member councils with the reports from the representatives?**

The Authority advised that it has taken qualified advice from the management committee.

**5.5.2 Do the Representatives provide written briefings and/or verbal briefings to the council? Do PCRs see the need for more formal briefing arrangements?**

The Chair of the PCRs advised that he answers questions in council meetings verbally and that he had received one question since the recent local government elections

when he became the Chair of the Authority. The Central Highlands Council advised that it asks councillors to report verbally; some PCRs table reports at meetings.

The Authority indicated that unfortunately there are new councillors and new PCRs all the time. A good deal of time is spent justifying the existence of the organisation which requires covering the same ground repeatedly and means that the discussion often does not get to the strategic issues.

## 5.6. Degree of feedback provided by the council in response to reporting

*Feedback generally comes to the Authority meeting via the PCRs. Normally the only time direct feedback is received is when it is sought on specific matters. The CEO endeavours to attend a Council or Committee meeting of each Council annually. Matters of particular interest to that Council are gone into in some detail and explanations provided to any questions raised.*

### 5.6.1 What degree of feedback has been received in the past from member councils?

The LGB was advised that:

*It depends who you ask and what is asked. The management committee is very good about responding. A formal letter by council is more problematic.*

### 5.6.2 What references or report is made in the councils annual reports of the Authority's activities?

The Authority advised that:

*The annual reports of member councils (Kingborough, Sorell and Central Highlands councils) generally say:*

*“We are actively participating in the Activities of the SWSA”.*

*We have thousands of dollars of council funds – and to my knowledge Councils do not incorporate into Council Assets. If SWSA wound up there would be a distribution of funds back to member councils. Yet there is no record in balance sheet in last year of this funding.*

## 5.7. Processes for reporting and monitoring by the PCRs including how the Authority is meeting its stated objectives and functions, charters, plans and strategies and assessing performance against these

*As mentioned a management report is submitted to each authority meeting which outlines all projects and activities being undertaken and the progress being made. Normally these projects and activities would be dropped from the report only when they are concluded.*

5.7.1 How do the PCRs see their monitoring role?

The LGB was advised that:

*The audit committee fully examines full financial details. The committee goes through every payment and transaction on credit card and reports to the Authority. These are full progress reports on everything the Authority is doing. It works to a higher standard than council.*

*The Chair of the PCRs advised that monitoring is integral to the role and is made very easy because of the accessibility and amount of information available.*

The CEO advised that:

*Members of the Management Committee are to measure waste management and waste management systems.*

*As soon as this is implemented the Authority will then be in a position to cooperate. LGAT have identified this as a priority. There is a proposal to integrate with other regions but this is not occurring and won't until guidelines are provided. Real problems are occurring in other states with this too. Most waste processing is under government contracting.*

5.7.2 Has the Authority met its stated objectives and functions as identified in the Business Plan 07/08?

The CEO advised that:

*To varying degrees- yes. Of the actions in the plan –some have been done, some are partially done and some are not progressed largely due to the state waste strategy not having been completed. I can't see any areas for progress that could have occurred beyond what has.*

5.7.3 Has the Board of Management received reporting from the CEO in a format sufficient to assure itself and member councils that the stated objectives and functions are being met?

The Chair of the PCRs advised that the PCRs had received reporting from the CEO in a format sufficient to assure themselves and member councils that the stated objectives and functions are being met.

5.7.4 What degree of consultation is presently undertaken with councils regarding strategic planning and decision making? What do the PCRs consider to be issues that would require input from member councils?

The CEO advised that:

*He has been to the member councils twice. The strategic plan is not a running strategic plan. It was completed before he started as CEO*

*and involved extensive consultation by his predecessor. All councils had opportunity to progress the strategy. The annual plan is distributed to general managers for suggestions. Feedback also occurs informally from senior officers it often bypasses the general manager.*

## 5.8. Any additional reporting processes in place

*As there is no separate Board of Management it has not been considered necessary to have additional processes.*

## 5.9. Processes for complying with the strategies, budgets and plans agreed by the PCRs

*As previously indicated, these matters are all included in the management report which is submitted to each meeting.*

### 5.9.1 Whose responsibility within the Authority would it be to ensure compliance with these strategies, budgets and plans?

The CEO advised that:

*It is my responsibility to do them. It is the Board of Management's responsibility to ensure that they have been complied with. There is a high level of participation by the representatives in the meetings.*

## 5.10. Level of attendance by the PCRs at the Authority's annual general meeting

*Listed below are the member councils and their current representatives. There have been eight ordinary meetings and two annual general meetings during 2006 and 2007. The representation of each council by their then current representative or appointed proxy is shown against each council*

<b>Council</b>	<b>Representative</b>	<b>Meetings Attended</b>	<b>AGMs Attended</b>
Brighton	Cr Peter Geard	8/8	2/2
Central Highlands	Cr Andrew Downie	6/8	2/2
Clarence City	Ald Richard James	7/8	1/2
Derwent Valley	Cr Martyn Evans	6/8	2/2
Glamorgan-Spring Bay	Deputy Mayor Jenifer Crawford	8/8	2/2
Glenorchy City	Ald Jim Manson	7/8	2/2
Hobart City	Ald Ron Christie	1/8	1/2
Huon Valley	Cr A.D (Tony) Dillon	3/8	2/2

Council	Representative	Meetings Attended	AGMs Attended
Kingborough	Cr Julian Bush (Chairman)	7/8	2/2
Sorell	Cr Jack Rheinberger (Deputy Chairman)	7/8	2/2
Southern Midlands	Deputy Mayor Helen Scott OAM	3/8	1/2
Tasman	Cr Bruce Wiggins	7/8	2/2

5.10.1 Is there an explanation for the low attendance figures by members in three of the member councils?

The LGB was advised that:

*The three councils concerned have all made changes in their representation recently for this reason. In one case the proxy has now been primed to attend. Feedback indicated from one proxy has been that they never received the information from the primary PCR and hence did not know when to attend. Figures in the table (Table 1) reflect attendance by the prime member or proxy. Any proxy who asks for reports from the Authority is sent them automatically.*

*Management committee meetings are well attended.*

5.10.2 Does this reflect attendance by proxies also? Has the Authority had a quorum at all meetings?

The Chair of the PCRs advised that there had only not been a quorum once.

5.10.3 What action has the Authority taken to ensure that all councils are regularly represented?

The Authority advised that:

*Kingborough's annual report has a list of attendance. This could be applied to SWSA. Informal action could also be taken – the councils concerned could be advised verbally.*

5.11. Whether annual and quarterly reports are formally tabled through council meeting agendas for the information of the public (excluding commercial-in confidence information).

*It should be noted that a copy of the Annual Report is forwarded directly to every individual elected members of all constituent councils. Until 2006 this was done by posting a printed hard copy. In 2007 in an effort to reduce costs, the AR was forwarded electronically but a covering email indicated that a hard copy would be mailed on request. Only 2 requests were*

received. One from an elected member and one from Veolia Environmental Services. Detailed below is the information submitted by members councils:

<b>Council</b>	<b>Representative</b>	<b>Annual Reports Formaly Tabled Through Meeting Agendas for Public Informaiton</b>
Brighton	Cr Peter Geard	<i>Annual and quarterly reports are not formally tabled through Council meeting agendas.</i>
Central Highlands	Cr Andrew Downie	
Clarence City	Ald Richard James	<i>All annual and quarterly reports, as tabled by the Council representative of the Southern Waste Strategy Authority, are included as agenda items on normal Council minutes and as a result are available for public information.</i>
Derwent Valley	Cr Martyn Evans	<i>All reports to the Southern Waste Strategy Authority that is quarterly and annual are placed on the agenda for council meetings and discussed in open session except for those matters in those reports that are Commercial and in Confidence.</i>
Glamorgan-Spring Bay	Deputy Mayor Jenifer Crawford	<i>Quarterly reports are submitted on the Council Agenda - notification of Annual Report availablility is provided for Councillors and the public upon request. (excluding commercial-in confidence information).</i>
Glenorchy City	Ald Jim Manson	<i>The SWSA quarterly and annual reports are not formally tabled or included on Council agendas. Council practice is that policy matters requiring a decision are included on the Council agenda but matters for information and not requiring a decision are included on the Briefing Report.</i>
Hobart City	Ald Ron Christie	<i>Annual and quarterly reports are not tabled at Council meetings. Copies are provided to the Aldermen. It is noted that SWSA Annual Reports are also available on the SWSA website.</i>
Huon Valley	Cr A.D (Tony) Dillon	<i>It is not usual practice for Annual or Quarterly reports to be formally tabled through Council meeting agendas for the information of the public, although this could become a practice. The timing of Council meetings and the expectation of reports being exhibited, may be problematic.</i>
Kingborough	Cr Julian Bush (Chairman)	<i>Annual and quarterly reports are tabled at the Infrastructure and Resource Management Committee Meeting. All Councillors are provided with copies of the reports. In the report presentation process to Council there is</i>

Council	Representative	Annual Reports Formaly Tabled Through Meeting Agendas for Public Informaiton
		<i>the opportunity for Council Officer (SWSA management committee representative) comments</i>
Sorell	Cr Jack Rheinberger (Deputy Chairman)	
Southern Midlands	Deputy Mayor Helen Scott OAM	<i>Refer comments above, noting that in some cases, the Annual Report has been included as a separate Agenda Item for formal receipt of the Report.</i>
Tasman	Cr Bruce Wiggins	<i>They are.</i>

## 5.12. Policies, codes of practice and processes in place to ensure transparency, accountability, openness and responsiveness to the participating councils

5.12.1 Is each general manager being sent a copy for this purpose?

The LGB was advised that:

*The statutory quarterly report endeavours to cover all aspect of the Authority's operations. Copies of all minutes and agendas are forwarded to the councils as well as the PCRs.*

*The audit committee consists of four councils' representatives and reviews 100 per cent of the Authority's financial operations. The proceedings of each Audit Committee are reported to the next full meeting of the Board.*

## Chapter 6 The Structure And Rules Of An Authority

The rules of authorities are required to be lodged with the Director of Local Government. The LGB considers that the review of the structure and rules of the Authority would largely be a matter of statutory compliance and therefore a matter for the Director of Local Government.

Where it appears that the requirements of the rules of the Authority or statutory requirements of the Authority were not being met, the LGB would limit its involvement to referring matters to the Director.

## 6.1. The functions and objectives set for the Authority, whether the Authority is currently fulfilling these and the strategies for doing so in the future

*The Authority's rules provide for the following purpose and functions;*

### *6. Purpose*

*The purpose of the Authority is to facilitate integrated regional strategic planning and implementation of the Southern Waste Management Strategy.*

### *7. Functions*

*The functions of the Authority are to provide the most cost effective management and facilitation of:*

- municipal waste minimisation programs*
- waste stream control and performance monitoring*
- establishment of a non-municipal waste minimisation programs*
- monitoring of residual waste treatment technologies*
- infrastructure developments*
- implementation of the landfill development strategy*
- education and marketing programs*

*All of the Authority's activities are measured against set of functions to ensure the activities are in accordance with the functions. It should also be note as described in the recent history that many of the activities are undertaken at the behest of DTAE and it is anticipated that with the imminent introduction of a State Waste Policy much more may be mandated.*

*Authority meetings review progress on all activities and the Annual Report gives a more detailed account of the Authority's activities. During the budget preparation process all proposed activities are measured against the strategic plan to ensure projects and activities are not deviating from the Plan.*

### 6.1.1 Have these functions and objectives proved to be appropriate to date and does the Authority consider that it is likely to review these in the future?

The LGB was advised that:

*Once the state strategy is released, this would be an appropriate opportunity to review the rules. In terms of the initiation of a rule change, a change to the Act may be warranted. It makes it difficult having to wait for councils to initiate a change. The Authority is to initiate the rule change by putting up material for a report by approaching a legal practitioner directly. The rule change could then be ratified by councils. The Authority would be in favour of such a process.*

### 6.1.2 It is noted that the quarterly and annual reports include a statement of general performance but this is not set out so as to clearly show performance against objectives. Is there a document from which member

councils can assess progress of the Authority against its functions and objectives?

The LGB was advised that:

*There is not currently a document from which member councils can assess progress of the Authority against its functions and objectives but the Authority is open to amending the Annual Report so that performance against objectives is clearly indicated.*

## 6.2. Codes of conduct or induction process notifying PCRs and/or relevant employees of their statutory responsibilities

*Due to the fact that there are only two employees of the Authority and there has only been one change in personnel in seven years, it has not been considered necessary to maintain formal processes. When there was a change of CEO, there was an overlap period of one month when the departing CEO instructed the new CEO of the procedures and processes in place.*

### 6.2.1 What has been the process for notification of PCRs of their statutory responsibilities?

The LGB was advised that:

*The notification process for councillors has not been structured. This could be improved by an induction or information package which could be presented to each new PCR. In the past the CEO made an offer to PCRs to go through the history, new developments etc taken up by many PCRs. This is a problem for all joint authorities. Similar briefings occur across all authorities (subject to differences in structures).*

*A further issue for all authorities is LGAT's policy to exclude Authorities from LGAT representation. There is a no broader process of representation for authorities. Perhaps LGAT could be encouraged to reconsider.*

## 6.3. The operation of any committees or advisory groups established under the rules and any reporting structures in relation to these.

*There are two standing Committees and occasional specific purpose working parties.*

*There is a Management Committee consisting of the CEO and a senior officer from each Council.*

*Management Committee:*

*Chief Executive Officer*

*Mr D. Sales(Chairman)*

Brighton Council	Mr H. McPherson
Central Highlands Council	Mr. J. Wood
Clarence City Council	Mr G. Cuthbert
Derwent Valley Council	Mr S. Mackey
Glamorgan/ Spring Bay	Mr T. Pollard
Glenorchy City Council	Mr G. French
Hobart City Council	Mr J. Clarke
Huon Valley Council	Mr R. Karaszekewych
Kingborough Council	Mr I. Darling
Sorell Council	Mr B. Hyndes
Southern Midlands Council	Mr. L. McGuinness
Tasman Council	Mr. R. Wise

*The management committee normally meets 10 days before each Board Meeting to review issues, give advice to the CEO and if necessary make recommendations to the Board. It has no delegated authority.*

*The Audit Committee normally meets on the same day as the Management Committee as there are a number of common members.*

*It reviews the monthly accounts and examines all payments made. It is vitally important in that there are only two employees and it functions as an internal control feature. It also has no delegated authority except the authority to require information to be made available to it. It reports and makes recommendations to the Board when necessary.*

#### **6.4. Processes to ensure that ongoing statutory obligations are met including referral of adverse developments, pecuniary interest, misuse of office and misuse of information**

*Every statutory quarterly report contains a statement regarding adverse developments. Councils would be advised directly between reports if conditions changed.*

*There is a pecuniary interest's register and any declarations are recorded in the minutes. Because of the type of operation undertaken by SWSA, there seems little opportunity for misuse of office or information.*

*To date there have not been any sections of the agendas or minutes which have been designated confidential.*

## **Chapter 7 The Management and Operations of the Authority**

The LGB notes that the management and operations of an authority, led by the board of management, is in some authorities subject to a range of existing legislative and regulatory scrutiny. Some authorities have also voluntarily adopted external standards and best practice business processes that cover core operations. Many of these governance systems may involve external supervision, audits or reviews.

### 7.1. The governance role of the board of management of the Authority.

*There is no Board of Management.*

### 7.2. Processes for ensuring that referrals of adverse developments are occurring (s35A)

See comment in section 6.4

### 7.3. Monitoring of competitive neutrality issues

*Since the Authority has no business activities, this has no application to SWSA.*

## Chapter 8 Other relevant matters

### 8.1. Communications and education programmes

*One of the main functions of SWSA is the establishment of waste minimisation marking and education campaigns. The aim is to provide critical mass by combining campaigns for all our members and making better use of the funds available. We do this by seeking matching funding from outside sources which might not be available to individual Councils. We have in 7 years attracted over \$600,000 from the National Packaging Covent, over \$200,000 from the Australian Food and Grocery Council and significant funds from Veolia, the Dept. of Environment and Norske.*

*We co-ordinate the annual "Do The Right Thing" advertising campaign on WINTV. Because of the agreement we have with WINTV, they provide significant community service time for our ads, which over the years of operation of the campaign would have a value of over \$500,000.*

*We do not deal directly with members of the public but with Councils and industry partners by inter alia providing tools (i.e. posters, waste audits, investigations etc) for their use in the field.*

*We also represent our members at a political level and issue press releases and hold press conferences when necessary. We have also made numerous submissions (e.g. Tasmanian Waste Strategy, Joint Houses Waste Enquiry, Productivity Commission etc.) and have made our papers available to our members who normally either endorse our submissions or use them as the basis for their own submissions.*

### 8.2. Community engagement programmes and feedback processes

*Because of the area of operation of the Authority we have not engaged in these fields. It is our member Councils role to interface with the Community.*

### 8.3. Marketing and media processes

*In a corporate sense this is not applicable. We do undertake marketing and deal with the media but this is in relation to programmes where generally we are a paying customer.*

#### **8.4. Policies and processes in place to ensure transparency, accountability, openness and responsiveness directly or indirectly to the community**

*As indicated previously, the Authority does not deal directly with the public as this is the role of our members Councils. However all publications, information, reports etc. are available to the general public on our website. We also list details of past activities and try and provide connections to other appropriate websites for people seeking information.*

*As indicated our agendas and minutes are widely distributed and activities are fulsomely described in these as well as the Quarterly and Annual Reports. The latter is also available on the website.*

#### **8.5. Best Practice**

*The LGB will also be interested in any innovative examples of best practice, particular successes or of action that demonstrates how the Authority has met or is meeting the interests of the Member Councils.*

*The Authority is particularly proud of its “Don’t Waste Tasmania/Do The Right Thing” TV campaigns over the past five years. The content is not particularly earth shattering, but we have been able to bring together a number of industry participants to jointly fund this campaign at a relatively minimal cost to our members. The actual local government contribution to the campaign is in the range of 20% of the total value.*

*The Queensland Dept. of Environment is establishing a similar programme through the NPC this year and similar programmes are under consideration in other States. (if required we can supply an electronic version of the advertisement.*

#### **8.6. Additional Information**

*Authorities may also choose, under this section, to provide information of particular interest that has not been addressed in other sections of the report.*

*This Authority was the child of an agreement between LG and the State through the Premier’s Local Government Council. Local Government agreed to place a levy on waste to land fill and use those funds to progress waste reduction and management processes. It believes it has been achieving those objectives in its 7 years of operation. It does recognise however that its future existence rests largely on how local government through the three regional structures addresses local government’s responsibilities under the proposed Tasmania Waste Management Strategy. It also recognises that should a State imposed waste levy be implemented that this organisation would probably be wound up. That of course would be a decision for our constituent Councils to make.*

The LGB was advised that:

*The Authority does respond to ministerial statements. The Authority has also offered assistance and participation in committees. For example, the authority coordinated a policy response to the container deposit legislation proposals. On matters of determined policy then*

*the CEO responds. If an opinion is required on an issue then the PCR Chairman responds.*

*In South Australia container deposit legislation has affected recycling – as there is not enough to support two collection systems and it would be at the expense of the current recycling programs. Only 1.5% of items collected would have been subject to container deposit legislation. In Sydney it might work.*

*The current Government has provided an undertaking that a levy won't be introduced (provided local government keeps its half of the bargain regarding the management of regional organisations and it is sufficiently funded to do what is required under the state waste levy). If not councils would walk away from it and SWSA would be closed down. Alternatively SWSA could become a much larger organisation doing a much broader range of activities.*

## 8.7. List of Supporting Documentation for this Submission

### Rules

Rules of the Authority & Amendments (if applicable)

### Reports

Authority Quarterly Reports for 2006 & 2007

Authority Annual Report 05/06

Authority Annual Report 06/07

Statutory Audit Reports

### Plans & Strategies

Authority Strategic Plan 06/11

Authority Business Plan 06/07

Authority Business Plan 07/08

## **Chapter 9 Participating Council Representatives, CEO and Board of Management of Southern Waste Strategy Authority**

### BRIGHTON COUNCIL

Representative : Cr. Peter Geard

### CENTRAL HIGHLANDS COUNCIL

Representative : Cr. Andrew Downie

### CLARENCE CITY COUNCIL

Representative : Ald. Richard James

### DERWENT VALLEY COUNCIL

Representative : Cr. Martyn Evans

GLAMORGAN/SPRING BAY COUNCIL

*Representative : Deputy Mayor Jenifer Crawford*

GLENORCHY CITY COUNCIL

*Representative : Ald. Jim Manson*

HOBART CITY COUNCIL

*Representative : Ald. Ron Christie*

HUON VALLEY COUNCIL

*Representative : Cr. A.D. (Tony) Dillon*

KINGBOROUGH COUNCIL

*Representative: Cr. Julian Bush (Chairman)*

SORELL COUNCIL

*Representative: CR. Jack Rheinberger (Deputy Chairman)*

SOUTHERN MIDLANDS COUNCIL

*Representative: Deputy Mayor Helen Scott*

TASMAN COUNCIL

*Representative: Cr. Bruce Wiggins*

CHIEF EXECUTIVE OFFICER

*Mr David Sales*

## **Appendix 1 - List of Supporting Documentation for Submission**

This chapter will appear in the final report.

## **Appendix 2 - Additional Documents provided by Authority**

This chapter will appear in the final report.

## **Appendix 3 - Summary of Public Submissions**

A summary of public submissions will be included here.

## **Appendix 4 - List of Persons Making Submissions**

A list of persons making submissions during the course of the review.

## **Appendix 5 - Notices Calling for Submissions**

A copy of the public notice calling for submissions will be attached.

## **Appendix 6 - Map Indicating Area of Authority Operations**

Maps indicating the area of Authority operations will be provided.