

**PREMIER'S  
LOCAL GOVERNMENT  
COUNCIL**

Thursday 14 December 2017, 2.00 pm – 4.00 pm  
Premier's Reception Room, Level 11, 15 Murray Street

**Meeting Minutes**

**Meeting No. 53**

<b>PLGC Members</b>	
Hon Will Hodgman MP	Premier (Chair)
Hon Peter Gutwein MP	Minister for Planning and Local Government
Ald Doug Chipman	President, Local Government Association of Tasmania (LGAT) General Management Committee (GMC), Mayor, Clarence City Council
Ald Sue Hickey	Lord Mayor, Hobart City Council
Cr Daryl Quilliam	Vice President LGAT GMC, Mayor, Circular Head Council
Cr Jan Bonde (proxy for Cr Steve Martin)	Mayor, Devonport City Council
Cr Christina Holmdahl	Mayor, West Tamar Council
Cr Tony Bisdee	Mayor, Southern Midlands Council
Cr Mick Tucker	Mayor, Break O'Day Council
Ald Heather Chong	Clarence City Council
<b>Officials</b>	
Ruth McArdle	Deputy Secretary, Department of Premier and Cabinet (DPAC)
Dr Katrena Stephenson	Chief Executive Officer, LGAT
Dion Lester	Policy Director, LGAT
Kim Evans	Secretary, Department of State Growth (DSG)
Andrew Paul	General Manager, Clarence City Council
Sandra Ayton	General Manager, Central Coast Council
Martin Gill	General Manager, Meander Valley Council
Alex Tay	Director of Local Government, Local Government Division (LGD), DPAC
Luke Murphy-Gregory	Senior Policy Analyst, LGD, DPAC
Dianna Marston	Policy Analyst, LGD, DPAC (Secretariat)

<b>Guests</b>	
Vince Taskunas	Deputy Chief of Staff, Premier's Office
James Craigie	Chief of Staff, Minister Gutwein's Office
Wes Ford	Deputy Secretary, EPA, Department of Primary Industries, Parks, Water and Environment
Brian Risby	Manager Planning Policy Unit, Department of Justice
Anton Voss	Deputy Secretary, Department of Treasury and Finance
<b>Apologies</b>	
Cr Daryl Quilliam	Vice President LGAT GMC, Mayor, Circular Head Council
Cr Steve Martin	Mayor, Devonport City Council
Tony McCall	Senior Adviser for Minister Gutwein

## **Welcome**

The Premier, Will Hodgman MP, welcomed members, officials and guests to the second and final Premier's Local Government Council (PLGC) meeting for 2017.

It was noted that Mayor Jan Bonde was standing in for Mayor Steve Martin who was an apology. Other apologies included Mayor Daryl Quilliam. The Premier acknowledged the new members of the PLGC and the PLGC Officials and thanked outgoing PLGC members Mayor Craig Perkins and Mayor Bonde for their contributions.

The Premier acknowledged the ongoing divergence in policy positions between the State Government and the local government sector with respect to water and sewerage, but that there are many other issues where both levels of Government are working together on. The Premier and LGAT President reaffirmed the shared commitment, goodwill and duty of both levels of Government to work across these broad range of issues for the benefit of Tasmanians.

## **Agenda Item 1: Draft minutes of the PLGC meeting on 28 June 2017**

The PLGC endorsed the minutes of the meeting held on 28 June 2017 as a true and accurate record of the meeting and noted that the actions arising from the meeting had been completed or would be addressed at this PLGC meeting.

## **Strategic priorities**

### **Agenda Item 2: Voluntary amalgamations and strategic shared services**

The PLGC noted and discussed the results of the feasibility studies into voluntary amalgamations and strategic shared services and progress on community consultation. The

Minister, Peter Gutwein MP, reaffirmed the State Government's policy position that it would not force amalgamations and that the Government would continue to work with councils to ensure viability and benefits for councils and communities. Evidence indicates that successful change must be community driven.

The PLGC noted the common themes emerging from all studies:

- amalgamation and shared services will not succeed unless individual councils are prepared, at least to some extent, to relinquish their own local interests in favour of a more strategic 'whole of region' vision for efficient and high quality services;
- strong and sustained political commitment is crucial to maximise opportunities identified in the feasibility studies;
- the lack of shared IT systems inhibits the realisation of potential benefits and addressing this presents a significant opportunity to create scale at a regional level for the benefit of ratepayers; and
- the significant potential efficiencies and savings that can be achieved in non-customer facing, back office operations present opportunities for councils to reinvest in new or improved frontline services.

Katrena Stephenson noted that a lack of common IT was a barrier to realising opportunities and informed the members that LGAT is in a position to assist by helping councils to leverage national/collective tendering and procurement arrangements.

### **Agenda Item 3: Preparation for the October 2018 statewide elections**

The PLGC discussed that the 2018 statewide elections presented a key opportunity to enhance the sustainability of local government in Tasmania.

The PLGC endorsed the following statement of principles as a shared commitment to promote, in the lead up to the 2018 council elections:

- the important – and increasingly complex - role of local government in serving and representing the interests of local Tasmanian communities, whilst discharging statutory obligations such as acting as a planning authority;
- the encouragement of candidates from a diverse range of backgrounds, so that elected members reflect a broad cross-section of the community and the value diversity brings;
- the continuous improvement in the professionalism, capacity, and integrity of councils and councillors;
- a recognition of the valuable role that a councillor plays in local communities and the personal satisfaction councillors can gain from helping their communities; and
- an increase in active community engagement and participation at the local government level, both at and between council elections.

The PLGC also discussed the possibility of electronic voting to increase participation rates. The PLGC agreed local government election arrangements would likely be a good 'test' for electronic voting in the future beyond the 2018 elections. It was noted that there would be an

initial cost to establishing electronic voting but that there could be large savings (particularly in avoided postage costs).

#### **Agenda Item 4: Statewide planning**

The PLGC noted the update provided by the Minister on statewide planning which included the preparation of the Tasmanian Planning Scheme, a review of Major Project's legislation, and the introduction of a set of Tasmanian Planning Policies. The Minister encouraged councils to focus on the strategic opportunities of land use strategies and thanked them for the significant body of work already undertaken.

Brian Risby informed the PLGC he anticipated bush fire mapping would be completed in the first half of 2018 by the Tasmanian Fire Service. The PLGC noted the Tasmanian Planning Scheme was underway with the final State Planning Provisions (SPPs) being implemented through the preparation of councils Local Provisions Schedules (LPSs). Mr Risby advised the PLGC that the mapping was not required to enable local government to complete the LPS's. He acknowledged some councils were seeking assistance due to resourcing issues.

#### **Agenda Item 5: Waste management**

The PLGC noted the ongoing work of the State Government on the preparation of a state wide waste action plan, following input from the Local Government Association of Tasmania (LGAT) Waste Management Reference Group and industry bodies. Wes Ford indicated that the Government would be releasing the action plan in the near future

The PLGC noted the positive development of a memorandum of understanding between the EPA and LGAT to clarify the roles and responsibilities of the EPA and local government and support the identification and progression of agreed priorities.

Wes Ford spoke about the importance of recognising the shift in community attitude around the management of waste. Mr Ford informed the PLGC that the regulations to support the stockpiling of used tyres came into effect in November 2017. The PLGC was also advised the Government is researching appropriate container deposit scheme models that could be implemented in Tasmania and will present options to the Minister in the coming months.

#### **Agenda Item 6: Director of Local Government report**

The PLGC noted the Director's report which included focus areas for the Local Government Division's (the Division) education and compliance plans. The Director also discussed the tension between the increasing expectations and obligations on councillors and the capacity required of them to fulfil their roles, with the fact that with a certain level of authority comes certain levels of transparency, accountability and obligations. This tension will continue to be a matter for ongoing policy consideration for both levels of Government. Reforms and projects such as the Targeted Review of the Local Government Act and the voluntary amalgamations and shared services feasibility studies have provided opportunities to make improvements and identify future opportunities.

The Director updated the PLGC on developments in other jurisdictions. Many jurisdictions are also undertaking major reviews of local government and planning legislation, including a focus

on facilitation of participatory democracy; stronger Ministerial powers to resolve dysfunction; transparency in CEO remuneration policy; requiring decision makers to publish their reasons for development decisions; and strengthening of Codes of Conduct for elected members.

The PLGC discussed the issues of conflict of interest, code of conduct and materiality. The Director agreed to write to all Councils to remind councillors of their obligations with regard to managing conflicts and spokesperson provisions.

## **Matters of topical interest**

### **Agenda Item 7: Amendments to the *Local Government Act 1993***

The PLGC noted the *Local Government Amendment (Targeted Review) Bill 2017* received Royal Assent on 22 November 2017. The PLGC discussed the key implementation priorities for the subsequent amendments to the *Local Government (General) Regulations 2015* which included the introduction of a gifts and donations register and the amendment to the Declaration of Office which would require elected members to engage in ongoing professional development and abide by the principles of good governance. The Director informed the PLGC that a consultation paper on gifts and donations had been provided to the sector for feedback.

### **Agenda Item 8: Review of councillor allowances update**

The PLGC noted the progress on the review of councillor allowances following the appointment of the Tasmanian Industrial Commission to undertake the review and that consultation was due to commence in January 2018.

The Minister acknowledged the demands of the role of elected members in local government required consideration with regard to the amount of allowance paid. PLGC discussed whether the term 'allowance' was still appropriate relative to the demands of the roles and whether as a matter of policy elected members should be paid a salary. LGAT noted that to date the sector had not put this forward to the State Government as a policy position for the Government to consider.

### **Agenda Item 9: Code of conduct review**

The PLGC noted the progress on the review of the code of conduct which aims to investigate whether the code of conduct framework is proving to be effective; and identify and address any aspects of the code of conduct framework that have not operated as intended. The PLGC noted that the Local Government Division is working with LGAT and the code of conduct panel members to finalise recommendations to Government, but that there appeared to be significant opportunity to simplify the framework by having resolution mechanisms prior to formal investigations and to remove duplication with offence provisions under the Local Government Act.

The PLGC were informed that some recommendations of the review would be easy to implement primarily because they only require administrative changes, while others would require legislative changes and would therefore not be able to be implemented until after the State Government election in 2018.

## **Agenda Item 10: LG DATA Project**

The PLGC noted the progress on initiatives to improve local government data accessibility and performance monitoring to increase transparency and accountability and support the recommendations in the Productivity Commission's inaugural five-yearly Productivity Review report, 'Shifting the Dial' (the Review). The Review named Victoria's 'Know your council' website as an exemplar of transparent local government performance reporting. The President raised the question of the possibility of utilising the Victorian site to present Tasmanian data and the Director agreed to investigate this with his Victorian counterpart.

The Director informed the PLGC that the Tasmanian local government Consolidated Data Collection from 2000 to 2017 was at the day of the PLGC meeting made publicly available on the LIST. This will provide a rich source of historical data for councils to access, as well as other stakeholders.

## **Agenda Item 11: Community Safety**

The Premier advised the PLGC that community safety at community events required all levels of Government to work collaboratively and that this was a key point of discussion at the Council of Australian Governments (COAG) special meeting on 5 October 2017.

The PLGC noted good examples where such collaboration exists in Tasmania, such as in the management of sporting events at Blundstone Arena and Salamanca Market.

## **Agenda Item 12: Camping facilities and competitive neutrality issues**

The PLGC discussed issues raised in relation to the principles of competitive neutrality and free camping, and noted the issues were complex. While the PLGC affirmed that it is not the role of any level of government to operate with an unfair competitive advantage over a private sector operator, other issues are relevant in considering the provision of support facilities for free or low cost camping in a council area.

The PLGC agreed to the establishment of a reference group including local government, State Government, LGAT and industry to consider the issues and provide advice to Government. The Department of Treasury and Finance is responsible for competitive neutrality policy and administering the *Economic Regulator Act 2009* and the PLGC noted it would need to play a lead role in this work.

## **Agenda Item 13: recommendations from the Glenorchy City Council Board of Inquiry**

The PLGC noted that the recommendations contained in the Glenorchy City Council Board of Inquiry's Final Report (the Report) included some recommendations to apply broadly to the local government sector, and not solely to the Glenorchy City Council. The Director advised that consultation with the sector would occur before any recommendations would be made to Government. The Director noted that a number of recommendations, whilst sound for the Glenorchy context, may not be appropriate to apply sector wide, or that the policy intent of the recommendations may be achievable through other means. The Director advised that the

approach to reviewing the Board's recommendations would include the principle that there needs to be a strong case that the issue being addressed is a sector wide one.

The Minister encouraged PLGC members to promote to all elected members a recommendation that they read the Board's Report. The Report provides an important lesson in how relationship failures can result in serious dysfunction and it also highlights the need for all councils to review practices to ensure they are compliant with laws (and not simply continue with historical practices without checking routinely whether they are still compliant).

The President commented that the local government sector were impressed with the integrity shown by the Government process during the Board of Inquiry given the unexpected time that the Inquiry had taken and the legal challenges the Board faced.

#### **Agenda Item 14: Snapshot of economic development**

The PLGC noted the Snapshot of economic development provided by the Department of State Growth that has a lead role in supporting economic growth and facilitating the creation of jobs and opportunities in the state.

#### **Agenda Item 15: Communique approval**

The PLGC endorsed the draft Communique subject to amendments to include reference to the memorandum of understanding between LGAT and EPA; the strategic alliance between councils in the greater Hobart area to deliver an integrated approach to issues such as planning, transport and economic development; and recognition that the while the role of elected local government members is complex it can also be rewarding. Officials were tasked with finalising the Communique for endorsement by the Premier and President.

#### **Agenda Item 16: Local Government Relief and Recovery Policy**

The PLGC noted the Tasmanian Local Government Relief Policy (the Policy) and discussed the impact of the proposed reforms to how the Australian Government will provide financial assistance to local government for the repair and restoration of essential public assets damaged by natural disasters.

LGAT noted concerns that the responsibility for relief and recovery potentially being increasingly made a local government responsibility and that the funding model is a concern.

The PLGC noted that LGAT is currently consolidating feedback provided on the discussion paper released by DPAC on proposed changes to the Policy.

The PLGC agreed to have this item maintained on the agenda for future meetings.

#### **Agenda Item 17: Work Plan 2017 – 2018**

The PLGC noted the updates to the PLGC work plan without discussion.

#### **Agenda Item 18: Other business and meeting close**

The Lord Mayor voiced her concern that the taxation deductible allowance of \$1,000 per election is not reasonable or adequate and requested the State Government raise this matter with the Commonwealth Government. The Minister commented he was unaware of this limit and requested that LGAT document these concerns in a letter to him and he will raise it with the Federal Treasurer.

The Minister expressed his thanks to be passed-on to his adviser, Tony McCall, for his work in supporting the relationship between the Government and the sector. He also thanked current and previous staff of the Division, including Greg Brown, for their work in supporting the relationship.

Noting this meeting was the last before the State election, the Premier and Minister thanked the PLGC members for their contributions and said Tasmania had progressed as a result of collaboration between both levels of government.

### Meeting closed 4.10pm

Agenda Item	Actions From PLGC Meeting on 14 December 2017	Who	Due Date	Complete Yes/No
6	Director to write to all Councils reminding obligations with regard to managing conflicts of interest and spokesperson provisions	LGD	December 2017	Yes
10	Investigate opportunities to utilise Victoria's 'Know your council' website.	LGD	May 2018	Yes
12	Establish a reference group to provide advice to Government on competitive neutrality and application to free or low cost camping facilities	Treasury/ DPAC	May 2018	Yes
16	Include Local Government Relief and Recovery Policy on the agenda for the next PLGC with a speaker to attend the meeting.	LGD	May 2018	Yes
18	LGAT to write to Minister on issue of deductible allowance of \$1,000 per election and Minister to raise with Federal Treasurer	LGAT and Minister	January 2018	Yes