

SOUTHERN  
MIDLANDS  
COUNCIL



# **AGENDA**

## **ORDINARY COUNCIL MEETING**

---

Tuesday, 26<sup>th</sup> February 2019  
10.00 a.m.

Tunbridge Community Hall  
99 Main Road, Tunbridge

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Dear Sir/Madam

## NOTICE OF MEETING

Notice is hereby given that the next ordinary meeting of Council will be held on

**Date: Tuesday, 26<sup>th</sup> February 2019**

**Time: 10.00 a.m.**

**Venue: Tunbridge Community Hall, 99 Main Road, Tunbridge**

*The Local Government Act 1993 section 65 provides the following:*

- (1) *A general manager must ensure that any advice, information or recommendation given to the council or a council committee is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.*
- (2) *A council or council committee is not to decide on any matter which requires the advice of a qualified person without considering such advice unless –*
  - (a) *the general manager certifies, in writing –*
    - (i) *that such advice was obtained; and*
    - (ii) *that the general manager took the advice into account in providing general advice to the council or council committee; and*
  - (b) *a copy of that advice or, if the advice was given orally, a written transcript or summary of that advice is provided to the council or council committee with the general manager's certificate.*

*I therefore certify that with respect to all advice, information or recommendation provided to the Council in or with this Agenda:*

- 1) *The advice, information or recommendation is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation; and*
- 2) *Where any advice is directly given by a person who does not have the required qualification or experience, that person has obtained and taken into account in that person's general advice, the advice from an appropriately qualified or experienced person.*

***Councillors please note:***

- A representative from the Oatlands District Progress Association will address Council at 12.00 p.m.
- The Chair of the Southern Midlands Regional News Advisory Group (Nan Bray) will address Council at 12.15 p.m.
- Public Question Time has been scheduled for 12.30 p.m.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Tim Kirkwood', written in a cursive style.

Tim Kirkwood  
**GENERAL MANAGER**

# OPEN COUNCIL AGENDA

## 1. PRAYERS

Rev Dennis Cousens to recite prayers.

## 2. ATTENDANCE

## 3. APOLOGIES

## 4. MINUTES

### 4.1 ORDINARY COUNCIL MINUTES

The Minutes (Open Council Minutes) of the previous meeting of Council held on the 23<sup>rd</sup> January 2019, as circulated, are submitted for confirmation.

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

## 4.2 SPECIAL COMMITTEES OF COUNCIL MINUTES

### 4.2.1 SPECIAL COMMITTEES OF COUNCIL - RECEIPT OF MINUTES

The Minutes of the following Special Committee of Council, as circulated, are submitted for receipt:

- Minutes – Campania Recreation Ground Management Committee meeting held 31<sup>st</sup> January 2019.
- Minutes – Chauncy Vale Management Committee meeting held 12<sup>th</sup> February 2019.

### RECOMMENDATION

**THAT the minutes of the above Special Committee of Council be received.**

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

### 4.2.2 SPECIAL COMMITTEES OF COUNCIL - ENDORSEMENT OF RECOMMENDATIONS

The recommendations contained within the minutes of the following Special Committee of Council are submitted for endorsement.

- Minutes – Campania Recreation Ground Management Committee meeting held 31<sup>st</sup> January 2019.
- Minutes – Chauncy Vale Management Committee meeting held 12<sup>th</sup> February 2019.

### RECOMMENDATION

**THAT the recommendations contained within the minutes of the above Special Committee of Council be endorsed.**

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

#### **4.3 JOINT AUTHORITIES (ESTABLISHED UNDER DIVISION 4 OF THE LOCAL GOVERNMENT ACT 1993)**

##### **4.3.1 JOINT AUTHORITIES - RECEIPT OF MINUTES**

The Minutes of the following Joint Authority Meetings, as circulated, are submitted for receipt:

- Southern Tasmanian Councils Authority – 19<sup>th</sup> November 2018.
- Southern Tasmanian Councils Authority (Waste Strategy South) – Nil.

#### **RECOMMENDATION**

**THAT the minutes of the above Joint Authority be received.**

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

##### **4.3.2 JOINT AUTHORITIES - RECEIPT OF REPORTS (ANNUAL & QUARTERLY)**

Reports prepared by the following Joint Authorities, as circulated, are submitted for receipt:

- Southern Tasmanian Councils Authority – Nil.

#### **DECISION NOT REQUIRED**

## 5. NOTIFICATION OF COUNCIL WORKSHOPS

In accordance with the requirements of the *Local Government (Meeting Procedures) Regulations 2015*, the Agenda is to include details of any Council workshop held since the last meeting.

No workshops have been held since the last Ordinary Meeting.

### RECOMMENDATION

**THAT the information be received.**

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

## **6. COUNCILLORS – QUESTION TIME**

### **6.1 QUESTIONS (ON NOTICE)**

Regulation 30 of the *Local Government (Meeting Procedures) Regulations 2015* relates to Questions on notice. It states:

*(1) A councillor, at least 7 days before an ordinary council meeting or a council committee meeting, may give written notice to the general manager of a question in respect of which the councillor seeks an answer at that meeting.*

*(2) An answer to a question on notice must be in writing.*

Nil.

## 6.2 QUESTIONS WITHOUT NOTICE

Section 29 of the *Local Government (Meeting Procedures) Regulations 2015* relates to Questions without notice.

It states:

**“29. Questions without notice**

(1) *A councillor at a meeting may ask a question without notice –*

- (a) of the chairperson; or*
- (b) through the chairperson, of –*
  - (i) another councillor; or*
  - (ii) the general manager.*

(2) *In putting a question without notice at a meeting, a councillor must not –*

- (a) offer an argument or opinion; or*
- (b) draw any inferences or make any imputations –*  
*except so far as may be necessary to explain the question.*

(3) *The chairperson of a meeting must not permit any debate of a question without notice or its answer.*

(4) *The chairperson, councillor or general manager who is asked a question without notice at a meeting may decline to answer the question.*

(5) *The chairperson of a meeting may refuse to accept a question without notice if it does not relate to the activities of the council.*

(6) *Questions without notice, and any answers to those questions, are not required to be recorded in the minutes of the meeting.*

(7) *The chairperson of a meeting may require a councillor to put a question without notice in writing.*

An opportunity is provided for Councillors to ask questions relating to Council business, previous Agenda items or issues of a general nature.

## 7. DECLARATIONS OF PECUNIARY INTEREST

In accordance with the requirements of Part 2 Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2015*, the chairman of a meeting is to request Councillors to indicate whether they have, or are likely to have, a pecuniary interest in any item on the Agenda.

Accordingly, Councillors are requested to advise of a pecuniary interest they may have in respect to any matter on the agenda, or any supplementary item to the agenda, which Council has resolved to deal with, in accordance with Part 2 Regulation 8 (6) of the *Local Government (Meeting Procedures) Regulations 2015*.

## 8. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

In accordance with the requirements of Part 2 Regulation 8 (6) of the *Local Government (Meeting Procedures) Regulations 2015*, the Council, by absolute majority may decide at an ordinary meeting to deal with a matter that is not on the agenda if the General Manager has reported –

- (a) the reason it was not possible to include the matter on the agenda; and
- (b) that the matter is urgent; and
- (c) that advice has been provided under section 65 of the Act.

### RECOMMENDATION

**THAT the Council resolve by absolute majority to deal with any supplementary items not appearing on the agenda, as reported by the General Manager in accordance with the provisions of the *Local Government (Meeting Procedures) Regulations 2015*.**

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

## 9. PUBLIC QUESTION TIME (SCHEDULED FOR 12.30 PM)

In accordance with the requirements of Part 2 Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2015*, the agenda is to make provision for public question time.

In particular, Regulation 31 of the *Local Government (Meeting Procedures) Regulations 2015* states:

- (1) *Members of the public may give written notice to the General Manager 7 days before an ordinary meeting of Council of a question to be asked at the meeting.*
- (2) *The chairperson may –*
  - (a) *address questions on notice submitted by members of the public; and*
  - (b) *invite any member of the public present at an ordinary meeting to ask questions relating to the activities of the Council.*
- (3) *The chairperson at an ordinary meeting of a council must ensure that, if required, at least 15 minutes of that meeting is made available for questions by members of the public.*
- (4) *A question by any member of the public under this regulation and an answer to that question are not to be debated.*
- (5) *The chairperson may –*
  - (a) *refuse to accept a question; or*
  - (b) *require a question to be put on notice and in writing to be answered at a later meeting.*
- (6) *If the chairperson refuses to accept a question, the chairperson is to give reasons for doing so.*

Councillors are advised that, at the time of issuing the Agenda, the following 'Questions on Notice' had been received from Nan Bray (Oatlands).

### **Q1. Kennel at Hastings Street in Oatlands (Tull Luttrell, owner)**

I have for some time had concerns about animal welfare and noise issues associated with this kennel. Although I live about 5 km away, I can often hear the dogs barking. I'm also concerned that the conditions provided for the dogs may not be up to standard. As a kennel licensee of the Council myself, I know that SMC kennel owners are held to strict standards for animal welfare and noise, and I want to ensure the same is true for the kennel in question. I am also concerned for the resident who live nearby the kennels, as the noise must be very vexing to them. My queries are:

- Does the Hastings Street kennel have a licence?
- When was it licensed?
- Was the requisite public notification carried out, and if so, when and in what newspapers etc?
- How many dogs is the kennel licensed to carry?
- How many dogs are currently in the kennel?
- When was the last thorough inspection by Council?

- Has RSPCA ever been called to respond to community concerns about conditions in the kennel?
- If so, what were their findings?
- How many noise complaints have been made since the kennel was established?
- How have those complaints been dealt with?
- What, if any, is Council's plan for reducing the noise?
- Has Council considered that it might not be wise to license such a large number of dogs so close to the centre of town?

**Response from Manager, Development & Environment Services:-**

- *Section 50 (1) of the Dog Control Act 2000 requires the following:*
  - (1) *A person, without a licence, must not keep or allow to be kept, for any period of time, on any premises –*
    - (a) *more than 2 dogs, other than working dogs, over the age of 6 months; or*
    - (b) *more than 4 working dogs over the age of 6 months.*
- *The number of dogs kept at the Hastings Street property exceeds this number.*
- *A Licence to keep this number of dogs under the Dog Control Act 2000 has not been granted by the Council.*
- *A Permit under the Land Use Planning and Approvals Act 1993 was granted in 2012 which allows for the training of dogs on the land.*
- *One (1) complaint has been lodged with Council regarding alleged noise nuisance caused by the dogs on the land in the past 6 years.*
- *Council has no record of any RSPCA visits to the land.*
- *The issue surrounding the keeping of more than 4 working dogs on the land without a Licence is an ongoing compliance matter between Council and the owner of the land. Council cannot disclose any further particulars at this point in time.*
- *Council is required to enforce those requirements of the Dog Control Act 2000 and will continue to work towards a suitable outcome.*
- *Your concerns have been recorded.*

**Q2. Electronic waste depot for Southern Midlands**

This issue is one I've been considering for a couple of years, as the proliferation of computing equipment and personal phones has made the safe and effective disposal/recycling of e-waste a priority around the world. As far as I know, Kingborough Council has the only e-waste depot in the southern part of the state.

- Has Council considered the issue of e-waste in past deliberations?
- Would Council feel this is an issue worth taking on?
- Could some kind of agreement be reached with Kingborough Council to cooperate in an e-waste program for SMC?
- Would it be possible to establish an e-waste container at the different waste transfer stations in the municipality?

**Response from Manager, Development & Environment Services:-**

- *The issue of E-Waste was considered as part of the 2016 review of Southern Midlands waste management and in the preparation of Council's Waste Management Strategy (August 2016).*
- *Council made no specific recommendations in the strategy toward a dedicated E-Waste disposal area at any of the 3 waste transfer stations.*
- *Currently any ratepayers/customers to the waste transfer stations would dispose of such E-waste in the general waste stream – unless any steel can be separated in which case steel is recycled.*
- *In Tasmania only some of the larger Council's can afford (and have the population) to dedicate resources to collect E-Waste separately. Places such as Hobart generate vastly higher quantities of E-Waste to other Councils given the large amount of offices in the city. This would make it more feasible.*
- *Most Council's work collaboratively through the respective regional waste groups to find simple and affordable solutions. One such solution was free "temporary" collection points setup in convenient locations. A couple of these were held in the North last year.*
- *There hasn't been one in the South for sometime. Council can raise the matter at the next regional meeting. The group is the Southern Waste Strategy under the Southern Tasmanian Council Authority (STCA). Mayor Alex Green is Council's Elected Representative.*
- *An option therefore available to Southern Midlands is to use our communications networks to lobby for another E-Waste collection drive and spread the message to the community. There is then an opportunity for community persons to then assist each other in a community collection.*

Mayor A O Green to then invite questions from members of the public in attendance.

## 9.1 Permission to Address Council

Permission has been granted for the following person(s) to address Council:

- A representative from the Oatlands District Progress Association will address Council at 12.00 p.m.
- The Chair of the Southern Midlands Regional News Advisory Group (Nan Bray) will address Council at 12.15 p.m.

## 10. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN UNDER REGULATION 16 (5) OF THE LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2015

### 10.1 SOUTHERN MIDLANDS REGIONAL NEWS

*Clr D Fish has submitted the following Notice of Motion:*

THAT:

- a) the Southern Midlands Council record its total dissatisfaction with the nature of reporting in the Southern Midlands Regional News;
- b) Council undertake an assessment of each edition of the Southern Midlands Regional News with the intention of seeking appropriate advice as to whether any content is of a defamatory nature relating to any Councillor or Council employee; and
- c) Council advise the Chair of the Southern Midlands Regional News Advisory Group (as per advice provided to the previous Chair) that any awareness or allegations relating to corruption, fraud (or similar), should be reported to the relevant authority and evidence provided so that any allegation can be investigated.

#### **BACKGROUND (Comments provided by Clr D Fish)**

This Motion is submitted in response to representations that have been made by members of the community in relation to the 'reports' contained in the Southern Midlands Regional News.

#### **General Manager's Comments:**

Nil.

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

**11. COUNCIL ACTING AS A PLANNING AUTHORITY PURSUANT TO THE LAND USE PLANNING AND APPROVALS ACT 1993 AND COUNCIL'S STATUTORY LAND USE PLANNING SCHEME**

*Session of Council sitting as a Planning Authority pursuant to the Land Use Planning and Approvals Act 1993 and Council's statutory land use planning schemes.*

**11.1 DEVELOPMENT APPLICATIONS**

Nil.

**11.2 SUBDIVISIONS**

Nil.

**11.3 MUNICIPAL SEAL (Planning Authority)**

Nil.

## 11.4 PLANNING (OTHER)

### 11.4.1 PLANNING APPEAL (REFERENCE 159-18P) EMMA RILEY ASSOCIATES V SOUTHERN MIDLANDS COUNCIL - DEVELOPMENT APPLICATION (DA 2018/90) FOR A WHISKEY DISTILLERY AND ASSOCIATED VISITOR SERVICES (RETAIL, TOURS, TASTINGS) AND FOOD SERVICES (CAFÉ) AT 99 HIGH STREET AND 6 MILL LANE OATLANDS

**Author:** MANAGER DEVELOPMENT & ENVIRONMENTAL SERVICES (DAVID CUNDALL)

**Date:** 20 FEBRUARY 2019

#### ISSUE

As Council are aware the Applicant for the Development Application (DA 2018/90) for a Whiskey Distillery and associated Visitor Services (retail, tours, tastings) and Food Services (café) at 99 High Street and 6 Mill Lane Oatlands has appealed a condition of the permit granted at the December 2018 Special Meeting.

There are only two (2) parties to the appeal. That is the Appellants (and proponent for the development) Emma Riley and Associates acting on behalf of their Client John Ibrahim and the Council as Planning Authority.

Council Officers have completed mediation with the Appellant through the Resource Management and Appeals Tribunal (RMPAT) and have agreed to the filing of a consent memorandum. The hearing date has been vacated.

The consent memorandum and the details of the Appeal were provided to Council outside of sitting as the Planning Authority.

No opposition to the signing of the Consent Memorandum by the General Manager as delegate was received by any Elected Member.

The purpose of this report is for the Planning Authority to ratify the decision to sign the consent memorandum by the General Manager agreeing to modify Condition 14 of the permit DA 2018/90 and for the Planning Authority to issue the modified permit at the direction of the RMPAT.

The report also seeks to ensure those details pertaining to the decision are recorded as the reasons for the decision.

#### BACKGROUND

The ground of appeal in regard to the condition is:

*Condition 14 of the planning permit is unreasonable. The condition requires a monetary contribution in lieu of on-site car parking which is based on overestimated car parking demand attributed to the proposed development.*

**[Grounds of Appeal prepared by the Appellant dated 20<sup>th</sup> December 2018]**

The condition (Condition 14) on the permit DA 2018/90 is as follows:

- 14) *Prior to the commencement of use the developer must pay a contribution to the Southern Midlands Council for \$60,000 for upgrading of the existing Barrack Street car park. The contribution is based on 50 car spaces at \$1200 per space.*

**[Extract from Permit DA 2018/90 dated 20<sup>th</sup> December 2018]**

In essence the Appellant claimed the number of car spaces necessary to serve to the proposal was excessive and therefore the dollar value attributed to the deficit in parking numbers is unreasonable and did not meet the actual parking demand generated nor reasonably account for the existing deficit in parking at the Callington Mill complex.

**Explanation of Condition**

The parking numbers (and deficit) for the proposed use/development was determined by visitor and parking numbers provided by the Applicant and those requirements for parking spaces provided in the Parking and Access Code of the *Southern Midlands Interim Planning Scheme 2015* (“the Scheme”).

Where such places cannot be provided, on the land, Council must assess the impact on the surrounding area and the capacity of off-street and public carpark places to accommodate the parking. In this case it was assessed that the nearby Barrack Street carpark would likely be used for visitors to the distillery and that the carpark would need some expansion, parking space delineation and additional maintenance.

A cash contribution is not uncommon in planning approvals with some Council’s adopting strict policy regarding cash amounts and requirements. There is also provision in the Planning Scheme that allows Council to seek cash in lieu where necessary.

**Mediation Process**

A preliminary and directions hearing was held at the RMPAT Offices on the 17<sup>th</sup> January 2019. The Appellants gave an undertaking at the hearing that they would recalculate the parking and visitor figures and return to Council Officers with a figure. That figure could then be discussed and negotiated.

A final figure of 18 car spaces was eventually reached. The figure calculated in the initial assessment of the proposal was 50 spaces.

It was agreed that the 50 spaces would be required due to a “shared demand” between the proposed distillery and the existing Callington Mill complex (to be re-opened in association with the proposed distillery). It was agreed that visitor numbers and parking spaces however cannot be directly attributed to the distillery only and that the existing use accounts for a significant amount of parking demand.

The existing Callington Mill site does not currently have sufficient onsite parking to conform with the Planning Scheme.

The parking spaces are calculated as follows:

- Off-site parking demand for the combined Mill and Distillery site: 55 Bays (not directly attributed to Distillery and therefore not part of contribution calculations)
- Off-site parking demand directly apportioned to Distillery alone for Resource Processing: 6 Bays
- Off-site parking demand directly apportioned to Distillery alone for uses other than Resource Processing: 12 Bays

### Consent Agreement

A consent agreement was prepared through a mediation process between Council and the Appellant as directed by the RMPAT. The agreement has been signed by the General Manager on the provision that the Planning Authority ratify that decision at the next available meeting (this meeting).

The final parking deficit was determined to be 18 spaces. The consent memorandum is:

*The Parties to this appeal agree that the appeal be resolved in the following terms:*

(a) *That planning permit DA 2018/90 issued by the Southern Midlands Council on 20 December 2018 be amended by:*

*i. Deleting condition 14 and replacing it with the following condition:*

*Prior to the commencement of use the developer must pay a contribution to the Southern Midlands Council for \$21,600 for upgrading of the existing Barrack Street car park. The contribution is based on 18 car spaces at \$1200 per space.*

(b) *That the Southern Midlands Council be directed to issue an amended permit incorporating the above terms; and*

(c) *That each party bear their own costs of an incidental to this appeal.*

**[Extract from Consent Memorandum for Appeal Reference 159/18P dated February 2019]**

## RECOMMENDATION

### THAT

- A. The Planning Authority ratify the decision to sign the Consent Memorandum dated 14<sup>th</sup> February 2019 in the Appeal (Reference 159/18P) agreeing to modify the Condition 14 of the Permit DA 2018/90 to:
- 14) Prior to the commencement of use the developer must pay a contribution to the Southern Midlands Council for \$21,600 for upgrading of the existing Barrack Street car park. The contribution is based on 18 car spaces at \$1200 per space.*
- B. The Planning Authority subject to a decision and direction of the Resource Management and Planning Appeals Tribunal under Section 17 of the *Resource Management and Planning Appeal Tribunal Act 1993* issue the permit DA 2018/90 with the modified Condition 14.

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

## 12. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – INFRASTRUCTURE)

### 12.1 Roads

**Strategic Plan Reference 1.1.1**

*Maintenance and improvement of the standard and safety of roads in the municipal area.*

Nil.

## 12.2 Bridges

### Strategic Plan Reference 1.2.1

*Maintenance and improvement of the standard and safety of bridges in the municipal area.*

### 12.2.1 UPDATE - BLACKMAN RIVER BRIDGE, TUNBRIDGE - RENEWAL WORKS – DEPARTMENT OF STATE GROWTH

**Author:** MANAGER DEVELOPMENT & ENVIRONMENTAL SERVICES (DAVID CUNDALL)

**Date:** 20 FEBRUARY 2019

### ISSUE

This report will provide a short update on the progress of the Blackman River Bridge works planned by the Department of State Growth (“the Department”).

The report is further to an update provided to Council at the February 2017 Council Meeting at the Tunbridge Hall. The update provided at the time was that:

*The project has not progressed to construction drawings and tender documentation as the current 5T load limit imposed is viewed as serving as an effective mitigation measure and would allow the bridge to maintain its functionality for now. It is also regularly inspected by our bridge inspector every 6 months. There is some budget in the forward programme but it is likely that this project will be deferred as a consequence of more urgent maintenance action needed on another declared structure in the next FY. If that happens, the project for Blackman River Bridge will likely be postponed till FY2019/20. Irrespective of when the project commences, State Growth will progress with getting the project ready for implementation should there be alternate funding sources (State or Commonwealth) made available. A development application is required to be lodged with Southern Midlands Council (and Northern Midlands Council) with referral to Heritage Council. Once the program has been confirmed for 2017/2018 we can provide an update on programming for the bridge and advice on when an application will be lodged to ensure all information requirements are met. I hope this provides sufficient information to take to the Council meeting tomorrow.*

*Kathryn Fry*

*Acting Manager*

*Environment & Development Approvals | Network Management | State Roads Transport, Regulatory and Customer Service | Department of State Growth*

**[Extract from the meeting held 21<sup>st</sup> February 2017]**

The Department had not progressed with the detailed design works and has not settled on a final design or design option for the Bridge. Consequently no Development Application has been lodged under the *Land Use Planning and Approvals Act 1993*.

The latest information from the Department was provided to Council, this month, early February 2019.

The report is for information only.

## BACKGROUND

The bridge crosses the Blackman River at the northern end of Tunbridge. This bridge is an important symbol of the north/south boundary of Tasmania, the Blackman River being the traditional boundary between the northern and southern regions of Tasmania. It is an impressive structure with a timber deck on top of three intermediate piers of picked stone with four spans. Each stone pier is topped with a short tower with corbelled top. Timber balustrades link the towers on either side of the bridge. Built in 1848 the bridge is said to be the oldest timber-decked and oldest single span bridge in Australia. A rare example of a sandstone bridge with timber decking. The bridge is a tourist attraction unto itself.

The Department has deemed the bridge is need of maintenance and renewal works – the objectives are:

- Aiming for a T44 design load (44 tonne);
- Safe for users – meeting the Australian Standard and likely use of the bridge by pedestrians and tourists alike;
- Heritage considerations;
- Cost effective and long life;
- Design agreeable with Northern Midlands Council and Southern Midlands Council and Heritage Tasmania;
- That also the bridge design and works meet planning requirements (including works to heritage listed place).

As Council would recall the Department approached Council in 2014 to commence a discussion into options for renewal and/or upgrade to the heritage listed bridge.

The Department consulted with key stakeholders being the Northern Midlands Council, the Southern Midlands Council and Heritage Tasmania.

The Department has so far explored four (4) design options for the bridge and has, to this date, still not yet settled on a final design.

The 2016 preferred option was to replace the timber with a like for like timber girders. Either laminated/engineered beams or actual long timber span timbers. Surface treatment was a simple concrete deck sitting on the timber girders. Possible spray seal on top with design treatment to maintain heritage appeal.

### **Update February 2019**

Council Officers contacted the Department in January 2019 in anticipation of the February Tunbridge Council meeting to get an update on the progress of the bridge repairs. The Departments Manager of Bridge Assets provided the following details:

- Department is currently finalising a couple of designs that they can bring to both Southern and Northern Midlands Councils to further discuss particulars.
- Have also been in discussion with timber suppliers to determine availability and suitability of logs/beams of the required sizes.
- Should be in a position to address and brief Council in April 2019.
- Department want Heritage Tasmania, both Councils and State Growth to all agree to final design details before the submission of a Development Application for a permit under the *Land Use Planning and Approvals Act 1993*.

### **RECOMMENDATION**

**THAT the information be received.**

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

### 12.3 Walkways, Cycle ways and Trails

**Strategic Plan Reference 1.3.1**

*Maintenance and improvement of the standard and safety of walkways, cycle ways and pedestrian areas to provide consistent accessibility.*

Nil.

### 12.4 Lighting

**Strategic Plan Reference 1.4.1a & 1.4.1b**

*Ensure adequate lighting based on demonstrated need / Contestability of energy supply.*

Nil.

### 12.5 Buildings

**Strategic Plan Reference 1.5.1**

*Maintenance and improvement of the standard and safety of public buildings in the municipality.*

Nil.

### 12.6 Sewers / Water

**Strategic Plan Reference(s) 1.6.1 & 1.6.2**

*Increase the capacity of access to reticulated sewerage services / Increase the capacity and ability to access water to satisfy development and Community to have access to reticulated water.*

Nil.

### 12.7 Drainage

**Strategic Plan Reference 1.7.1**

*Maintenance and improvement of the town storm-water drainage systems.*

Nil.

## 12.8 Waste

**Strategic Plan Reference 1.8.1**

*Maintenance and improvement of the provision of waste management services to the Community.*

### 12.8.1 COUNCIL ROADSIDE COLLECTION SERVICE FOR GARBAGE AND RECYCLING – 6 MONTH EVALUATION OF CHANGES INTRODUCED AUGUST 2018 (AND OVERALL REVIEW OF PROJECT PERFORMANCE)

**Author:** MANAGER DEVELOPMENT & ENVIRONMENTAL SERVICES (DAVID CUNDALL)

**Date:** 20 FEBRUARY 2019

**Attachment:**

*Project Review 2018 Waste Contract and New Roadside Collection Service*

#### PURPOSE OF REPORT

To provide Council with an evaluation report on the changes to the roadside garbage and recycling collection service implemented in August 2018.

The report is a 6 month review to evaluate how the project and the changes have performed.

The enclosed report *2018 Roadside Collection Contract & Associated Changes to Service – Project Review and Closure Report* (20<sup>th</sup> February 2019) provides a detailed review of the project and the changes.

Officers gave an undertaking to Council in implementing the project at the January 2018 Council meeting and again at the November 2018 meeting that a report would be provided to Council 6 months after the new services had commenced. This is also a suitable time to review the project and how the changes were implanted.

#### BACKGROUND

As Council would recall the previous contract for the roadside collection service expired end of June 2018. Council needed to tender a new contract for the roadside collection service.

The expiration of the contract was an opportunity to implement recommendations of Council's *Waste Management Strategy (2016)* and to ultimately make improvements to efficiencies in the roadside collection service and reduce volumes of waste to landfill.

The existing contract was for a weekly collection service for Oatlands, Kempton, Dysart, Campania, Colebrook, Jericho, Mangalore, and Bagdad; and a fortnightly collection service for Tunbridge, Broadmarsh, Elderslie, Woodsdale, and Levendale. The fortnightly service is comprised of 231 collections with a 240lt general waste bin and 55lt recycling crate for each household/collection. The weekly service is comprised of 1,389 collections with a 140lt general waste bin and a 55lt recycling crate for each household/collection.

The general waste and recyclables were collected by a garbage truck and trailer (for the recyclables). The general waste (140lt and 240lt bins) were collected mechanically (side loaded) and carted to the Jackson Street Waste Management Centre in Glenorchy as landfill. The recyclables (55lt crates) were manually handled (by a runner or the truck operator) into a trailer and disposed at SKM Recycling Glenorchy.

The project and changes were to implement a new contract for a fortnightly collection service for all areas on the collection service and to make changes to the operation including the delivering of new wheelie bins.

The project objectives were:

- Review waste management practices at Council and best practice at other Council's in Australia
- Review and capture more accurate waste management data – including volumes of waste, allocation of bins, monitoring of waste streams;
- Tender a new contract with changes; including:
  - Transition to a fortnightly collection service
  - Collect all old 140lt bins an, 55lt crates, and old 240lt bins and put into storage
  - Replace the old bins with new 240lt bins that meet Australian standards for identification
- Implement relevant recommendations of the Waste Strategy to reduce waste to landfill; and
- Improve operational efficiencies
- Implement cost saving measures in the long term.
- Implement educational campaign and communications between staff, Council and ratepayers.
- Close project once new service had fully commenced and all bins had been replaced (as far as practical per the brief).

Council Officers would then provide a report to Council on the performance of the new service and highlight any issues experienced to date.

## DISCUSSION

The detailed evaluation is provided in the attached report.

Of interest to Council, as raised in question time at the November 2018 meeting was the community response to the implementation of the fortnightly service and the use of “larger” 240lt wheelie bins. There were concerns of Elected Members that the bins maybe too large to handle for some residents. It was suggested that residents that would like a smaller wheelie bin should contact the Council offices and register their concerns.

A register was created at the Kempton Office which would be used to capture any concerns with the larger bins and any issues with the fortnightly service. To date no issues have been communicated to the office.

The only issues, as such, were associated with the initial implementation of the service and the challenges associated with administrating, managing and delivery of new bins in a large rural area.

**Human Resources & Financial Implications** - This purpose of this report is to communicate the enclosed evaluation report. There are no financial implications identified in this process. The evaluation was conducted by Council's Manager Development and Environmental Services.

**Community Consultation & Public Relations Implications** - Further social media posts and educational material will be provided to ratepayers and the Southern Midlands community to further encourage re-use, reduce and recycling. Also to ensure that contaminants entering the recycling stream are eliminated. Contaminates are waste products that cannot be recycled.

The community should also be mindful that placing hazardous materials in the recycling can risk the health of recycling and waste handling personnel. Also Council will be charged additional fees in such circumstances. Education and compliance, as necessary, around these matters will be ongoing.

**Risk Assessment** - The evaluation of a project is sound means of identifying issues or highlight any unidentified or unmanaged risk in a project. The evaluation report expands further on this matter.

## CONCLUSION

The report is a 6 month evaluation of the new roadside garbage and recycling collection service implemented in August 2018 the report is also an overall review of the project as implemented in January 2018.

The report, per the enclosure, demonstrates the following:

- The new service has been successfully delivered
- Council is projected to significantly reduce waste being sent to landfill
- Overall reduced costs in delivering the service
- Further risk assessment prior to implementing this project and for that matter any project is critical to better managing risk/changes and keeping a project under budget and on time.
- The project met all objectives.

## RECOMMENDATION

**THAT the report be received.**

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

## 12.9 Information, Communication Technology

**Strategic Plan Reference 1.9.1**

*Improve access to modern communications infrastructure.*

Nil.

## 12.10 Officer Reports – Infrastructure & Works

### 12.10.1 MANAGER – INFRASTRUCTURE & WORKS REPORT

**Author:** MANAGER INFRASTRUCTURE & WORKS (JACK LYALL)

**Date:** 20 FEBRUARY 2019

#### Roads Program

Due to the present dry conditions, minimal maintenance grading is being undertaken. One grader is working in the Dysart and Church Road areas. The other grader is working on Interlaken Road and will be in Stonor area shortly.

Roadside slashing is continuing in the York Plains / Lemont area. There are three roads left to be completed in the southern section being Brown Mountain Road, Hardings Road and Link Road.

#### Town and General Maintenance

Town and general maintenance is continuing in all other areas.

A heavy storm was experienced in Campania recently and culvert clearing has been undertaken following this storm. The large stormwater outlet from Reeve Street to private property is being cleared at present.

#### Waste Management Program

Operating arrangements at the Waste Transfer Stations are working well.

### QUESTIONS WITHOUT NOTICE TO MANAGER, INFRASTRUCTURE & WORKS

### RECOMMENDATION

**THAT the Infrastructure & Works Report be received and the information noted.**

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

## **13. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – GROWTH)**

### **13.1 Residential**

**Strategic Plan Reference 2.1.1**

*Increase the resident, rate-paying population in the municipality.*

Nil.

### **13.2 Tourism**

**Strategic Plan Reference 2.2.1**

*Increase the number of tourists visiting and spending money in the municipality.*

Nil.

### **13.3 Business**

**Strategic Plan Reference 2.3.1a, 2.3.1b & 2.3.1c**

*Increase the number and diversity of businesses in the Southern Midlands / Increase employment within the municipality / Increase Council revenue to facilitate business and development activities (social enterprise).*

Nil.

### **13.4 Industry**

**Strategic Plan Reference 2.4.1 & 2.4.2**

*Retain and enhance the development of the rural sector as a key economic driver in the Southern Midlands / Increase access to irrigation water within the municipality.*

Nil.

## 14. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – LANDSCAPES)

### 14.1 Heritage

**Strategic Plan Reference 3.1.1, 3.1.2 & 3.1.3**

*Maintenance and restoration of significant public heritage assets / Act as an advocate for heritage and provide support to heritage property owners / Investigate document, understand and promote the heritage values of the Southern Midlands.*

#### 14.1.1 HERITAGE PROJECT PROGRAM REPORT

**Author:** MANAGER HERITAGE PROJECTS (BRAD WILLIAMS)

**Date:** 21 FEBRUARY 2019

**Attachment:**

*Southern Midlands Council Historic Heritage Strategy 2019-2023*

#### ISSUE

Report from the Manager, Heritage Projects on various Southern Midlands Heritage Projects.

#### DETAIL

During the month, Southern Midlands Council Heritage Projects have included:

- Fitout and occupation of the Heritage Hub is progressing, with engagement of user groups and finalisation of planning occurring.
- Finalisation of works at the Kempton Council Chambers. Electrical work is complete and wallpaper near complete.
- The Convict Archaeology in the Southern Midlands (CASM) project was successfully staged at the Picton Road Station site near Kempton under the direction of UTas Adjunct Professor Eleanor Casella. This 16-day project uncovered remains of several parts of the road station and trained 10 UTas students in an accredited archaeological field methods course. This program has received positive media attention and culminated in an open day on February 1<sup>st</sup> – the public event at the Kempton Watch House attracted around 80 people (staged again on Kempton Festival day with around 60 people attending).
- Archaeological investigations at the Oatlands Guard House were undertaken over a five-day period through the UTas Faculty of Education which trained five history teachers in basic archaeological methods. This is in preparation for the further interpretation plan of the Oatlands Commissariat and Guard House site.
- A debrief on both these projects is being prepared in conjunction with UTas and will be provided to Council in a forthcoming Councillor Information Bulletin.
- Professor Casella is working on the write-up of the Picton project and artefact curation. She will be ‘archaeologist in residence’ at the Oatlands Gaoler’s Residence for period of March-April and will be staging various promotional events.

- Consultation on the Draft Southern Midlands Historic Heritage Strategy has been considered. In total, three submissions were received:
  - One from Heritage Tasmania, congratulating Southern Midlands Council on the initiative.
  - One from a resident of Kempton also congratulating Council.
  - One from a resident of Oatlands which raised a number of matters which are not considered to change the tenor of the strategy, but will be considered as operational matters, these matters include:
    - Various concerns with statutory planning processes (largely arising from state planning initiatives – which are outside the scope of the strategy).
    - Some comments about the operations of the Centre for Heritage at Oatlands, (referred to the CfH Board for response).
    - Comments re rationalisation of use of Council-owned heritage buildings (largely picked up in the Heritage Hub project but acknowledged as an ongoing operational focus).
    - Concerns that the archaeological program is too ‘convict focussed’ (this will be substantially broadened in the forthcoming archaeology strategy).
    - A response to this submission has been sent.
- In addition, the comments from the October Council meeting have been incorporated into the final document (Provided in the attachments to this Council Meeting Agenda).
- A rise in the number of statutory heritage referrals being assessed.
- Discussions with the Anglican Diocese regarding the redress and church sales process.
- Note that for part of this month, Brad Williams has been working on secondment to Heritage Building Solutions for a project, as well as working under the resource-share agreement for Derwent Valley Council.
- Council is informed of the departure of Simon Blight from the Heritage Projects team, who has returned to Canberra for personal reasons. In the (almost) 2.5 years Simon was at Southern Midlands, he has been an asset to the organisation and his presence will be missed.

## RECOMMENDATION

**THAT the Heritage Projects Report be received and the information noted.**

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

## 14.2 Natural

### Strategic Plan Reference 3.2.1 & 3.2.2

*Identify and protect areas that are of high conservation value / Encourage the adoption of best practice land care techniques.*

### 14.2.1 LANDCARE UNIT – GENERAL REPORT

**Author:** NRM PROGRAMS MANAGER (MARIA WEEDING)

**Date:** 18 FEBRUARY 2019

**ISSUE:** Southern Midlands Landcare Unit Monthly Report.

#### DETAIL

- Kempton Streetscape: The Group met on Tuesday 4<sup>th</sup> February 2019. Discussions on potential budget items, the RSL / Community Hall access, clock tower works and mural works. Panels to match existing have now arrived and should be installed very soon. Further research on swing options for the playground to be done.
- Signage for the shower block, the BBQs / playground and power metre boxes at Callington Park and toilet block at Oatlands have been ordered. Mostly replacing existing temporary or old signage.
- Helen Geard attended the Health and Wellbeing meeting at Bagdad to provide input into the proposed Council Community Health and Wellbeing Plan.
- Helen Geard and Maria Weeding watered several 100 plants around Lake Dulverton late in January using a fire unit and spray unit with 1600 litres of water combined. The more recent plantings were the target, given the persistent spell of very high temperatures and lack of rain throughout January. The watering was very valuable for a number of stressed plants considered still in the 'establishment' phase.
- Helen Geard and Maria Weeding have almost completed the annual cumbungi 'hunt and destroy' task in and around Lake Dulverton. 2018 was a very bad year for the lake with many single and multiple plant sites found. Revisiting the sites one year later, showed almost a 100% effective removal of the numerous outbreaks detected last year. Only one new patch was found in 2019, with maybe 40 plants. Overall, very positive results. However, this weed will always remain a significant threat to the lake due to other outbreaks on private property existing and increasing, elevating the risk of it being bought into the lake.
- The Weeds Officer position was advertised, and has now closed. Applicants will be contacted in due course.
- A plant at the corner of Sandmarsh and Buckland Road was of concern to a resident who notified Council with a query as to the identification of the plant. Onsite investigation revealed that it is Californian Stinkweed. The site will be monitored.

## RECOMMENDATION

**THAT the Landcare Unit Report be received and the information noted.**

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

### 14.3 Cultural

**Strategic Plan Reference 3.3.1**

*Ensure that the cultural diversity of the Southern Midlands is maximised.*

Nil.

### 14.4 Regulatory (Other than Planning Authority Agenda Items)

**Strategic Plan Reference 3.4.1**

*A regulatory environment that is supportive of and enables appropriate development.*

Nil.

### 14.5 Climate Change

**Strategic Plan Reference 3.5.1**

*Implement strategies to address issues of climate change in relation to its impact on Councils corporate functions and on the Community.*

Nil.

## **15. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – LIFESTYLE)**

### **15.1 Community Health and Wellbeing**

**Strategic Plan Reference 4.1.1**

*Support and improve the independence, health and wellbeing of the Community.*

Nil.

### **15.2 Youth**

**Strategic Plan Reference 4.2.1**

*Increase the retention of young people in the municipality.*

Nil.

### **15.3 Seniors**

**Strategic Plan Reference 4.3.1**

*Improve the ability of the seniors to stay in their communities.*

Nil.

### **15.4 Children and Families**

**Strategic Plan Reference 4.4.1**

*Ensure that appropriate childcare services as well as other family related services are facilitated within the Community.*

Nil.

### **15.5 Volunteers**

**Strategic Plan Reference 4.5.1**

*Encourage community members to volunteer.*

Nil.

## 15.6 Access

### Strategic Plan Reference 4.6.1a & 4.6.1b

*Continue to explore transport options for the Southern Midlands Community / Continue to meet the requirements of the Disability Discrimination Act (DDA).*

### 15.6.1 OATLANDS DISTRICT PROGRESS ASSOCIATION – REQUEST FOR BUS SHELTER (HIGH STREET, OATLANDS)

**Author:** GENERAL MANAGER (TIM KIRKWOOD)

**Date:** 8 FEBRUARY 2019

#### ISSUE

Council to consider feedback received in response to an invitation for the community to comment on the proposed design of the Bus Shelter to be located in High Street, Oatlands (proposed to be sited adjacent to the Oatlands District High School netball court).

#### BACKGROUND

The request for a bus shelter was initiated by the Oatlands District Progress Association via an email dated 17<sup>th</sup> September 2018.

The request was first considered by Council at its September 2018 meeting, at which it was resolved to endorse ‘in-principle’ and that Council officers proceed to obtain alternative cost estimates and designs for further consideration.

The following background comments and detail were provided in the initial report to Council:

*For information, the Redline Coach service, subject to advanced bookings, comes through Oatlands three times per day on weekdays (from both north and south), and there are two services on weekends.*

*In past years, the bus collection point has changed a number of times along High Street, Oatlands (for various reasons), however it is apparent that the present bus stop, located in front of the Oatlands District High School has become a more permanent arrangement.*

*Whilst the provision of Bus shelters is generally not a local government responsibility, past requests to the bus service organisations to provide such infrastructure, or alternatively, to contribute to bus shelters, has proven to be unsuccessful.*

*In reference to the Email correspondence from the Oatlands District Progress Association, it goes without saying that Oatlands does experience some adverse weather conditions that can make waiting for a bus extremely uncomfortable. For this reason, and from a community service perspective, it is suggested that Council be prepared to fund the cost of providing an appropriate shelter.*

*Due to the central location of the shelter, it is envisaged that the shelter would not only be used by bus passengers, but also the broader community as a drop-off or collection point, including school children.*

*Based on the indicative bus shelter design that was included in the Email, a price of \$6,700 has been obtained however there is an additional freight component of \$4,370.00.*

*In light of this, it is anticipated that a Shelter could be fabricated locally for a much lesser amount, but there has been insufficient time to design and seek a quote. Subject to Council's decision, this can be progressed in the short-term.*

In November 2018, a further report was submitted to Council. A cost estimate of \$14,000 was provided, which included fabrication (quote of \$12,250) and an allowance of \$1,500 to transport the shelter and construct the slab.

The report indicated that a number of design options had been considered with the following being the preferred based on its heritage style, size and budget. The proposed shelter is 3.5 metres long x 1.50 metres wide. Three sides would be half glass; and double back colorbond. Colours had yet to be decided.



In response to that follow-up report, it was resolved that the proposed design be released for public comment and feedback (allowing a two week period).

## **DETAIL**

An 'Invite to Provide Comment and Feedback' was circulated via community noticeboards; SMC Facebook page and SMC Website (refer attached).

A total of three (3) submissions were received:

**Jenny Sims - Oatlands**

The bus shelter is a very necessary addition to the amenities of Oatlands.

I have personally heard many comments about this proposal, none of which have denied the need for a shelter.

I have heard many opinions about the design. It seems everybody has their own opinion as to what the shelter should look like. I hope that when the decision is made the primary function of shelter is not overlooked and that the aesthetics, or the possible lack of consensus about the design, do not hinder the timely erection of this shelter.

**Marie & Kerry Lee - Oatlands**

We thank the Southern Midlands Council for its in-principal undertaking to erect the proposed bus shelter and congratulate Council for taking the very community-minded step of requesting public feedback on the proposed design. It is hoped that this level of community consultation is a sign of a new model which will encourage, welcome and take community opinion into account, particularly where the preservation of the rich heritage environment of Oatlands is of paramount importance.

The writers believe that the proposed design appropriately takes into account the historic ambience of Oatlands. It is important, though, to note that preserved early examples of unpainted **vertical** corrugated iron appear notably in and around Oatlands and other areas within the Southern Midlands and other historic areas and sites across Tasmania. It is suggested, therefore that this be used in preference to **horizontal** Colorbond. The use of Colorbond and similar products, especially in the horizontal position in heritage precincts, is an inappropriate and unacceptable compromise when interpreting for an authentic appearance. Whilst it is the writers opinion that the design is suitable, it is suggested that hardwood framing might be used instead of steel. The natural colour of vertical corrugated iron, which will in time, patinate, together with painted hardwood would be an outstanding authentic addition to this important heritage streetscape.

**Terry Loftus - Oatlands District Progress Association**

Please find attached a photo of a suggestion for the new Oatlands Bus Shelter.

The Oatlands District Progress Association (ODPA), at last week's monthly meeting, discussed this issue.

After considering a number of designs, ODPA agreed to submit this design style for consideration.

If you would like to discuss our proposal, please feel free to contact ODPA.



*Suggested design style submitted from Oatlands District Progress Association*

## DISCUSSION

In reference to the feedback received from Marie and Kerry Lee, it is thought that the use of unpainted **vertical** corrugated iron (as opposed to the colorbond material) would certainly be appropriate. Timber framing is not supported as use of steel would reduce the need for maintenance and extend the life of the asset.

**Human Resources & Financial Implications** – A budget has not been allocated in 2018/19. It follows that there is no capacity within the existing budget to fund the Bus Shelter this financial year, and hence, it needs to be carried forward for inclusion in the 2019/20 budget.

**Community Consultation & Public Relations Implications** – The need for a bus shelter has certainly been suggested in the past, however due to the frequent change in location of the bus stop, and in the absence of support from the bus service organisation(s), the suggestion has not been progressed beyond that stage.

**Policy Implications** – N/A

**Priority - Implementation Time Frame** – subject to available funding.

## RECOMMENDATION

**THAT:**

- a) The information be received;
- b) Council confirm its acceptance of the proposed design (noting the proposed change to use unpainted vertical corrugated iron (as opposed to colorbond material); and
- c) That an amount of \$14,000 be committed in the 2019/20 Capital Works Program for construction of a Bus Shelter in High Street, Oatlands.

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

## 15.7 Public Health

**Strategic Plan Reference 4.7.1**  
*Monitor and maintain a safe and healthy public environment.*

Nil.

## 15.8 Recreation

**Strategic Plan Reference 4.8.1**  
*Provide a range of recreational activities and services that meet the reasonable needs of the Community.*

Nil.

## 15.9 Animals

**Strategic Plan Reference 4.9.1**  
*Create an environment where animals are treated with respect and do not create a nuisance for the Community.*

Nil.

## 15.10 Education

### Strategic Plan Reference 4.10.1

*Increase the educational and employment opportunities available within the Southern Midlands.*

#### 15.10.1 BAGDAD PRIMARY SCHOOL – VEHICLE PARKING AND TRAFFIC CONGESTION IN SCHOOL PRECINCT

**Author:** GENERAL MANAGER (TIM KIRKWOOD)

**Date:** 19 FEBRUARY 2019

**Enclosure:**

*School Car Park – Amended Design Option*

### ISSUE

To provide Council with an update in relation to the proposed development of a car park off School Road, Bagdad and Council to consider the updated design concept.

### BACKGROUND

The Bagdad Primary School is situated in School Road, Bagdad. The issue of parking in School Road and traffic congestion, particularly in the peak morning and afternoon periods, has been a significant issue for many years. A number of on-site meetings have been held in the past with representatives from the School and the Department of Education with respect to this issue.

Whilst a number of improvements have been undertaken in School Road, it has always been identified that the most appropriate and long-term solution is to acquire land on the southern boundary of the school property for the purpose of constructing an off-road car park and designated bus area.

In November 2017, a letter was received from B & J Wilson and T & P Barham which offered to make their land (located on the southern side of School) available to Council in anticipation that Council would fund and project manage the construction of this infrastructure. The Bagdad Primary School Association also wrote in support of the proposal.

Following this, Council resolved to facilitate a process that brought together representatives from the Department of Education, Bagdad Primary School (and the School Association) and the property owners.

Council subsequently agreed to prepare preliminary designs and estimates for the car park. Sugden & Gee were engaged for this purpose.

### DETAIL

At the previous meeting, Council was informed that advice has been received from the Department of Education confirming it's in principle support to acquire the Church and also construct the carpark. This support was subject to finalising the detail and negotiations.

Two amended design options were presented to that meeting which had been prepared following initial feedback from the property owners.

In light of the advice from the Education Department, and in particular noting the Department's willingness to acquire the Church, a further design (refer attached) has been prepared which:

- a) Provides access to the Church property through the carpark (as opposed to a separate driveway entrance;
- b) The fencing requirements which have been identified by the property owners as part of seeking their consent to proceed; and
- c) The inclusion of a concrete path which extends along the front boundary of the School and provides access to the main School entry gate.

This updated design has been referred to all parties (i.e. Education Department and property owners) for consideration with the intent of then progressing to a more detailed engineering design and precise costing for the development.

Subject to confirmation, this concept plan will be used as the basis for the development application.

**Human Resources & Financial Implications** – Revised cost estimate to be prepared following feedback from the relevant parties. Council has committed an amount of \$25,000 as its contribution.

**Community Consultation & Public Relations Implications** – refer detail provided.

**Policy Implications** – N/A

**Priority - Implementation Time Frame** – N/A

## RECOMMENDATION

**THAT:**

- a) the information be received; and
- b) subject to not receiving any feedback opposing the proposed design, the design concept (as amended) be confirmed and submitted for development approval.

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		





## **16. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – COMMUNITY)**

### **16.1 Capacity**

**Strategic Plan Reference 5.1.1 & 5.1.2**

*Build the capacity of the community to help itself and embrace the framework and strategies articulated through social inclusion to achieve sustainability / Maintain and strengthen communities in the Southern Midlands.*

Nil.

### **16.2 Safety**

**Strategic Plan Reference 5.2.1**

*Increase the level of safety of the community and those visiting or passing through the municipality.*

Nil.

### **16.3 Consultation & Communication**

**Strategic Plan Reference 5.3.1**

*Improve the effectiveness of consultation and communication with the community.*

Nil.

## 17. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – ORGANISATION)

### 17.1 Improvement

**Strategic Plan Reference(s) 6.1.1, 6.1.2, 6.1.3, 6.1.4 & 6.1.5**

*Improve the level of responsiveness to Community needs / Improve communication within Council / Improve the accuracy, comprehensiveness and user friendliness of the Council asset management system / Increase the effectiveness, efficiency and use-ability of Council IT systems / Develop an overall Continuous Improvement Strategy and framework.*

Nil.

## 17.2 Sustainability

**Strategic Plan Reference(s) 6.2.1, 6.2.2, 6.2.3, 6.2.4, 6.2.5, 6.2.6, 6.2.7 & 6.2.8**

*Retain corporate and operational knowledge within Council / Provide a safe and healthy working environment / Ensure that staff and elected members have the training and skills they need to undertake their roles / Increase the cost effectiveness of Council operations through resource sharing with other organisations / Continue to manage and improve the level of statutory compliance of Council operations / Ensure that suitably qualified and sufficient staff are available to meet the Communities need / Work co-operatively with State and Regional organisations / Minimise Councils exposure to risk.*

### 17.2.1 LOCAL GOVERNMENT SHARED SERVICES UPDATE (STANDING ITEM – INFORMATION ONLY)

**Author:** GENERAL MANAGER (TIM KIRKWOOD)

**Date:** 20 FEBRUARY 2019

**Enclosure(s):**

*Local Government Shared Services – Council Update – January 2019*  
*Local Government Shared Services Update – January 2019*

#### ISSUE

To inform Council of the Common Services Joint Venture activities for the month of January 2019.

#### BACKGROUND

There are seven existing members of the Common Services Joint Venture Agreement, with two other Council's participating as non-members.

Members: Brighton, Central Highlands, Glenorchy, Huon Valley, Sorell, Southern Midlands and Tasman.

#### DETAIL

Refer 'Local Government Shared Services – Council Update' attached.

**Human Resources & Financial Implications** – Refer comment provided in the update.

Councillors will note that the Southern Midlands Council provided 198 hours of service to other Councils and received 10 hours of services from other Councils.

Details of services provided are included in the enclosures.

**Community Consultation & Public Relations Implications** – Nil

**Policy Implications** – N/A

**Priority - Implementation Time Frame** – Ongoing.

## RECOMMENDATION

**THAT the information be received.**

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

**ENCLOSURE**  
*Agenda Item 17.2.1*

## Local Government Shared Services - Council Update

### Council

Southern Midlands

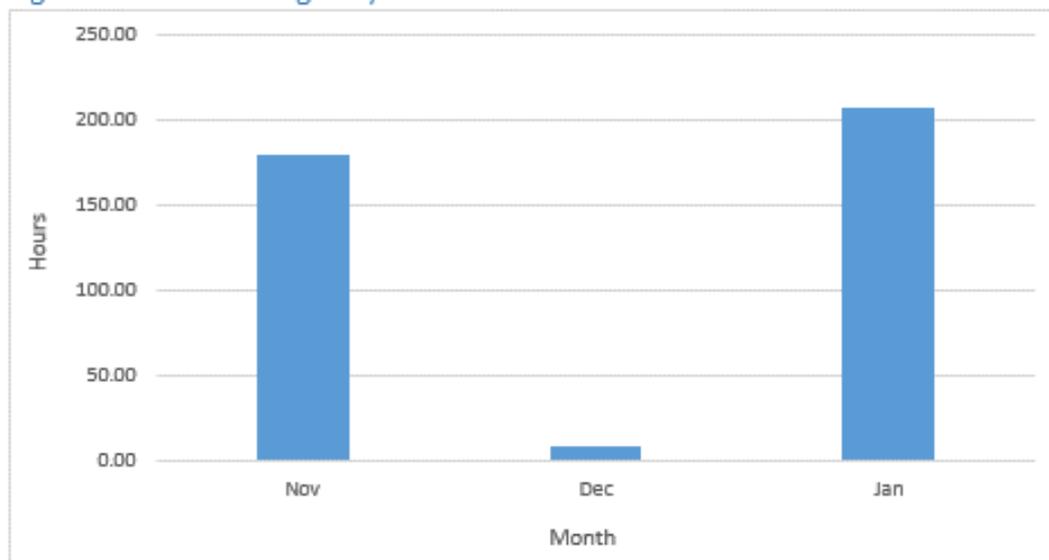
### Shared Service Participation in January 2019

208 hours

### Summary

In January 2019, 208 hours of shared services were exchanged by the Southern Midlands Council. From this total, Southern Midlands provided 198 hours to other Councils and received 10 hours of services from other Councils. Total hours of exchange increased drastically when compared to December 2018 (9) and were well above the three-month average of 131 hours per month.

Fig 1 – Services Exchanged by Southern Midlands Council in Recent Months



\* Council is not currently a member of LG Shared Services

### Services Provided by Southern Midlands Council

Fig 2 - Services Provided by Southern Midlands during January 2019 by Council

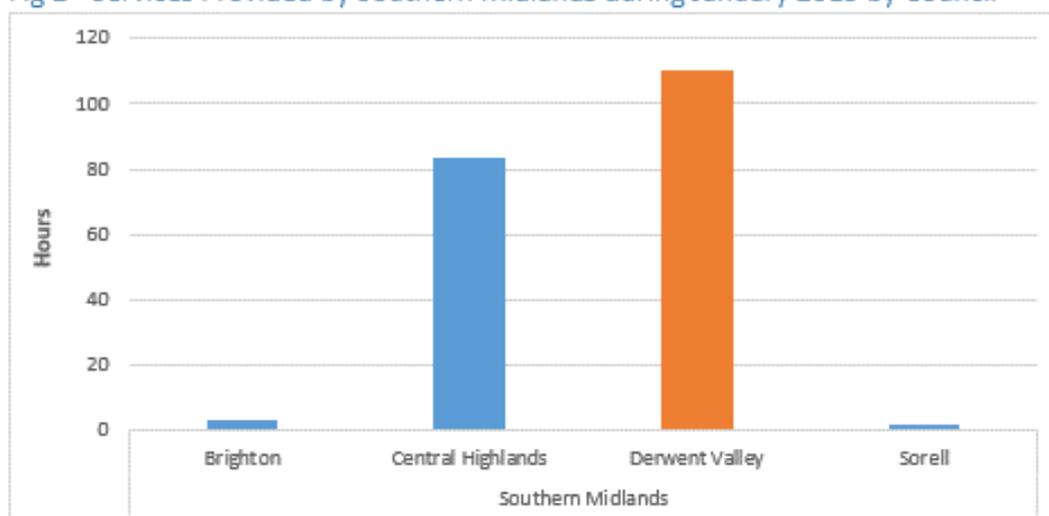


Fig 3 - Services Provided by Southern Midlands during January 2019 by Service Category

Southern Midlands	198	Summary of Services Provided
<b>Brighton</b>	3	
Permit Authority - Plumbing	3	On site plumbing inspections
<b>Central Highlands</b>	83	
Planning	69	Planning Services
Animal Control	14	Animal Control Services
<b>Derwent Valley</b>	110	
Asset Management	25	Heritage Advice Willow Cr <sup>rt</sup> Subdivision
Permit Authority - Plumbing	85	On site plumbing inspections
<b>Sorell</b>	2	
WHS / Risk Management	2	WHS / Risk Management Advice

\* Council is not currently a member of LG Shared Services

### Services Received by Southern Midlands Council

Fig 4 - Services Received by Southern Midlands during January 2019 by Council

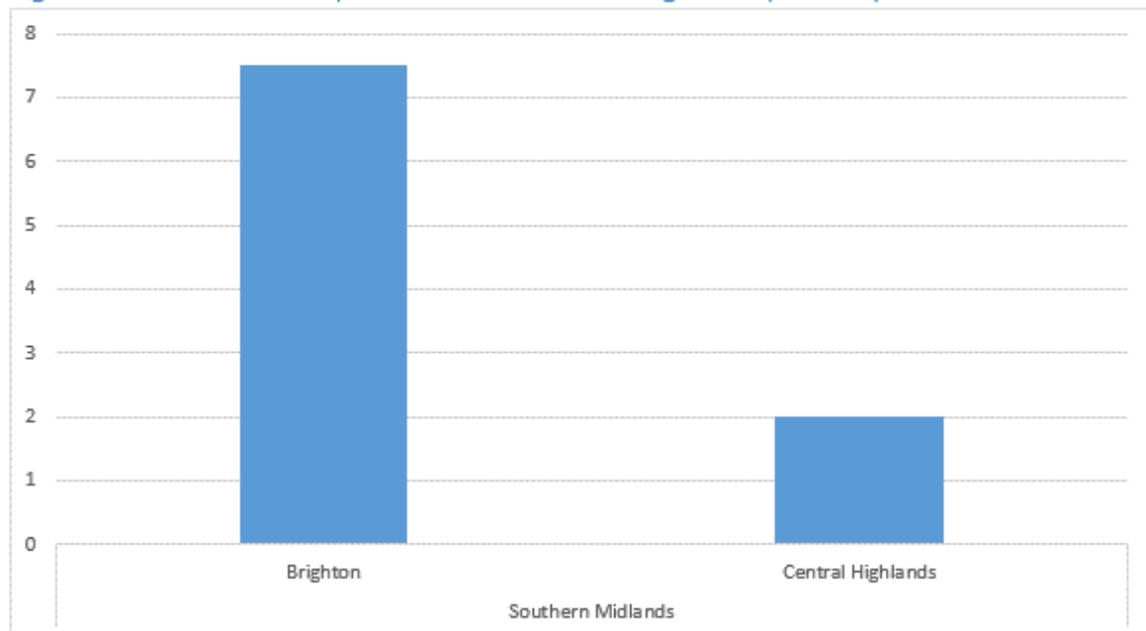


Fig 5 - Services Received by Southern Midlands during January 2019 by Service Category

Southern Midlands	10	Summary of Services Received
<b>Brighton</b>	8	
Development Engineering	8	Subdivision Approvals & Inspections
<b>Central Highlands</b>	2	
Works Services	2	Online Contractor Inductions

\* Council is not currently a member of LG Shared Services

### Cost Benefits Achieved by Southern Midlands and Other Councils

208 hours of Shared Services were exchanged by Southern Midlands Council last month. Analysis of Shared services provision has indicated that both the Provider Council and the Client Council save money through the exchange of Shared services at an approximate ratio of 50%.

In the month of January, it is estimated, Council have achieved a net benefit of approximately \$7,000. This was a result of increasing the utilisation of its current staff to earn additional revenue from providing services to other Councils, and from utilising Shared services from within Local Government as opposed to external consultants (on average LG Shared Services rates can be procured at significant discount to external consultant fees).

It is estimated that Southern Midlands Council's direct involvement in Shared services saved participating Councils (including Southern Midlands Council) approximately \$13,800 for the month of January.

# LG Shared Services Update

January 2019

## Summary of Recent Shared Services Activity

834 hours of Shared Services were exchanged between Councils in January 2019, which is an increase of 38% when compared to hours exchanged in December 2018 (607 hours) and is above the three-month average of 782 hours per month.

Fig 1 - Shared Service Exchange Hours in Recent Months

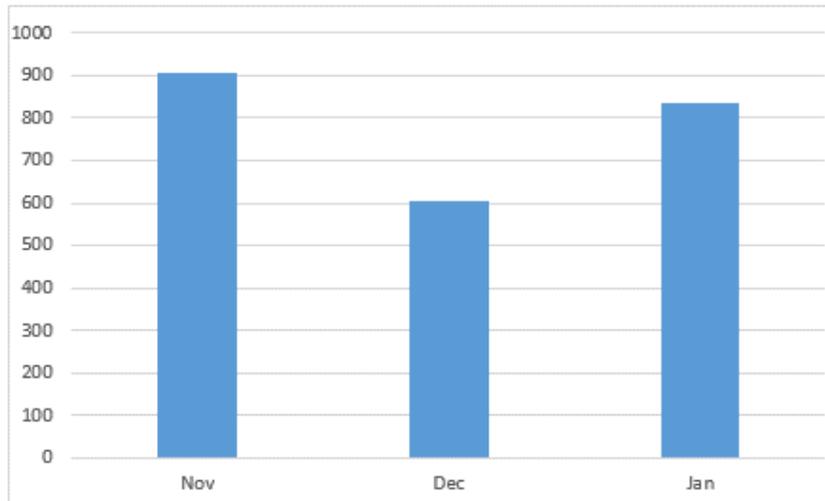
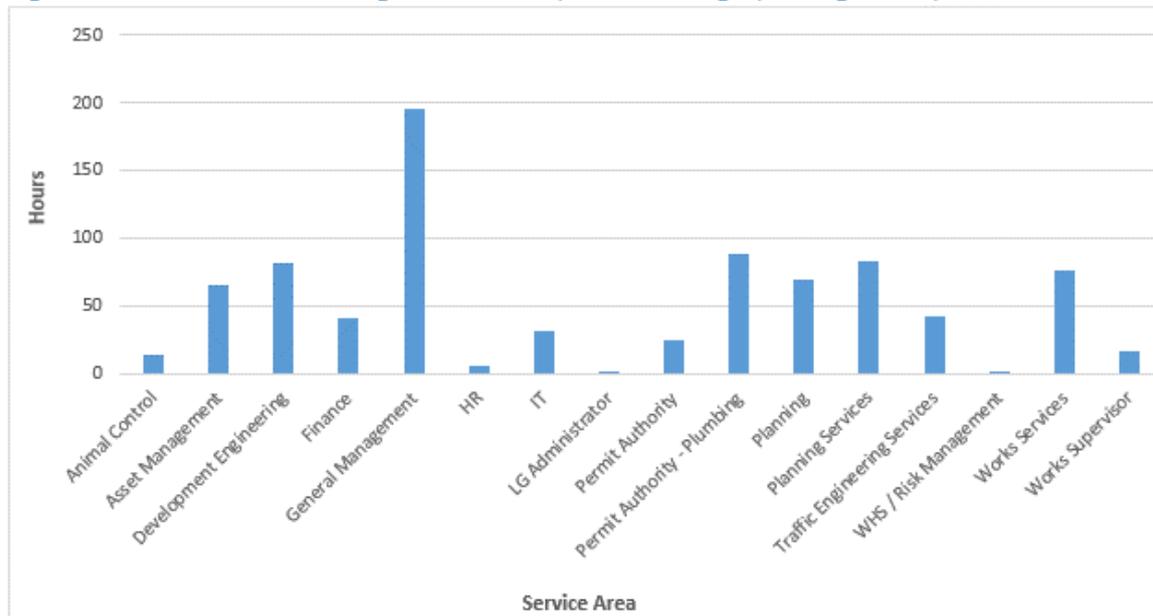


Fig 2 - Details of Current Exchange of Services by Council during January 2019

Provider Council	Client / Organisation								
	Brighton	Central Highlands	Derwent Valley	GSB	Glenorchy	LGSS	Sorell	Southern Midlands	Tasman
Brighton			18	52	41.5	1		7.5	341
Central Highlands	2						2	2	2
Sorell				22					145
Southern Midlands	3	83	110				2		
Tasman									

\* Council/Organisation not currently a member of the Shared Services Joint Venture Agreement

Fig 3 - Details of Current Exchange of Services by Service Category during January 2019



### Savings to Local Government

A total of 834 hours of shared services were exchanged between Councils last month. Analysis of Shared Services provision has indicated that both the Provider Council and the Client Council save money through the exchange of Shared Services at an approximate ratio of 50%.

Due to this, it is estimated that the provision of shared services between Councils saved participating Councils and Local Government as a whole \$59,900 for the month of January. This was a result of increasing the utilisation of current Council Staff at Councils providing services and from Client Councils utilising Shared services from within Local Government as opposed to external consultants (on average LG Shared Services rates can be procured at significant discount to external consultant fees).

## 17.2.2 ORDINARY COUNCIL MEETINGS – MEETING COMMENCEMENT TIMES

**Author:** GENERAL MANAGER (TIM KIRKWOOD)

**Date:** 7 FEBRUARY 2019

### ISSUE

1. Council to consider feedback received in relation to the commencement of Meeting Times; and
2. Council to set the Commencement Time for Ordinary Council Meetings.

### BACKGROUND

Regulation 4 (4) of the *Local Government (Meeting Procedures) Regulations 2015* states that an ordinary meeting of a council is to be held at least once in each month.

Regulation 6 of the *Local Government (Meeting Procedures) Regulations 2015* states:

*“Times of meetings*

- (1) *A meeting is not to start before 5 p.m. unless otherwise determined by the council by absolute majority or by the council committee by simple majority.*
- (2) *After each ordinary election, a council and a council committee are to review the times of commencement of meetings.”*

At present, Council Meetings are held on the fourth Wednesday of every month commencing at 10.00 a.m.

Meetings generally alternate between Oatlands and Kempton, with the exception that during the summer months, Council conducts its’ meetings at the various community halls within the municipal area.

The “public question time” session at these Ordinary Meetings commence at 12.30 p.m.

### DETAIL

At the Induction Workshop held 12<sup>th</sup> November 2018, Councillors gave preliminary consideration to the issue of meeting commencement times.

Following discussion, it was agreed that the current Meeting Schedule, which is based on meetings commencing at 10.00 a.m., should be endorsed as an interim measure.

This position was reached pending a review following a community consultation process and whether there was sufficient interest to warrant meetings being held of an evening.

Following from this decision to consult the community, an article was included in the January 2019 issue of the Council Newsletter (refer following) and posted to Council's Facebook page and website. It should be noted that the Newsletter is a direct mail-out to all ratepayers in the municipal area.

### **PUBLIC COMMENT SOUGHT - Commencement Time of Council Meetings**

Following the most recent election, the Southern Midlands Council must review and determine the commencement time for its Ordinary monthly meetings. The *Local Government (Meeting Procedures) Regulations 2015* state that a meeting is not to start before 5.00 p.m. **unless otherwise determined by Council.**

Note: The Annual General Meeting, held in December each year, does commence at 5.00 p.m.

At present, monthly meetings commence at 10.00 a.m. and the Agenda includes a 'Public Question Time' section which commences at 12.30 p.m.

Prior to making a determination in relation to future Council meeting times, **Council seeks input from the community in terms of whether there is sufficient interest to warrant meeting after 5.00 p.m., and whether this would increase the level of community attendance.**

In considering this issue, there are a number of factors that need to be considered, including:

- ◆ The anticipated level of community attendance (and interest) if meetings were held after 5.00 p.m.  
*(or commenced earlier and extended beyond 5.00 p.m.)*
- ◆ Whether persons that may be required to address Council in respect of certain matters may be available after hours (e.g. State Government officers are generally more accessible during normal operating hours);
- ◆ Additional costs associated with Council officers attending meetings out-of-hours;
- ◆ The likelihood of late night travel if meetings extend late into the evening. This is particularly relevant where Council elects to meet in the smaller communities during the summer months; and
- ◆ The ability to source additional information during office hours if an unexpected issue arises.

Prior to making a decision in respect to this matter, Council seeks feedback from the broader community.

Written submissions can be sent to the General Manager, 71 High Street, Oatlands or emailed to [mail@southernmidlands.tas.gov.au](mailto:mail@southernmidlands.tas.gov.au).

**Submissions will be received up until the close of business on the 31<sup>st</sup> January 2019.**

A total of four (4) submissions were received:

**Margaret Headlam - Woodbury**

I think the meetings should be after business hours so more business people would be inclined to stand for council. I would also like to see the meeting times shorter

Too much time is wasted with morning tea and lunch. Whether more people would attend is a valid question. I would also like to see genuine community consultation committees introduced.

Yes it would be difficult to chase up information and interview experts.

The Hobart City council meets in the evening.

**Kat Wittmann - Oatlands**

At times I would like to attend council meetings and this is not possible with daytime meetings. My business is open 10am to 4pm. Many businesses in Oatlands have similar opening hours.

Council decision making is of great interest to local businesses. The local government process should be accessible to all working residents.

As a new resident I find it extraordinary that in the past meetings would start mid-morning and run for over two hours *before* public submissions are taken ("At present, monthly meetings commence at 10.00 a.m. and the Agenda includes a 'Public Question Time' section which commences at 12.30 p.m."). It should not be normal for a meeting to run over two hours, including questions, the asking of and responses to which should be limited to 2 or 3 minutes.

A 4.30 to 5.15pm start time would ensure an efficient meeting.

It should be possible for key staff to occasionally work eg. 10 - 6pm in order to represent their area. No extra expense to ratepayers should be incurred.

A .5pm start time would avoid mealtimes and not require breaks necessitated by running over 'lunch'. I would be interested to know how often a State government representative, for example, addresses a council meeting. Video conferencing technology should enable remote address in any case. If face to face meetings are necessary, we must remember that Oatlands is not the end of the known world, and travel times are an accepted part of work. I look forward to being able to make the choice to attend a council meeting.

**Jill Bloomfield – Oatlands**

I would just like to register my support for the proposed time changes for Council Meetings from 10.00 to 17.00.

As a full time worker, I am not able to attend meetings as they currently stand.

I'm sure you are aware, that I am very interested in improving the accessibility of Oatlands, to make it more elder and disabled friendly.

Having an open dialogue with our local Council, is an important factor in trying to achieve this. This isn't my core business & I would not be able to leave work to attend meetings etc, unless I could make a connection to my workplace.

If the Council meetings are held at a time that I can attend, without having an impact on my workplace, I would be very thankful

**Helen Scott - Woodsdale**

I wish to lodge my objection to Council meetings commencing at 4.30 pm.

I understand that according to the Local Government Act that council meetings commence at 5.00 pm but if the majority of the council votes for meetings to commence earlier then they may do so.

Having been a councillor for over 12 years I found people only went to the public consultation if they had a problem in the community (e.g. Broadmash it was the waste transfer station and Tunbridge the water plus the tip) On those occasions they would turn up to voice their frustration. At the time I was elected the meetings were every 3 weeks and meetings commenced at 2.00 pm. This meant that we had afternoon tea and tea as on many occasions' meetings went passed 7pm. (The best tea was at Colebrook we were served

corned silverside vegetables served with parsley sauce.) This was ok in the summer and daylight savings but during winter it was dangerous because of the frost and snow. Then meetings commenced at 10am. People if they wanted knew what the consultation time was and would turn up. Usually it was the same faces every time. I do recommend that you keep council meetings commencing at 10am and public consultation at 12.30 pm.

In addition to the above, Councillors are reminded of the following two Motions which were raised from the floor of Council's Annual General Meeting held in December 2018.

## 1. Council Meeting Times

### MOTION

*Moved by Terry Loftus, seconded by Martin Bloomfield*

THAT the elected council trial a six month period with Council Meetings starting at 4.30 p.m. and conclude by 8.30 p.m. Then conduct a community review regarding the best time for all future Council Meetings

CARRIED

## 2. Public Question Time

### MOTION

*Moved by Terry Loftus, seconded by Martin Bloomfield*

THAT Council retain Public Question Time as Item 9 on the agenda and taken prior to the Council's determination of any reports on that day's agenda

CARRIED

In response to the first Motion, Council resolved that the content of the Motion be considered in conjunction with the overall feedback as part of the broader community consultation process.

In response to the second Motion, it has been agreed 'in-principle' that Public Question Time be held (and advertised) 30 minutes after the commencement of the Ordinary Council Meeting.

## DISCUSSION

In reference to the four submissions received, there are differing views (including the suggested commencement time). Other related comments are also provided in the submissions with two people raising the length of Council Meetings as being an issue.

The number of submissions received, or the lack thereof, could also be viewed as an indication of the low level of interest within the community in regard to the timing of Council meetings. This comment recognises the minimal number of comments received knowing the considerable number of people that receive the Council Newsletter together with Facebook and website notifications.

Assuming that Ordinary Meetings will continue to be held on the 4<sup>th</sup> Wednesday of each month, Council must simply determine the commencement time. Councillors are reminded that Regulation 6 of the *Local Government (Meeting Procedures) Regulations 2015* states:

*“Times of meetings*

- (1) *A meeting is not to start before 5 p.m. unless otherwise determined by the council by absolute majority or by the council committee by simple majority.*
- (2) *After each ordinary election, a council and a council committee are to review the times of commencement of meetings.”*

Note: A revised forward Meeting Schedule will be prepared pending the outcome of Council’s deliberations.

**Human Resources & Financial Implications** – To be considered, noting that road safety has been raised as an issue if meetings extend late into the evening. This is particularly relevant during the winter period.

**Community Consultation & Public Relations Implications** – Refer detail provided.

**Policy Implications** - Policy position.

**Priority - Implementation Time Frame** – Council to determine an implementation date as part of its decision.

**RECOMMENDATION**

**THAT:**

- a) **Ordinary Meetings of Council be held on the 4<sup>th</sup> Wednesday of each calendar month;**
- b) **All Ordinary Meetings commence at 10.00 a.m. with Public Question Time scheduled for 10.30 a.m.; and**
- c) **A forward meeting schedule be prepared based on this decision.**

<b>DECISION (MUST BE BY ABSOLUTE MAJORITY)</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

### 17.2.3 SOUTHERN TASMANIAN COUNCILS AUTHORITY – FUTURE

**Author:** GENERAL MANAGER (TIM KIRKWOOD)

**Date:** 19 FEBRUARY 2019

**Enclosure:**

*Southern Tasmanian Councils Authority Future – Discussion Paper (includes Attachments A; B & C)*

#### ISSUE

Council to consider the enclosed Discussion Paper relating to the future of the Southern Tasmanian Councils Authority (STCA) and determine its preferred position.

#### BACKGROUND

The STCA is a joint authority under the *Local Government Act 1993*. The STCA grew out of the Hobart Metropolitan Councils Association (HMCA) which was established in the 1980s and comprised the four metropolitan councils (Clarence, Glenorchy, Hobart and Kingborough) and Brighton Council.

Initially the focus of the STCA was local government sustainability and representation and the collaboration of local government (at a regional level) with other stakeholders.

A copy of the STCA rules is an attachment (**attachment A**) to the STCA discussion paper.

The STCA Board, at its meeting held 19 November 2018, agreed to review its mode of operation.

To assist the Board in making a decision, a discussion paper was prepared (refer attached) and was considered at the Board meeting held 18<sup>th</sup> February 2019.

#### DETAIL

In reference to the Discussion Paper, the Board was provided with three options to consider when contemplating the future of the STCA. Each option included a potential for minor variations.

The discussion paper also provided the Board with some proposed steps once it has resolved its position. These steps include:

- The Board determining which option it wishes to pursue.
- Members providing a report to their councils on the outcomes of the 18 February 2019 STCA Board meeting.
- A further meeting of the STCA Board to be held as soon as possible after member councils have considered their positions on the future of the STCA to enable preparations to be made for the future (setting 19/20 budget and workplan; seeking legal advice for winding up the STCA).

Following lengthy discussion, the STCA Board resolved as follow:

***“That the STCA continue in its current format with:***

- ***2019/20 secretariat support being funded out of reserves;***
- ***2019/20 member subscriptions being set at nil;***
- ***Waste Strategy South and the Regional Climate Change Initiative continue for a further 12 months, subject to appropriate due diligence.***

***A report be provided to the Board prior to 31 March 2019 on proposed 2019/20 STCA actions and what advocacy role it can play for the Southern region.”***

The Mayor and General Manager can provide further comment regarding some of the issues raised at the STCA meeting.

**Human Resources & Financial Implications** –.The 2018/19 subscription for the Southern Midlands Council was \$1,142.00. From a budget perspective it is a relatively minor consideration and is certainly considered worthwhile in order to maintain a regional structure that can be an advocate for the region, or have the ability to deliver projects on a regional basis.

**Community Consultation & Public Relations Implications** –.Whilst the STCA may not have a high public profile at present, it certainly has the capability of adequately representing the southern region and improving its public standing.

**Policy Implications** – Policy position.

**Priority - Implementation Time Frame** – direction is sought from this meeting to enable feedback to be provided to the STCA Board at its next schedule meeting.

## RECOMMENDATION

**THAT:**

- ‘in-principle’, the Southern Midlands Council support maintaining a regional body that, as a minimum, is capable of acting in an advocacy role for the entire region; and**
- Council support and endorse the Motion passed by the STCA Board which effectively provides a further twelve months to consider and confirm the future of the Southern Tasmanian Councils Authority.**

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

**ENCLOSURE**

Item 17.2.3

**Southern Tasmanian Councils Authority Future**

**Discussion Paper**

**Background**

**Southern Tasmanian Councils Board & Hobart Metropolitan Councils Association**

The STCA is a joint authority under the *Local Government Act 1993*. The STCA grew out of the Hobart Metropolitan Councils Association (HMCA) which was established in the 1980s and comprised the four metropolitan councils (Clarence, Glenorchy, Hobart and Kingborough) and Brighton Council.

Initially the focus of the STCA was local government sustainability and representation and the collaboration of local government (at a regional level) with other stakeholders.

A copy of the STCA rules is attached (attachment A).

**Mode of Operation**

In recent years, the STCA has operated with paid Chief Executive Officers (CEO) who worked primarily in those areas that were not easily covered by existing structures. Examples of this included working regionally with the State Government on water and sewerage and regional planning matters; between the region and the Australian Government on transport; and between the region and the business sector on economic development.

With the departure of the last CEO in October 2016, the STCA engaged Greg Hudson to undertake a review of its mode of operation (attachment B) which resulted in the STCA moving to its current model of 'communities of interest' around the regional issues of planning; waste; climate change; shared services and two sub-regions with secretariat support being provided by the City of Hobart.

**Financial Situation**

The tables below provide a summary of the costs and income associated with the main line items for the STCA over the last three years.

Item	2018/2019 Budget	2017/18 Actuals	2016/17 Actuals
Operational expenses	\$44,350	\$38,752	\$118,568 (included costs associated with the CEO)
Regional Climate Change	\$120,000	\$150,000	\$55,786
Waste Strategy South	\$211,800	\$172,703	\$147,500
Planning (one off grant)	\$20,000	\$100,000	-
<b>TOTAL</b>	<b>\$396,150</b>	<b>\$461,455</b>	<b>\$321,854</b>

Subscriptions	2018/19	2017/18 Actuals	2016/17 Actuals
	\$70,400	\$70,000	\$335,834 (includes a \$147,500 allocation to Waste Strategy South)

A copy of the subscription distribution is attached (attachment C) and the financial position to 31 December 2018 is a separate item on the STCA Board agenda.

When considering the 2018/19 budget position in May 2018, the STCA noted that if the current level of support for Waste Strategy South and the Regional Climate Change was to continue the STCA would need to review the level of subscriptions being paid by member councils.

When the STCA operated under the management of the CEOs external funding for a number of regional projects was obtained. This was coupled with higher member subscriptions which placed the STCA in a strong financial position.

More recently, projects have been funded by income which has been carried forward from previous years along with income derived from reduced member subscriptions (\$70,400 in 18/19). These funds have been used to progress the regional issues of planning; waste and climate change. If these initiatives continue to operate and new projects are undertaken in these areas consideration will need to be given as to how these will continue to be funded. If there is no new additional income with the exception of membership subscriptions (which could be reduced further if the metropolitan councils leave the STCA) the STCA will require further injections of funds or it will not be able to fund future projects.

It should also be noted the potential resourcing impact the proposed Greater Hobart Act and City Deal may have on the four metropolitan councils, particularly if there is any desire to increase STCA subscriptions.

In considering the future of the STCA, three options are presented. These are:

**OPTION 1**

**RETAIN IN CURRENT FORMAT OR INCREASE SUBSCRIPTIONS TO ENABLE A SECRETARIAT AND POLICY ARM TO BE ESTABLISHED**

If the STCA was to retain its current format it would keep its joint authority status; continue to have quarterly meetings and operate as a model of 'communities of interest' with a focus on networking.

Under this arrangement member subscriptions would remain in place and provide approximately \$70,000 in yearly revenue for the STCA.

The secretariat support (administrative and financial) would remain with the City of Hobart.

In considering this option, the advantages and disadvantages are as follows:

**Advantages**

*Subscriptions remain low.*

*Collective voice on regional issues including climate change and waste.*

*Opportunity for Mayors to meet and discuss matters at the Mayors' Roundtable.*

**Disadvantages**

*Reactive rather than proactive approach on some matters.*

*Without further injections of funds, the STCA will only be able to support a fraction of the projects it currently undertakes in the areas of climate change and waste.*

The STCA may also wish to consider maintaining its current format of regional councils but increase its subscriptions to enable a secretariat and policy arm to be established.

The STCA would retain its joint authority status; continue to have quarterly meetings but would operate with a dedicated secretariat enabling the STCA to focus on establishing policy positions on key regional issues.

If the STCA were to move to this option it would need to consider how this enhanced model would be funded.

In considering this enhanced model, the advantages and disadvantages are as follows:

**Advantages**

*Provides the STCA with opportunities to develop policy positions on key issues and drive a regional agenda.*

**Disadvantages**

*Subscriptions would need to increase significantly in order to fund a dedicated secretariat.*

**OPTION 2**

**NEW MODEL FOR GROWTH**

**SOUTHERN REGIONAL COUNCILS AUTHORITY CONTINUES ALONGSIDE NEW METROPOLITAN COUNCILS GREATER HOBART COMMITTEE**

The *Greater Hobart Act* provides the four metropolitan councils with a framework to work with the Tasmanian Government on matters including infrastructure and strategic planning and other actions related to the future land use and development in the Greater Hobart area. With the advent of the *Greater Hobart Act*, the four metropolitan councils may decide to withdraw from the STCA (a number of councils already have this issue under active consideration).

If the four metropolitan councils do withdraw from the STCA, the STCA would still maintain its joint authority status but would not include the four biggest cities in the Southern Tasmanian area.

This option will see income significantly reduced with approximately \$50,000 in member subscriptions no longer coming into the STCA. Secretariat support would also be required if the City of Hobart was no longer a member of the STCA.

In considering this option, the advantages and disadvantages are as follows:

**Advantages**

*Joint Authority status would be retained.*

**Disadvantages**

*Secretariat (administrative and financial) support would no longer be provided by the City of Hobart. Yearly revenue would be decreased by approximately \$50,000 as a result of the metropolitan councils ceasing to be members of the STCA.*

*Contributions on a range of matters affecting the Southern Tasmanian regions would not have the input of the four biggest cities.*

**OPTION 3**

**DISBAND WITH KEY REGIONAL INITIATIVES TO CONTINUE AND QUARTERLY NETWORKING**

Under this proposal, the STCA would disband, losing its joint authority status.

If councils wished to maintain momentum with the regional issues of climate change, waste and planning, individual councils would need to assume responsibility for these initiatives. Under this proposal the Mayors could continue to meet and network on a quarterly basis.

There are no impediments in the STCA Rules to prevent it from being wound up. It is noted that if the STCA resolved to disband, section 37(2)(b) of the *Local Government Act 1993* requires the support of the majority of participating councils for a joint authority to be disbanded. Any monies would be returned to member councils based on their pro rata contribution.

**Advantages**

*Councils would be invited to take responsibility for key regional initiatives, including Climate Change; Waste and Planning) if they wished for these initiatives to continue.  
Mayors would continue to meet and network on a quarterly basis.*

**Disadvantages**

*Joint Authority status would be lost.  
No collective voice for regional issues affecting Southern Tasmania.*

**Where to from here:**

1. The STCA Board determine which option it wishes to pursue.
2. Members to provide a report to their councils on the outcomes of the STCA Board meeting which is to be held on 18 February 2019.
3. STCA Board to reconvene as soon as possible after member councils have considered their positions on the future of the STCA to enable preparations to be made for the future (setting 19/20 budget and workplan; seeking legal advice for winding up STCA).

**Attachment A**

I certify that this  
is a true and accurate  
copy of the STCA Rules.  
22/8/13

APPROVED RULES

**SOUTHERN TASMANIAN COUNCILS AUTHORITY**

PART 1 - PRELIMINARY

1. **Name**

The name of the Authority is the "Southern Tasmanian Councils Authority".

2. **Establishment**

The Authority is established as a joint authority under the Act. The Authority is established from the date specified as the commencement date in a notice published in the Tasmanian Government Gazette.

3. **Body corporate**

The Authority is a body corporate and has the powers and functions specified in these rules.

4. **Definitions**

In these rules the following words and expressions have the following meaning unless there is something in the subject or context of use inconsistent with that meaning:

"Act" means the *Local Government Act 1993*;

"Auditor" means the auditor of the Authority;

"Authority" means the Southern Tasmanian Councils Authority;

"Board" means the Board of management of the Authority made up of the Board Representatives;

"Board Representatives" means the members of the Board referred to in rules 13(1) and 13(2);

"Comptroller" means the person appointed by the Board under rule 30 to administer guarantee fees on behalf of Members;

"Corporations Law" means the *Corporations Act 2001* (Commonwealth);

"Council" means a council established under section 18 of the Act;

"Elected Member" means a person elected to a Council as Lord Mayor, Deputy Lord Mayor, Mayor, Deputy Mayor, Alderman, or Councillor;

"Member" means a Council listed in rule 10;

“Regional development” means those issues, strategies and priorities that are intended to result in sustainable economic, environmental and social outcomes for the Southern Region;

“Rules” means these rules as altered or added to from time to time;

“Seal” means the common seal of the Authority from time to time;

“Southern Region” means the municipal areas of the Member Councils;

“Special resolution” means a resolution of the Board under rule 26;

“Treasurer” means the Treasurer for the State of Tasmania.

**5. Interpretation**

In these Rules except to the extent that the context requires otherwise or the contrary intention appears:

- (a) words and phrases which are defined in the Act have the same meaning in these Rules;
- (b) words in the singular include the plural and vice versa;
- (c) words importing a gender include each other gender;
- (d) a reference to the Act or any other statute or regulations or to any section or clause of the Act or any other statute or regulations is to be read as though the words “as modified or substituted from time to time” were added to the reference;
- (e) headings do not affect the construction of these Rules;
- (f) where a word or a phrase is given a particular meaning any other cognate part of speech and grammatical form of that word or phrase is to have a corresponding meaning.

**PART 2 – PRINCIPAL OBJECTIVE, FUNCTIONS AND POWERS**

**6. Principal Objective**

The principal objective of the Authority is to enable Members to work together to facilitate and coordinate agreed Regional development strategies and actions to achieve sustainable economic, environmental and social outcomes for the Southern Region.

**7. Functions**

The functions of the Authority are to:

- (a) monitor, identify and agree on Regional development issues, strategies and priorities that are intended to progress the collective interests of the Southern Region;
- (b) develop and promote reports, plans, programs and other actions to address agreed Regional development issues, strategies and priorities;

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- (c) facilitate communications, cooperative working relationships and joint action between Members and with the State and Commonwealth Governments and other identified stakeholders to address agreed Regional development strategies and priorities;
- (d) monitor the performance of Regional development plans, programs and actions in place including performance benchmarks and milestones;
- (e) perform any function permitted or provided for in the Act or any other Act or in these Rules consistent with the principal objective; and
- (f) perform any function duly granted to, or imposed on any municipal, regional or public authority by any Act or Regulation (Federal or State) with respect to local government issues in Southern Tasmania consistent with the principal objective.

**8. Powers**

The Authority has the following powers:

- (a) to acquire, hold, dispose of and otherwise deal with property;
- (b) to enter into contracts;
- (c) to appoint employees, contractors, agents and attorneys;
- (d) to enter into contracts with another person or body for the performance or exercise of any of its functions or powers ;
- (e) to negotiate and resolve resourcing and implementation commitments required to action agreed Regional development issues, strategies and priorities;
- (f) to set fees, charges, terms and conditions relating to any goods or services supplied by it;
- (g) to establish such committees as it considers appropriate to advise the Authority;
- (h) to delegate its powers, other than this power of delegation; and
- (j) to do all things necessary or convenient to be done in connection with, or incidental to, the performance and exercise of its functions and powers.

**9. Setting of Goals and Objectives**

The goals and objectives of the Authority are to be set by the Board in consultation with the Members and will be contained in a strategic plan, an annual plan for the forthcoming financial year, an operational budget for the forthcoming financial year, and a Member's contribution budget for the forthcoming financial year.

**PART 3 - MEMBERSHIP**

**10. Members**

The Members of the Authority are:

Brighton Council  
Central Highlands Council  
Clarence City Council  
Derwent Valley Council  
Glamorgan/Spring Bay Council  
Glenorchy City Council  
Hobart City Council  
Huon Valley Council  
Kingborough Council  
Sorell Council  
Southern Midlands Council  
Tasman Council

**11. Obligations of members**

(1) Each Member is:

- (a) to perform its obligations in these Rules in a prompt, open and co-operative manner;
- (b) to make information that it holds and that is relevant to the Regional development issues dealt with in accordance with the Rules available to the Board; and
- (c) not to disclose or allow confidential information provided to it by the Board in accordance with the Rules to be disclosed to any third party except with consent of the Board or as required by law.

(2) Except as specifically provided in the Rules, a Member does not have authority to act for, or to create or assume any responsibility or obligation on behalf of the Authority or any other Member.

**12. Cessation of membership**

(1) Subject to any requirements of the Act and of these Rules, a Member that wishes to cease to participate in the Authority may withdraw from the Authority as a Member.

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- (2) A Member may withdraw from the Authority on giving not less than 3 months' written notice of its intention to withdraw to each of the other Members and the Board and provide an effective date on which it will no longer be a Member.
- (3) A Member that withdraws from the Authority remains liable for the full amount of the Member's financial contribution under Rule 32 for the financial year in which the Member withdraws, without refund.
- (4) A Member that withdraws from the Authority is not released from any of its obligations that may arise from the indemnity provided by the Authority under these Rules or liabilities arising out of duties undertaken on matters occurring before the Member's withdrawal.

**PART 4 - BOARD**

**13. Board Representatives**

- (1) The Board of the Authority comprises the Mayor of each Member or an Elected Member of that Member as the Mayor's nominee.
- (2) The General Manager of each Member may attend Board meetings and act in place of the Mayor or nominee of their Council in the event that their Mayor or their nominee is absent from a Board meeting.
- (3) A meeting of the Board may only transact business if a quorum is present.
- (4) The Board is to appoint its chairman for a term to be specified by the Board.
- (5) The Board may appoint its own deputy chairman for a term to be specified by the Board.
- (6) If the chairman is not present at a Board meeting then the deputy chairman is the chair of the meeting. If neither the chairman nor the deputy chairman are present for the meeting the meeting is to appoint a chairman for that meeting.
- (7) A Board Representative is not entitled to any remuneration from the Authority.
- (8) Part 5 of the Act applies to Board Representatives in relation to meetings of the Authority.
- (9) Board Representatives must notify their Members of any development which in the opinion of the Board may:
  - (a) prevent or significantly affect the achievement of the Authority's financial performance objectives or otherwise significantly affect the Authority in an adverse manner; or
  - (b) significantly affect the financial viability or operating ability of the Authority.

- (10) A Board Representative must take steps to avoid the Authority incurring a debt if:
- (a) the Authority is insolvent at the time or will become insolvent by incurring at that time the debt or debts which include that debt; or
  - (b) at that time there are reasonable grounds for suspecting that the Authority is insolvent or would become insolvent by incurring the debt or those debts and the Board Representative is aware of those grounds or a reasonable person in the position of the Board Representative would be aware of those grounds.
- (11) The Board must consult with Members in respect of the strategic direction to be taken by the Authority.

**14. Functions and Powers of the Board**

- (1) The Board may perform all the functions and exercise all the powers of the Authority.
- (2) The Board has a power to appoint a Chief Executive Officer.
- (3) The Board may delegate any of the Board's functions and powers to the Chief Executive Officer.

**15. Convening**

- (1) Subject to subrules (2) and (3), meetings of the Board are to be held at the times and places determined by the Board.
- (2) The Board chairman, subject to rule 19, may convene a meeting at any time.
- (3) Three Board Representatives, subject to rule 19, may convene a meeting of the Board at any time.

**16. Annual general meeting**

- (1) An annual general meeting of the Authority must be held in every calendar year on or before the 30<sup>th</sup> day of November.
- (2) The meeting is to:
  - (a) receive and consider the accounts and reports of the Authority, the Chief Executive Officer, the auditor and the Comptroller for the last financial year;
  - (b) appoint the chairman of the Authority, if required;
  - (c) appoint the deputy chairman of the Authority, if required;
  - (d) appoint and fix the remuneration of the auditor;
  - (e) appoint and fix the remuneration of the Comptroller;

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- (3) The meeting may:
  - (a) recommend a dividend subject to the provisions of rule 40; and
  - (b) transact any other business specified in the notice of the annual general meeting.

**17. First Board meeting**

A Board meeting must be held within 14 days of the establishment of the Authority to:

- (a) appoint a chairman;
- (b) appoint a deputy chairman, if required;
- (c) appoint the auditor;
- (d) appoint the Comptroller; and
- (e) appoint the Chief Executive Officer.

**18. Other Board meetings**

In addition to the annual general meeting there will be held such other Board meetings in each year as the Board determines necessary.

**19. Notice of meetings**

- (1) The Chief Executive Officer is to give the persons entitled to attend the meeting notice in writing of any meeting together with the agenda:
  - (a) at least 21 days before the meeting, in the case of an annual general meeting; and
  - (b) at least 4 days before the meeting, in the case of any other meeting unless the chairman considers the business of the meeting is of special urgency, in which case 2 days' notice is sufficient.
- (2) A notice must specify the place, the day, and the hour of the meeting and the general nature of the business to be transacted at the meeting.
- (3) The periods referred to in this rule include Saturdays, Sundays, and public holidays.

**PART 5 - PROCEEDINGS OF MEETINGS**

**20. Attendance**

- (1) The Auditor is entitled to attend the annual general meeting and be heard on any part of the business of the meeting which relates to responsibilities of the Auditor.
- (2) The Board Representatives may by resolution request the Chief Executive Officer and the Board chairman to attend and provide information.

- (3) Any Elected Member of a Member is entitled to attend the annual general meeting but only the Board Representatives are entitled to vote. An Elected Member who is not a Board Representative or their nominee is not entitled to attend other meetings of the Board unless the Board resolves otherwise.

**21. Quorum**

- (1) The quorum at a meeting is 7 Board Representatives.
- (2) The only business that may be transacted at a meeting if a quorum is not present is:
  - (a) the appointment of a person to chair the meeting if both the chairman and deputy chairman are absent,
  - (b) the abandonment of the meeting; and
- (3) If within 30 minutes after the time specified for a meeting a quorum is not present, the meeting is to be abandoned to the same day in the next week (or, where that day is not a business day, the business day next following that day) at the same time and place and if, at the adjourned meeting, a quorum is not present within 30 minutes after the time specified for holding the meeting, the meeting is to be dissolved.

**22. Conduct of meeting**

- (1) Subject to the provisions of these Rules the chairman is to determine the general conduct and procedures of meetings.
- (2) If the chairman considers it necessary or desirable for the proper and orderly conduct of the meeting, the chairman may demand the cessation of debate or discussion on any business, question, motion or resolution being considered by the meeting and require the business, question, motion or resolution to be put to a vote.
- (3) The chairman may require the adoption of any procedures which the chairman considers necessary or desirable for the proper and orderly casting or recording of votes at any meeting.

**23. Adjournment**

- (1) The chairman during the course of a meeting may adjourn the meeting to another time or place.
- (2) The chairman may adjourn or defer any business, motion, question or resolution being considered or remaining to be considered by the meeting or any debate or discussion and may adjourn any business, motion, question, resolution, debate or discussion either to a later time at the same meeting or to an adjourned meeting.

- (3) Unless the chairman seeks the approval of the Board Representatives present to the adjournment no resolution may be taken on the adjournment.
- (4) No business may be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place. If the adjournment is for more than 30 days, notice must be given of the adjourned meeting.

**24. Voting**

- (1) A question arising at a Board meeting in relation to the functions of the Authority is to be determined by consensus agreement of the Board Representatives present.
  - (a) A consensus agreement is to be determined in such manner as the chairman directs.
  - (b) A declaration by the chairman that a resolution has been carried or lost by consensus agreement of Board Representatives, and an entry to that effect in the minutes of the meeting, is conclusive evidence of the fact.
- (2) A question arising at a meeting in relation to the exercise of the powers of the Authority is to be determined by a simple majority, each Board Representative being entitled to cast one vote only.
  - (a) A tied vote results in the question being determined in the negative.
  - (b) A vote is to be taken in such a manner as the chairman directs.
  - (c) The chair does not have a second or casting vote.

**25. Resolution in Writing**

- (1) A resolution in writing signed by all Board Representatives entitled to vote on the resolution, is as valid and effectual as if it had been passed at a duly called and constituted meeting.
- (2) The resolution may consist of several documents in the same form, each signed by one or more Board Representatives.

**26. Special Resolutions**

- (1) The Board is to resolve a matter by Special resolution if required by these rules.
- (2) A matter is resolved by Special resolution if:
  - (a) it is passed at a meeting of the Board, of which at least 21 days' written notice specifying the intention to propose the resolution as a Special resolution has been given; and
  - (b) it is passed by unanimous agreement of all Board Representatives present.

**27. Committees**

- (1) The Board:
  - (a) must establish an audit committee; and
  - (b) may establish such other committees as it considers appropriate to advise the Authority.
- (2) A committee may consist of any persons the Board considers appropriate.
- (3) A committee must conform to any requirements imposed by the Board. The meetings and proceedings of committees will be governed by these Rules as far as applicable and as far as these Rules are not superseded by any requirements imposed by the Board under this rule.

**28. Disclosure of interests**

- (1) A Board Representative, as soon as practicable after the relevant facts come to the Board Representative's knowledge, must disclose to the Board any of the following:
  - (a) a direct or indirect pecuniary interest in a matter being considered, or about to be considered, by the Authority; and
  - (b) an interest of the Board Representative in a matter that may conflict with the proper performance of the Board Representative's duties on a matter.
- (2) Unless the Board otherwise determines, a Board Representative who has any such interest in a matter that is to be considered by the Board, must not be present during any deliberation of the Board on the matter or take part in any decision of the Board on the matter.

**PART 6 – CHIEF EXECUTIVE OFFICER AND COMPTROLLER**

**29. Chief Executive Officer**

The Board is to appoint a Chief Executive Officer to be responsible for the administration and operation of the Authority.

**30. Comptroller**

- (1) The Board is to appoint a Comptroller to administer guarantee fees on behalf of the Members.
- (2) The Comptroller must be an accountant or other suitably qualified professional.

**PART 7 - FINANCIAL ARRANGEMENTS, ACCOUNTS & AUDIT**

**31. Bank accounts**

The Authority may open and operate any bank accounts it considers necessary.

**32. Members' financial contributions**

(1) The Members will make such financial contributions to the Authority as they agree from time to time.

(2) Any expenditure beyond that approved by each Member as an annual subscription must be referred to each Member for approval.

**33. Investment**

The Authority may invest money;

(a) in any investment the Treasurer approves;

(b) in any other manner or investment that satisfies the provisions of the Act for the investment of money by a Council.

**34. Accounting records**

The Authority must keep such accounting records as are required to correctly record and explain its transactions and financial position and keep those records in a manner that:

(a) allows true and fair accounts of the Authority to be prepared from time to time;

(b) allows the Authority's accounts to be conveniently and properly audited or reviewed; and

(c) complies with Australian Accounting Standards and the *Financial Management and Audit Act 1990*.

**35. Financial statements**

Within 60 days after the end of the financial year the Authority must prepare the financial statements of the Authority relating to that financial year including:

(a) a profit and loss account or other operating statement for the financial year; and

(b) a balance sheet or other statement of financial position as at the end of the financial year; and

(c) statement of cash flows for the financial year; and

(d) statements, reports and notes attached to or intended to be read with the financial statements.

**36. Audit**

- (1) The accounts and financial reports of the Authority are to be carried out in accordance with the *Financial Management and Audit Act 1990*.
- (2) The accounts and financial reports of the Authority may be audited by a person registered, or taken to be registered as an auditor, under Part 9.2 of the Corporations Law, with the approval of, and subject to the terms and conditions determined by, the Auditor General.

**37. Annual report**

- (1) The Authority must prepare and submit to Members before the 31<sup>st</sup> day of October in each year an annual report for the preceding financial year.
- (2) The annual report is to include the following information and documents:
  - (a) the principal objective of the Authority;
  - (b) a statement of the Authority's activities during the preceding financial year;
  - (c) a public summary of the annual plan of the Authority with a statement of the Authority's activities and its performance in respect of goals and objectives set for the preceding financial year;
  - (d) the financial statements of the Authority for the financial year to which the annual report relates;
  - (e) a copy of the opinion of the Auditor on the financial statements;
  - (f) a report of the chairman.

**38. Quarterly Reports**

- (1) The Authority must prepare and submit a report to Members as soon as practicable after the end of March, June, September and December in each year.
- (2) The quarterly report of the Authority is to include:
  - (a) a statement of its general performance; and
  - (b) a statement of its financial performance.

**39. Tenders**

- (1) The Authority must invite tenders for any contract it intends to enter into for the supply or provision of goods or services valued at or above the amount prescribed in the *Local Government (General) Regulations 2005*.

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- (2) The Authority may invite tenders for the supply or provision of goods or services with a value less than the amount prescribed in the *Local Government (General) Regulations 2005*.
- (3) The Authority must adopt a code for tenders and contracts that is consistent with the *Local Government Act 1993* and *Local Government (General) Regulations 2005* except that the Authority need not comply with section 333B(1) *Local Government Act 1993* that a code be adopted by 1 January 2006.

#### PART 8 - DIVIDENDS AND OTHER PAYMENTS

##### 40. Dividends and other payments

- (1) The Members are entitled to receive the dividends and other payments determined by the Treasurer and Comptroller under Part 3A of the Act.
- (2) Dividends and other payments to be distributed to Members are to be apportioned according to the proportionate payments made by the Members to the Authority over the 3 financial years preceding the year in respect of which a dividend or other payment is payable except where dividends or other payments are payable in the first three years in which case a dividend or other payment is to be apportioned according to the proportionate payments made by the Members:  
for the first year, in that financial year;  
for the second year, in that financial year and the preceding financial year;  
for the third year, in that financial year and the two preceding financial years.
- (3) The proportionate payments are the financial contributions by the Member to the Authority and payments for services purchased by the Member from the Authority.

#### PART 9 - MISCELLANEOUS

##### 41. Immunity from liability

- (1) The Authority may indemnify a person who is, or has been, an officer against any liability incurred by that person in his or her capacity as an officer to a person other than the Authority.
- (2) To the extent permitted by law, the Authority indemnifies each officer against:
  - (a) any liability incurred by the person in his or her capacity as an officer of the Authority to a person other than the Authority unless the liability arises out of conduct on the part of the officer which involves a lack of good faith; and

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- (b) any liability for costs and expenses incurred by the person in his or her capacity as an officer of the Authority:
  - (i) in defending any proceedings in which judgment is given in favour of the person or in which the person is acquitted; or
  - (ii) in connection with an application, in relation to those proceedings, in which a court grants relief to the person.
- (3) In this rule and rule 42, "officer" includes a Board Representative, the Chief Executive Officer and any other person employed by the Authority.

**42. Insurance Premiums**

The Authority may pay a premium on a contract insuring a person who is, or has been, an officer against liability other than a liability arising out of conduct involving a wilful breach of duty in relation to the Authority.

**43. Minutes**

- (1) The Board is to ensure that minutes are duly recorded in any manner it thinks fit.
- (2) The minutes are to include:
  - (a) the names of the persons present at a meeting; and
  - (b) a record of the proceedings and decisions of the meeting.
- (3) The minutes of any meeting, signed by the chairman of the meeting or by the chairman of the next succeeding meeting of the Board are evidence of the matters stated in the minutes.
- (4) The minutes are to be referred to each Member for distribution to Elected Members.

**44. Notices**

- (1) A document is effectively given to an individual under these Rules if it is:
  - (a) given to the person; or
  - (b) left at, or sent by post to, the person's postal or residential address or place of business or employment last known to the giver of the document; or
  - (c) sent by way of electronic mail or facsimile transmission to the person's electronic mail address or facsimile number.
- (2) A document is effectively given to a Member under these Rules if it is marked to the attention of the general manager of the recipient Member and:
  - (a) is left at, or sent by post to, the Member's principal office; or

- (b) is sent by way of electronic mail or facsimile transmission to the Member's electronic mail address or facsimile number.
- (3) A notice required to be given to a Member is to be given to both the Member and the Member's Board Representative.

**45. Seal**

The seal of the Authority is to be kept and used as authorised by the Board.

**46. Attestation of Execution of Documents**

The Board may determine the method of the signing or execution of any document on behalf of the Authority which does not require the affixing of the common seal.

**47. Alteration of Rules**

These Rules may be amended in accordance with the Act.

**48. Surplus on winding up**

- (1) Subject to Part 13 of the Act, on the winding up of the Authority, the person appointed to administer the winding up must distribute any assets or moneys remaining after payment of the expenses of the Authority, between the Members.
- (2) Assets or moneys to be distributed to Members are to be apportioned according to the proportionate payments made by the Members to the Authority over the 3 financial years preceding the decision to wind up the Authority except where the decision to wind up the Authority occurs within the first three years in which case assets or moneys to be distributed are to be apportioned according to the proportionate payments made by the Members:
  - for the first year, in that financial year;
  - for the second year, in that financial year and the preceding financial year;
  - for the third year, in that financial year and the two preceding financial years.
- (3) The proportionate payments are the financial contributions by the Member to the Authority and payments for services purchased by the Member from the Authority.

**49. Insolvency**

- (1) In the event of the insolvency of the Authority, the Members are responsible for the liabilities of the Authority apportioned according to the proportionate payments made by the Members to the Authority.

**Attachment B**



**STCA 'FUTURE DIRECTIONS' WORKSHOPS  
ACTIONS ARISING**

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**Dates** Monday 31st October 2016 &  
Monday 14th November 2016

**Attendance**

Lord Mayor & Mayors  
General Managers  
Facilitator - Greg Hudson

**Purpose**

Following the resignation of the CEO, the purpose of the workshop is to consider:

- Current context for a decision about the STCA
- Key issues facing the STCA
- The future direction of the STCA.

**Outcomes**

The key outcomes from the workshop will be resolution of the short and mid term role and activities of the STCA.



## Actions Arising

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### Current Context

#### Key points discussed:

1. Relevance: the relevance of STCA since its inception has declined
2. Value for money: the benefit for members is now low or non-existent
3. "Lowest Common Denominator": it has devolved to a default position of no conflict and only able to act in concert
4. Projects: It has delivered some projects over time of varying value
5. Funding: it has under-performed in attracting State and Federal funding
6. Infrastructure priorities: it has been unable to establish across members a region-wide set of priorities for infrastructure or economic development.

### Objectives

When STCA was established, the key objectives were:

- Attract Federal regional funding (agreed score: 2/10)
- Act as a co-ordinating regional body (NA)
- Project a regional "voice" (agreed score: 2/10)
- Establish regional infrastructure priorities (agreed score: 3-4/10).

STCA's performance over the past 10 years delivering against its objectives at just 27% is considered unacceptable.

### The Emerging Model

An emerging model is already apparent and functioning across the region effectively displacing the formal organisational design.

The current design that has established itself through member actions are based on some simple design criteria / guiding principles:

- Collaborative 'communities of (self) interest' where members with 'in common' purpose come together to pursue mutually agreed, resourced and funded goals



- These communities of interest form around:
  - Sub-regions: two existing each with 4 members and the metro group re-forming
  - Specific purpose: waste (12); planning; common services (7); Copping; and Tourism
  - The Communities of interest are geographically aligned with the State and Federal electoral boundaries as these boundaries enable engagement across the three levels of government
  - The communities of interest are managed on an agreed basis and 'leads' are nominated to champion the cause.
- Members may opt in, opt out and members self-fund
- Projects can be initiated by any member to form a new community of interest
- Geographically 'isolated' councils (such as Huon) may require specific support to obtain access to and support from the sub-groups.

Under the emerging model, the STCA is a "light" entity and the region is driven by the communities of interest.

### Future Expectations & Arrangements

#### Budget

In light of the current context and performance, the current model is not considered to justify continuation or funding at previous levels.

Whilst specific discussion occurred about reducing the annual budget to \$10k up to \$50k, there was no fixed determined.

The agreed position is:

- For the remainder of the 2016-17 Financial Year, the monies allocated to STCA will continue to be managed by HCC on behalf of STCA
- Monies for administration and 'secretariat' functions will be arranged and provided by HCC from 1<sup>st</sup> January 2017 (when the existing interim arrangement with LGAT terminates on 31<sup>st</sup> December 2016). Monies will be spent on an 'as needs' basis, approved by the GM HCC and reported to the STCA to provide the necessary level of support. HCC will recommend future administration / secretariat funding levels and possible arrangements at the February 2017 STCA meeting
- Monies for STCA Projects (whole of region involving all councils) would be approved by the STCA and funds allocated from existing STCA funds



- Funding for the 2017-18 budget year will be the subject of further decision at the February STCA meeting.

#### Roles & Functions

The future functional requirements to be provided by the STCA are:

- A region-wide communication forum (both formal and informal) for Mayors and General Managers
- A "mail-box" for regional contact and redirection to member councils
- A mechanism for any regional activities impacting all members that may be required from time-to-time to be agreed as whole-of-region projects
- An administration / secretariat to co-ordinate and communicate across all member councils (a light touch approach)

#### Regional Projects

- Each whole-of-region project is to be agreed / approved and funded from the STCA Levy – if it is not agreed, then the proposed project devolves to the sub-groups to be considered
- A project proposal supported by a project plan (including timing, resources, funding, related activities and outcomes) is to be submitted to the proponent council
- A standard project proposal template is to be developed
- Possible whole-of-region projects may include
  - State Election
  - Regional priorities
  - Infrastructure
  - Amalgamations
  - Climate change
  - Public transport

#### Reporting by Sub-Groups at STCA Meetings

- Geographic
  - SERDA
  - South-Central
  - Metropolitan Hobart (forming)
- Sub-groups
  - Waste



- Planning
- Common services
- Copping
- Tourism

#### Governance

- A Standing Agenda to comprise
  - Update from sub-region groups
  - "Round table" for the exchange of emerging issues and ideas – and prioritisation
  - Topics seeking new sub-region support / funding
  - Media positions and statements
- Frequency of meetings to be quarterly at least 3 – 4 weeks prior to the LGAT meetings
- Composition to comprise
  - Mayors and the respective GMs
  - Chair to determine structure of meeting, invited guests and agenda contents

#### Legal Review

- GM HCC to arrange a review of the current STCA Constitution to determine if the proposed changes to the operation of the STCA can be accommodated within the current Constitution and if not, what would be the minimum level of changes.

#### **Actions Arising**

Members are to consider the workshop outputs.

#### **Next Meeting**

February 2017

**Attachment C**

Council	Subscription 2018/19	Subscription 2017/18	Subscription 2016/17
Tasman	1,142.40	1,120.00	2,977.83
Central Highlands	1,142.40	1,120.00	2,977.83
Glamorgan Spring Bay	1,142.40	1,120.00	2,977.83
Southern Midlands	1,142.40	1,120.00	2,977.83
Derwent Valley	3,698.52	3,626.00	9,640.71
Sorell	3,698.52	3,626.00	9,640.71
Brighton	3,698.52	3,626.00	9,640.71
Huon Valley	3,698.52	3,626.00	9,640.71
Kingborough	8,853.60	8,680.00	23,078.15
Glenorchy	14,394.24	14,112.00	37,520.60
Hobart	14,394.24	14,112.00	37,520.60
Clarence	14,394.24	14,112.00	37,520.60
<b>Regional Total</b>	<b>71,400.00</b>	<b>70,007.00</b>	<b>186,114.12</b>

## **17.2.4 REVIEW OF TASMANIA'S LOCAL GOVERNMENT LEGISLATION FRAMEWORK (DISCUSSION PAPER)**

**Author:** GENERAL MANAGER (TIM KIRKWOOD)

**Date:** 21 FEBRUARY 2019

**Enclosure(s):**

*Discussion Paper – December 2018*

### **ISSUE**

Council to consider the enclosed Discussion Paper issued by the Local Government Division (Department of Premier and Cabinet) which is focussed on the principles of how Tasmania's local government should be legally established and elected; how it should provide services to its community; and how it should be accountable to its community.

### **BACKGROUND**

Following the issue of the final Terms of Reference by the Minister on 22<sup>nd</sup> November 2018, the first phase of the Review of Tasmania's Local Government Legislation is underway.

This Discussion Paper has been released to seek broad input on the principles that should be embodied in a future local government legislative framework.

### **DETAIL**

The overall objectives for the Review are to provide a clear and contemporary legislative framework that is fit-for-purpose and can adapt to future changes that:

- supports greater innovation, flexibility and productivity in the sector to improve the overall efficiency and effectiveness of the services that councils provide to the Tasmanian community;
- minimises red tape and administrative burden on councils, business and the broader community;
- enhances accountability and transparency across the sector; and increases democratic and community engagement, participation and confidence in local government.

Submissions are invited on how the sector should be governed and what should be considered in developing a new legislative framework that will best support local government and its communities into the future. Information provided as part of these submissions will help inform future reform positions.

Questions are provided throughout the Discussion Paper seeking general responses to the broad principles discussed, noting that submissions can be made on any aspect being considered during the review.

Respondents are not required to answer all questions in the Paper when making submissions.

This Agenda item was included on the previous Agenda and consideration deferred pending the conduct of a series of engagement sessions by the Local Government Division (DPAC) over the past week(s). Individual sessions were held for Local Government Professionals; Local Government Elected Members and one for Industry or Interested Groups.

Each session will run for 1 hour, followed by an hour dedicated to private appointments for further discussion if required.

Following attendance at the session aimed at local government professionals, it is clearly evident that this is very much an initial stage of a lengthy consultation process. Its intention is to capture some of the 'hot topics' that can be considered going forward.

It follows that Council may elect not to prepare a submission in response to this Discussion Paper, and choose to respond to issues as they are highlighted through the review process.

It should be noted that the Local Government Association of Tasmania will be preparing a sector-wide submission based on the comments and feedback provided at the engagement sessions referred to above.

Alternatively, Council may elect to prepare a basic submission and raise issues of particular interest or concern. These may include:

- Council's position on Compulsory Voting
- Election – introduction of a Caretaker Period?
- General Manager's Electoral Roll – should this be the responsibility of the Tasmanian Electoral Commission
- Community engagement and consultation processes and issues
- .....
- .....

**Human Resources & Financial Implications** – Not applicable to this stage of the Review.

**Community Consultation & Public Relations Implications** – This is the first step in the consultation process. Ongoing, the Review will involve extensive consultation with LGAT, the local government sector and the Tasmanian ratepayer and business communities through targeted stakeholder forums and the release of consultation papers at various stages. Consultation at the highest levels of Government will also occur, with the Review being a standing item on the Premier's Local Government Council agenda.

**Policy Implications** – N/A

**Priority - Implementation Time Frame** – Submissions are open until 5.00 p.m. on 1<sup>st</sup> March 2019.

## RECOMMENDATION

### THAT:

- a) the information be received; and
- b) Council consider the content of a submission (if any) in response to the Discussion paper.

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

**ENCLOSURE**  
*Agenda Item 17.2.3*

# Review of Tasmania's Local Government Legislation Framework

DISCUSSION PAPER | December 2018



**Author**

Local Government Division  
GPO Box 123  
Hobart TAS, 7001

**Publisher**

Local Government Division

**ISBN**

978 0 7246 5750 9

**Date**

December 2018

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## How to Make a Submission

### Submissions

Questions are provided throughout this Paper seeking general responses to the broad principles discussed, however submissions can be made on any aspect being considered during the Review. You are not required to answer all the questions in this Paper when making your submission, if you do not wish to do so.

Factsheets have been provided at the back of this Paper to provide additional background information in relation to the topics covered by the Paper.

#### **Submissions close on 1 March 2019.**

Submissions can be made either by:

- completing the questionnaire survey [www.dpac.tas.gov.au/LGReview](http://www.dpac.tas.gov.au/LGReview) or
- writing to or calling the Review Project Team.

Email: [LGAReview@dpac.tas.gov.au](mailto:LGAReview@dpac.tas.gov.au)

Post: Local Government Legislation Review Project Team  
Local Government Division  
Department of Premier and Cabinet  
GPO Box 123  
HOBART TAS 7001

Please provide your name and contact details with your submission, for publication on the Local Government Division's website. Alternatively, if your submission is being provided confidentially, please clearly state this.

Submissions should only address issues outlined in the 'Scope of the Review'. Any offensive or defamatory material will not be published.

### What to Include

Submissions are invited on the principles of how Tasmania's local government should be legally established and elected; how it should provide services to its community; and how it should be accountable to its community.

This is a wholesale Review of the legislative framework that creates, empowers and provides councils with a mechanism to work within, rather than a review of the current Local Government Act. The focus of this consultation is on the broad principles that should apply to local government, rather than technical issues in the current legislation.

Queries about the use of this Paper and lodgement of submissions can be made by contacting the Local Government Legislation Review Project Team on (03) 6232 7643 or by email at [LGAReview@dpac.tas.gov.au](mailto:LGAReview@dpac.tas.gov.au)

Refer to  
factsheet  
#1



## Minister's Foreword

The Government recognises the important, and increasingly complex, role of local government in the community. It is a vital arm of government in administering legislation and making economic, social and environmental planning decisions to support Tasmania to grow strong, sustainable and vibrant communities, both now and into the future.

It is crucial that the legal framework for the sector is reflective of this, is not unnecessarily burdensome from an administrative perspective, and is flexible and adaptable enough to allow for inevitable change and growth over the coming decades.

To help support this, the Government has committed to reviewing and developing a modern, best-practice legislative framework for local government. The Review will be broad and will deliver a contemporary framework that supports greater innovation, flexibility and productivity; improves efficiency and effectiveness of council services; enhances accountability and transparency and minimises red tape wherever possible.

I have appointed an experienced Steering Committee to guide the Review and provide me with advice. In continuing my commitment for this to be a collaborative Review, the Steering Committee includes three highly respected members of the local government sector and two senior officers from the Department of Premier and Cabinet. They will be supported by a Reference Group, selected from the sector and the community through an Expression of Interest process. I will also be updating the sector through the Premier's Local Government Council. The Terms of Reference detailing the scope of the Review and the membership of the Steering Committee can be found on the Review's webpage. [www.dpac.tas.gov.au/\\LGReview](http://www.dpac.tas.gov.au/\\LGReview)

I was encouraged to see a high degree of interest and engagement with local government during the most recent local government elections, conducted in October 2018. The elections highlighted a number of challenges with the current legal framework, including the electoral system and lack of caretaker provisions.

While this is one aspect, I acknowledge there are a number of broader policy challenges which councils face. This Review will provide a platform to consider both the challenges and opportunities for Local Government and how to best support councils in meeting these.

It will involve various consultation papers and opportunities for engagement, through public forums and stakeholder consultation, starting with this Discussion Paper. I encourage all those with an interest to have their say. Make submissions, provide responses and submit ideas for how we can create a better legal framework for local government.

I look forward to continuing to work closely with the sector and the community to create a strong, practical legal framework for the future of local government.



## Purpose of the Review

Refer to  
factsheet

#2

It is now 25 years since the introduction of the *Local Government Act 1993* (the Act), which is the primary component of the current legislative framework governing the local government sector in Tasmania. During this time, Tasmania has evolved economically, socially and technologically. Multiple amendments have been made to the Act in an effort to keep pace with these changes. These amendments, together with the introduction of supporting subordinate legislation, have resulted in a framework which, at times, is inconsistent and overly prescriptive.

Local government has a crucial – and increasingly demanding – role in serving and representing local Tasmanian communities. The legislative and regulatory framework (the framework) that governs the Tasmanian local government sector needs to reflect and support what other levels of Government and communities expect from their local councils. The framework also needs to support councils to be able to meet requirements and expectations now, and into the future. Making continuous updates to the existing legislation is unsustainable and a more proactive, forward-looking approach is needed.

The intended outcome of this Review is a contemporary, flexible and best-practice legislative framework that will:



**Support greater innovation, flexibility and productivity** in the sector, to **improve the overall efficiency and effectiveness** of the services that councils provide to the Tasmanian community



**Minimise the red tape and administrative burden** on councils, businesses and the broader community



**Enhance accountability and transparency** across the sector



**Increase democratic and community engagement, participation and confidence** in local government.



## Guiding Principles

The Review will adopt a 'first-principles' approach, taking the concept of local government back to its core purpose and fundamental values. In essence, it considers why local government was created in the first place and seeks to ensure its core objectives are recognised and supported in developing a new legislative framework.



The principles guiding the Review are to deliver a legislative framework that will:

- ① To the greatest extent that is possible and practical, be outcomes-focused;
- ② Be flexible and robust to future structural, technological and social change;
- ③ Strike an appropriate balance between ensuring councils have sufficient operational and decision-making autonomy on the one hand, and having in place adequate checks and balances on the other;
- ④ Establish clear accountabilities and provide for efficient and effective risk-based monitoring, compliance and enforcement activities;
- ⑤ Be guided by best-practice regulatory, governance and legislative approaches and, where relevant and appropriate, lessons and outcomes from reviews of local government legislation in other jurisdictions; and
- ⑥ Be drafted and presented in a way that is logically structured and easily understood by councils, businesses, and the broader Tasmanian community.



## Key Assumptions

In developing this Paper, several key assumptions have been made in relation to the local government sector and the community's expectations. Where there is disagreement with these assumptions, this can be provided in submissions. The assumptions are that:

- Councils have an important role in serving the community and the expectations for their responsibilities are likely to change over the next few decades as our social, economic and technological environment continues to evolve.
- Elections are an important part of ensuring the democratic representation of local government. A robust electoral system should be accessible and equitable for all members of the community and reflect good democratic principles. It should support and encourage maximum participation to achieve a democratic result. Diverse, skilled candidates and councillors are positive for communities and should be encouraged.
- The community expects councils to operate in an efficient, effective way and make sound, ethical decisions that reflect the best interests of the community. Good governance is the foundation that supports good decision-making. Strategic decisions should be made by elected members, wherever possible, through debate in an open, public forum.
- To further achieve this, there should be mechanisms to enhance accountability and performance. Where things go wrong, the community expects that there are appropriate responses both councils and the State Government can make to improve council performance.



## Overview of Local Government

Local government is one of the three tiers of government in Tasmania, together with Federal and State Government. Councils are currently made up of between seven to 12 members, elected by their municipal communities. There are currently 263 elected members and nearly 4000 employees across Tasmania's 29 councils, who serve half a million constituents.

Local government has a critical role to play in the Tasmanian economy. It has a total annual operating revenue of \$791 million; holds and manages over \$11 billion in assets; and has invested more than \$1 billion in capital expenditures over the past four years<sup>1</sup>. The sector delivers a range of key functions. It is responsible for over 14,000 km of Tasmania's road network by length and it provides governance, planning, service delivery, community development, asset management and local regulation. It is vital in building local community infrastructure to create jobs and to improve the social life of Tasmanians.



On any given day, councils are managing land use to ensure development is consistent with community expectations and that building standards are met. They are managing and recycling waste, maintaining stormwater and drainage systems, roads, streets, public buildings, bridges and parks. They are supporting communities to prepare for natural disasters and providing cultural and sporting venues, events and opportunities. Councils are also providing social welfare programs like childcare, aged care and youth programs and supporting community health through immunisation programs and safe drinking water. They are considering environmental concerns like climate change and biodiversity and how to mitigate these for future generations.

Increasingly, local government is responsible for enforcing Commonwealth and State legislation at the local level and delivering initiatives at the grass roots. Councils act as statutory authorities under other legislation, for example under the *Land Use Planning and Approvals Act 1993* and the *Environmental Management and Pollution Control Act 1994*. They are now a fundamental part of delivering services and providing governance to Tasmania. Into the future, they will be actively working to ensure vibrant communities through infrastructure and development planning, social welfare, health services, economic development and tourism programs.

Councils determine the services they provide to their communities through their strategic planning and annual planning process, with an increasing focus on building their capacity to service their ratepayers. As the closest level of government to the community, councils' role is to identify community needs and make sure those needs are met, which highlights the importance of community engagement in council planning.

<sup>1</sup> Tasmanian Audit Office, *Local Government Authorities 2017-18*, No 5 of 2018-19, Auditor-General's Report on the Financial Statements of State entities, Volume 3.

Councils across Tasmania are as diverse as the communities they represent. The needs and operations of a small, rural council may be vastly different from those of a large urban council, as will the expectations of the communities they serve. A future legislative framework to support councils across Tasmania needs to consider this and be flexible enough to accommodate these differences.

The Review will offer the opportunity to consider what Tasmanians want local government to look like: how it should be elected, operate, deliver services, engage with them on issues and be accountable to its community. The community's expectations will guide the Review and what provisions are needed to enable it to meet those expectations, both now and into the future.



- What do you think councils will be responsible for in the future?
- What council activities should be driven or determined by communities?
- Given the varying sizes of councils, what consideration should be given to costs of services and the councils' capacity to deliver these?



## Council Governance and Powers

Refer to  
factsheet  
#3

Governance is the processes and culture that guide the activities of an organisation<sup>2</sup>. Good governance is fundamental to an efficient, effective and transparent council that delivers quality services. Good governance ensures robust, ethical decisions and gives the local community confidence in those decisions.

Good governance structures, across all levels of government, separate the strategic decisions from the operational decisions of an organisation. In local government, elected members (councillors, including mayors and deputy mayors) are responsible for strategic and policy decisions on issues that affect their communities, and council administration (general managers and their staff) are responsible for the operational decisions in implementing and supporting those strategic decisions.

General Managers act as a conduit between elected members and council staff, providing advice and assistance to elected members and implementing council decisions. This dual responsibility reinforces the importance of a clear governance structure to support them. An effective and functional relationship between general managers and elected members (and especially mayors) is critical to the success of the overall council.

Refer to  
factsheet  
#2

Councils require broad powers to make and implement their strategic and operational decisions. Powers given to local government, through the local government legislative framework which is the subject of this Review, are essential for them to exist and operate as a distinct level of government. Powers can be granted through either specific legislative provisions (such as the power to levy rates), or general competency powers (such as requiring a council to provide for the good governance of the local area). Competency powers allow councils authority in any area, unless expressly prevented<sup>3</sup>.



- What is vital to good governance in local government?
- What aspects of good governance should be prescribed in a legislative framework?
- What statutory powers do councils need to deliver the services that communities require, or expect to receive, from councils now and into the future?
- How are the strategic decisions of councils best made?
- What mechanisms best support strategic, operational and technical decisions and actions?

<sup>2</sup> Department of Premier and Cabinet, Local Government Division's *Good Governance Guide*  
<sup>3</sup> Australian Government, Department of Infrastructure, Regional Development and Cities  
[http://regional.gov.au/local/publications/reports/2003\\_2004/CI.aspx](http://regional.gov.au/local/publications/reports/2003_2004/CI.aspx)



## Democracy and Engagement

Local government is a form of representative democracy. Democratically elected governments are popularly elected by the people and are answerable to them for the decisions they make. Councillors collectively make major decisions that impact their communities, including making of by-laws, provision of public services and the levying of rates.

This emphasises the importance of the community's right to engage and participate in local government decision-making. The more communities can be involved in councils' decisions and decision-making processes, the more effective, transparent and accountable these decisions will be<sup>4</sup>.

The ways the community can engage and participate in the local government decision-making process include: through elections, policy decisions, strategic planning and law-making processes.

### Elections

Tasmania's local government elections are conducted every four years, in October, via a three week, voluntary postal ballot. There was high community interest during the most recent elections in October 2018. This was reflected in strong voter participation which averaged 58 per cent across the State, with one municipality as high as 82 per cent<sup>5</sup>.

A number of issues regarding elections were raised publicly during the recent elections, including:

- compulsory vs voluntary voting;
- the three week postal polling process;
- how to reduce informal voting (incomplete or incorrectly completed ballots);
- the lack of caretaker provisions that might otherwise limit council decision-making and administration during elections<sup>6</sup>;
- eligibility to vote and the General Manager's Roll;
- eligibility to run as an elected member; and
- requirements for already elected members seeking re-election to declare donations, compared with requirements on candidates not currently elected. Campaign funding was also raised as an issue.

While recently-introduced gifts and benefits disclosures are applicable to councillors at all times, it is a matter for consideration whether there should be separate provisions that capture all candidates in the context of an election.

<sup>4</sup> International Association of Public Participation – The United Nations (Brisbane) Declaration on Community Engagement

<sup>5</sup> [https://www.tec.tas.gov.au/Local\\_Government\\_Elections/LocalGovernmentElections2018/DailyReturns.html](https://www.tec.tas.gov.au/Local_Government_Elections/LocalGovernmentElections2018/DailyReturns.html)

<sup>6</sup> Caretaker provisions are designed to allow the administrative functions of government to continue while safeguarding the process of making strategic or policy decisions during an election period.

Refer to  
factsheet  
#5

## Consultation

Public consultation on major decisions ensures the local community has a voice in determining what their council will do and how it will affect them. Councils are required to consult, involve and be accountable to the community in performing their functions. This places a broad obligation on councils to engage the community in their planning and decisions.

In today's environment of electronic and instant information, the public have become increasingly passive and disengaged with traditional engagement mechanisms, but more active in social media<sup>7</sup>. This makes effective engagement increasingly difficult. The traditional ways of engaging through public notices, open council meetings and making information publicly available for comment, frequently receive very little community feedback. Lack of consultation or feedback can result in councils developing plans for the future or making decisions, such as the level of service the community receives, without understanding if these plans and decisions align with the broader community's expectations, including for engagement through online platforms and social media.



- What is the best way to engage Tasmanians in voting for local government?
- Who should be allowed to participate in local government elections?
- How can local government attract skilled, diverse and representative electoral candidates?
- What should be required of candidates in local government elections before, during and after elections?
- What decisions should councils continue to be able to make during an election period?
- In what ways should councillors engage with, and represent, communities in the digital age?
- On what matters should councils engage with communities?
- How can community engagement be strengthened and measured?

<sup>7</sup> Australian Public Service Commission 'Changing behaviour: A public policy perspective' p. 1



## Council Revenue and Expenditure

Revenue is essential to councils' financial sustainability and their ability to serve their local communities. Revenue can be sought through grants, general property rates and charges, or specific purpose rates, such as for infrastructure upgrades of a bridge. Councils can invest in business or commercial activities as a source of revenue, which may reduce rates, however, may also expose ratepayers to commercial risks.

Councils have the ability to determine their own rating approach and where they seek specific purpose funds, which reflects the independence of local government. Council rates are a type of property tax levied on property owners, based on the value of property within the municipal area. Taxation principles govern how councils set rates, which have traditionally considered the value of rateable land as an indicator of the property owner's capacity to pay. Rates can also be based on the principle of equity across the municipal area. Councils' rating approaches are published in rates resolutions<sup>8</sup>, which outline councils' approach to distributing the tax burden across the local community.

Councils are as diverse as their communities, resulting in diversity in the services they deliver. Consequently, they require different levels of revenue to provide these services. Councils consider their forward planning activities in their annual budgets, which set out the mix and level of services to be provided and how they will be financed. Councils must consult with their communities in developing their strategic and annual forward planning, to ensure their planning is consistent with the community's expectations. Where communities are disengaged or disinterested in councils' planning processes, this can have long-term impacts on how councils raise revenue and where this revenue is spent. Communities can also have vastly differing views and priorities on how public funds should be spent. To what extent councils engage and consult with their community in planning their services, facilities and programs will be reflected in community satisfaction.

Councils constantly face expenditure decisions on competing projects and services, which may be more or less important to different members of the community. How councils can balance these interests and clearly articulate the difficult decisions of choosing to fund one service or project over another, and what this will mean for the community, is critical to this engagement process. Where a community is invested in developing infrastructure or services in their local area, they may be more willing to financially contribute to these developments. Councils must also balance the community's ability to pay rates with what they can deliver from that funding, taking into consideration rising costs of living, operating costs and inflation. Lower revenue, through reducing rates and charges, may be popular but can have hidden long-term costs for the community in deteriorating assets, such as roads, or reduced services. This can result in a need to raise specific purpose funds to address these issues.

<sup>8</sup> Section 86B, *Local Government Act 1993*



Where a council invests, for example, \$10,000 in purchasing a new BBQ, it must consider the ongoing costs of maintaining and servicing that BBQ over the life of the asset. If it costs \$10,000 per year to run, maintain and clean the BBQ and the life of that asset is 10 years, the total cost of that asset becomes \$110,000, rather than the initial outlay of \$10,000. Councils must consider these long-term costs, even for seemingly small items, when making expenditure decisions to ensure financial sustainability and value for their communities.

The financial sustainability of councils is also an important consideration in raising revenue and planning expenditure. Residents and ratepayers have an interest in ensuring their councils have strong financial positions, which enable them to provide better services and facilities, as well as manage unexpected costs, such as those from a natural disaster. Transparency in the financial decisions of councils will help achieve a better understanding of where public funds are being spent and the value the community is receiving.



- How can councils ensure transparency in funding decisions; both how it is raised and spent?
- How can councils determine how best to raise revenue for specific purposes?
- How should councils engage communities when raising revenue?
- How should councils determine the services they deliver to their communities in exchange for rates and charges?
- How should councils decide where to make trade-offs (more or less rates vs more or less services)?



## Performance Transparency and Accountability

Refer to  
factsheet

#7

Councils are accountable to the community which elects them. The State, by virtue of local government being created through State legislation, has a role in providing the functions and powers under which local government operates. The State Government, therefore, has an interest in ensuring the local government sector operates consistently within its legislation. This accountability should be balanced between the State ensuring that councils are exercising their powers within the law, and the fact that councils are a democratically-elected, separate level of government.

The State monitors and regulates council performance. The broad rationale for regulation is to create an environment that encourages positive outcomes for communities and stakeholders. It is a mechanism for transparency and accountability and, when councils are performing well, can build trust and confidence between communities and their councils, between elected members and between council administrators and elected members<sup>9</sup>.

Council accountability requirements can be set out in legislation, including through reporting requirements and oversight mechanisms to ensure transparency in council performance and, where necessary, detect, respond to and manage poor performance. Acknowledging that generally, councils perform well, regulatory models should take a risk-based approach that does not unnecessarily increase bureaucratic processes.

Performance reporting is another element of accountability. It has the capacity to enhance transparency when it is available to the public and also to drive improvement by, and within, councils where it can be used for operational analysis.

Councils are constantly working to improve how effectively and efficiently they deliver to their communities and performance data is a key part of informing this. Performance data can help inform councils in their planning decisions and service delivery. Useful data that is collected and presented in meaningful ways can allow comparisons between year-to-year performances of individual councils, as well as comparisons between councils. Consistently reported performance data, across councils and performance areas, is beneficial to both councils and the community.

It is difficult to determine to what extent council reports, information and decisions are accessed by, and are useful to, the public. In theory, council reporting should encourage transparency and allow communities access to relevant information. Where reporting is not being accessed or used by the public, it can create red tape. The preparation and delivery of reports that are not effective also places a cost-burden on the community.

<sup>9</sup> Victorian Ombudsman submission to the Victorian Government's Review of the *Local Government Act 1989*.

Refer to  
factsheet  
#7

Current information and notification requirements centre on providing hard-copy material and placing public notices in newspapers, which can be costly. With technological advancements and social changes in the way people seek out, access and use information, it is timely to consider what and how councils report. The majority of people now commonly seek out, and expect to find, information available on the internet, rather than in traditional print media<sup>10</sup>.



- How can the right balance between autonomy and accountability be delivered?
- Who should have oversight and regulation of councils' performance and how should it occur?
- What mechanisms should there be to respond or intervene when a council is not performing as required?
- What information should councils make available to the public and how should they be able to access it?
- What information would be useful to councils to drive performance improvements?

### Other Matters

This Review will consider a broad range of issues facing the local government sector and consider the best ways to support it into the future. Should you wish to provide feedback on areas not raised in this Discussion Paper, please feel free to do so, noting the aspects that are outside the scope of this Review.



- What is one thing you would change about the current local government legislative framework and why?

<sup>10</sup> Western Australia Department of Local Government, Sport and Cultural Heritage – Local Government Act Review Discussion Paper



## Factsheet 1 Process and Scope

### The Review Process

The Review is divided into four phases, as outlined in the diagram below.



### The Review Scope

The Review will consider the following:

-  Appropriate legislation to support the transparent setting, levying, and collection of council revenue, rates and charges;
-  Local government electoral provisions, including options for enhancing both voter and candidate participation;
-  Provisions that support efficient and high-quality council operations and service delivery;
-  Performance monitoring, including financial sustainability, governance and other relevant reporting;
-  Council governance and decision-making practices, including options for community engagement, representation, and democratic participation;
-  Provisions that support public confidence in the integrity, transparency and accountability of local government; and
-  The roles, functions, powers and operation of statutory bodies that oversee local government compliance and reform.

The Review will **not** consider:

-  Council amalgamations, or changes to existing municipal boundaries.
-  The roles and functions of the State Government and local government; mayors, deputy mayors and councillors.
-  The suite of contemporary council planning and financial management arrangements; and the Code of Conduct framework.



## Factsheet 2 Local Government Legislation: The Current Framework

- Local government is recognised as a level of government under the Tasmanian Constitution<sup>11</sup>. For councils to exist in Tasmania, local government legislation is required to legally constitute them. The local government legislation determines what the core functions of local government are and what powers local councils have to undertake those functions.
- The current Act sets out the broad functions of councils as being:
  - To provide for the health, safety and welfare of the community;
  - To represent and promote the interests of the community; and
  - To provide for the peace, order and good government of the area.
- The Act underpins the work of councils and sets out the roles, responsibilities and powers of elected members and council administration staff. Councils work within a broad legislative framework that governs their operation and activities. These include, but are not limited to:
  - *Local Government Act 1993*
  - *Local Government (Building and Miscellaneous Provisions) Act 1993*
  - *Local Government (Highways) Act 1982*
  - *Local Government (Rates and Charges Remissions) Act 1991*
  - *Local Government (Savings and Transitional) Act 1993*
  - *Land Use Planning and Approvals Act 1993*
  - *Environmental Management and Pollution Control Act 1994*
  - *Resource Management and Planning Appeal Tribunal Act 1993*
  - *Building Act 2016*
  - *Dog Control Act 2000*
  - *Public Health Act 1997*
  - *Roads and Jetties Act 1935*
  - *Traffic Act 1925*
  - *Water Management Act 1999*
  - *Right to Information Act 2009*
  - *Water and Sewerage Corporation Act 2012*
  - *Local Government (General) Regulations 2015*
  - *Local Government (Meeting Procedures) Regulations 2015*
  - *Local Government (Content of Plans and Strategies) Order 2014*
  - *Local Government (Management Indicators) Order 2014*
  - *Local Government (Audit Panels) Order 2014*

<sup>11</sup> Part IVA, Constitution Act 1934



### Factsheet 3 Governance: The Current Framework

- Councils are established as corporations, where
  - elected members are regarded as equivalent to the board of management with policy and planning responsibilities, with general managers being the only employees directly employed by elected members; and
  - general managers are responsible for the day-to-day administration of councils, the implementation of decisions made at council meetings, and providing qualified advice to allow the elected members to make informed decisions.



- Governance requirements for local government are set out in both legislation, which forms the 'rule book' for the activities and conduct of councils, and in the *Good Governance Guide* issued by the Local Government Division, which notes that good governance is demonstrated by elected members who:
  - act with the highest ethical standards;
  - understand their role and the role of others;
  - foster trusting and respectful relationships;
  - show a commitment to risk management;
  - engage in effective strategic planning;
  - follow a transparent and accountable decision-making process;
  - make good decisions that promote the interests of the community they serve;
  - understand and abide by the law;
  - commit to continuous improvement; and
  - have good judgement<sup>12</sup>.

<sup>12</sup> Department of Premier and Cabinet, Local Government Division's *Good Governance Guide*



## Factsheet 4 Consultation and Engagement: *The Current Requirements*

- There are both broad and specific requirements on councils to consult, involve and be accountable to the community in performing their functions and in their planning and decision-making processes. Specific consultation, including seeking and considering submissions, must occur when:
  - preparing strategic plans;
  - making or amending by-laws;
  - making or changing the councils' rating system; and
  - selling, leasing or exchanging public land.
- The public can also request that a council hold a public meeting in relation to issues raised in petitions. If a certain number of the municipal electorate request a meeting, the council must oblige. Notice of public meetings, including the meeting date, time, location and subjects for discussion, must be published at least twice before the meetings take place.
- Councils may also hold elector polls on any issue upon which they choose to seek community feedback. If petitions have been received at a public meeting, an elector poll must be held. Elector polls are used to gauge community interest in issues, but are not binding on councils.
- While not a requirement, some councils engage community members directly through community boards, which are regularly constituted committees that provide a voice on local issues to the council.



## Factsheet 5 Elections: *The Current System*

- Elections are run by the Tasmanian Electoral Commission on behalf of councils.
- Elections are held by postal ballot, in October, every four years.
- The ballot period is open for three weeks.
- Mayors and deputy mayors must also be elected as councillors.
- Candidates can nominate for either the seat of mayor or deputy mayor, but not both.
- Election results are determined using the Hare-Clark system, which is a preferential voting system.
- Voting is voluntary. At the recent election in 2018, an average of 58 per cent of residents voted.
- There are no caretaker provisions leading into the local government electoral period in Tasmania.
- Eligibility to vote is determined by being on the General Manager's Roll or the State House of Assembly Roll<sup>13</sup>. Individuals must be 18 years or older. Eligibility to be on the General Manager's Roll is based on having property or business interests within the local electorate. Where an individual has both property and business interests, they may be entitled to two votes in a local government election. It is not necessary to be an Australian citizen to be on the General Manager's Roll. The General Manager's Roll is kept by the General Manager of the council.
- Eligibility to run for office is based on being a Tasmanian resident and being eligible to vote in that local government area.

<sup>13</sup> Section 258 of the *Local Government Act, 1993* and Section 30 of the *Electoral Act, 2004*



## Factsheet 6 Council Revenue and Rating: The Current System

- Councils predominately raise revenue through rates and charges, but also through grants and business enterprises. The breakdown of council revenue across the State is shown below.



- Grants can vary each year, as determined by the State Grants Commission, as do distributions from local government businesses, such as Taswater.
  - General property rates are a tax, rather than a fee-for-service. The current rating framework is structured to reflect the taxation principle of ratepayers' 'capacity to pay' (those with greater capacity contribute more) being determined by property value, rather than the service provided to individual properties. However, in setting their rates resolutions, councils also balance other supporting taxation principles of efficiency; simplicity (practical, cost-effective); sustainability (system can withstand changing conditions); equity principles (everyone contributes equally) or benefit principles (those who benefit more, contribute more).
  - Rates are based on the property value as determined by the State Government Valuer-General. Councils must pay for this service.
  - Councils also collect the (property-value based) fire levy on behalf of the State Government.
- Councils can choose a number of different approaches to setting rates. Rates in any municipal area can be affected by many factors, contributing to both the rates payable by the community and the revenue that councils can raise. These factors include:
    - Choice of property valuation methodology - including a choice of property valuation methodology (based on either: land value, land and property value or approximate market rental value). Six councils rate on land and property value (Capital Value) in Tasmania, while 23 rate on approximate market rental value (Assessed Annual Value).
    - Setting different rates in the dollar (and/or rate remissions) for different classes of ratepayers – e.g. commercial, residential, or industrial. While 12 councils apply a single (uniform) rate in the dollar, 17 councils use differential rating.
    - Setting 'flat-rates' or average area rates - intended to achieve consistency in rates across the local area and minimise rate fluctuations from movements in property values. Three councils use this approach.
    - Councils' capacity to choose fee-for-service based 'charges' instead of property-value based 'rates' in respect to revenue for services, construction and specific local improvements.
  - The Local Government Division and the Tasmanian Audit Office publish some comparative data to enable comparison of rates charged, but not services provided.
  - Councils may provide rates remissions for classes of ratepayers or persons experiencing financial hardship or, alternatively, allow ratepayers to defer rates payments.



## Factsheet 7 Performance Monitoring and Oversight: The Current Framework

### Performance Monitoring

- Performance monitoring functions, including financial sustainability, governance and other reporting, are carried out by:
  - the Auditor-General; and
  - the Director of Local Government.
- There is no specific location for publishing comprehensive performance monitoring or comparative data in Tasmania.

### Access to Information

Mechanisms to ensure public access to information include:

- Public access to council meetings;
- Publicly available meeting minutes and agendas (if not audio or video recordings);
- Restrictions on closed council meetings and requirements that councillors consider what material can be publically released from those meetings;
- Public access to strategic council documents such as Strategic Plans, Annual Plans and Budget Estimates;
- Publicly available records of delegations, gifts and donations or conflict of interest registers; and
- Public question time and publishing responses to questions on notice.

Councils have important reasons for holding some discussions in closed meetings, such as commercial sensitivity or protecting the privacy rights of individuals in the community or employees.

### Oversight

- A range of bodies are involved in regulating the local government sector, including:
  - the Director of Local Government;
  - the Tasmanian Ombudsman;
  - the Integrity Commission;
  - the Auditor-General; and
  - (if convened by the Minister for Local Government) the Local Government Board and Board of Inquiry.
- There are a range of possible oversight responses scaled in response to the severity of the issues concerned; with education and support at the lower end and intervention at the most serious end.
- Complaints about council performance are directed to councils in the first instance. If a complainant is still unhappy, they can take their complaint to the Tasmanian Ombudsman.
- Complaints relating to the conduct of elected members can be made through Code of Conduct and Code of Conduct Panel Processes<sup>14</sup> (which were reformed in 2017 and are outside the scope of this Review).
- Complaints about statutory breaches or offences can be made to the Director of Local Government. The Director of Local Government has investigatory powers and the power to refer complaints for prosecution to the Director of Public Prosecutions. The Director does not have coercive investigatory powers.
- Powers for the most serious level of intervention in local government (e.g. suspension of councils, initiating reviews or inquiries) are held by the Minister.

<sup>14</sup> [http://www.dpac.tas.gov.au/divisions/local\\_government/local\\_government\\_code\\_of\\_conduct](http://www.dpac.tas.gov.au/divisions/local_government/local_government_code_of_conduct)



Email: [LGARreview@dpac.tas.gov.au](mailto:LGARreview@dpac.tas.gov.au)  
Post: Local Government Legislation Review Project Team  
Local Government Division  
Department of Premier and Cabinet  
GPO Box 123  
HOBART TAS 7001

## **17.2.5 POLICY REVIEW – FRAUD CONTROL AND CORRUPT CONDUCT PREVENTION POLICY**

**Author:** DEPUTY GENERAL MANAGER (ANDREW BENSON)

**Date:** 20 FEBRUARY 2019

**Enclosure(s):**

*Draft Fraud Control and Corrupt Conduct Prevention Policy*

### **ISSUE**

Council's consideration and approval is required for the revised Fraud Control and Corrupt Conduction Prevention Policy and associated documents that was presented to the January 2019 Council meeting.

### **BACKGROUND**

#### **[EXTRACT – January 2019 Council Meeting]**

##### ***DETAIL***

*The enclosed Fraud Control and Corrupt Conduct Prevention Policy along with the associated Procedures and strategies replace the existing versions.*

*The document that this revised version replaces has been long standing policies that has kept Council in tune with good practice for many years. This document was presented to the Audit Panel for their consideration and input at their January 2019 meeting. There was some general discussions in relation to the policy. The document was subsequently approved by the Audit Panel for consideration by Council.*

*As Councillors are aware, the process for any policy document being, that it is tabled at one meeting and then "lays on the table" until the next meeting, to enable Councillors sufficient time to work through and consider all of the ramifications of the strategy/policy, before the document is finally considered for adoption at the following meeting.*

##### **CONCLUSION**

*The draft Fraud Control and Corrupt Conduction Prevention Policy is commended to Council for its consideration.*

##### **RECOMMENDATION**

*THAT Council*

- 1. Receive and note the report; and*
- 2. Consider the draft Fraud Control and Corrupt Conduct Prevention Policy for adoption at the February 2019 Council meeting.*

**DECISION**

Moved by Deputy Mayor E Batt, seconded by Cllr A Bisdee OAM

THAT Council

1. Receive and note the report; and
2. Consider the draft Fraud Control and Corrupt Conduct Prevention Policy for adoption at the February 2019 Council meeting.

CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A O Green	√	
Deputy Mayor E Batt	√	
Cllr A Bantick	√	
Cllr A Bisdee OAM	√	
Cllr K Dudgeon	√	
Cllr D F Fish	√	
Cllr R McDougall	√	

**[END EXTRACT – January 2019 Council Meeting]**

**DETAIL**

The revised versions of the following documents

- a. *Fraud Control and Corrupt Conduct Prevention Policy;*
- b. *Fraud Control and Corrupt Conduct Investigation Procedure;*
- c. *Fraud Control and Corrupt Conduct Prevention Strategy; and*
- d. *Fraud Detection and Risk Management Strategy.*

were tabled at the January 2019 Council meeting for Council’s consideration. As Councillors are aware, the process for any policy documents is, that it is tabled at one meeting and then “lays on the table” until the next meeting, to enable Councillors sufficient time to work through and consider all of the ramifications of the strategy/policy, before the document is finally considered for adoption at the following meeting. Input from Councillors would be welcome.

**Human Resources & Financial Implications** - Business Unit Managers will undertake briefings with their team members to ensure that everyone is up to date with the revised document.

**Community Consultation & Public Relations Implications** - These documents will be housed on the SMC website.

**Policy Implications** - Review annually.

**Priority - Implementation Time Frame** - As soon as possible.

## RECOMMENDATION

### THAT Council

- a) Receive and note the report; and
- b) Adopt the revised Fraud Control and Corrupt Conduct Prevention Policy; which includes the Fraud Control and Corrupt Conduct Investigation Procedure; Fraud Control and Corrupt Conduct Prevention Strategy and Fraud Detection and Risk Management Strategy.

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

**ENCLOSURE**

*Agenda Item 17.2.5*



Council Policy  
**FRAUD CONTROL & CORRUPT CONDUCT PREVENTION  
POLICY**

Approved by: Council  
Approved date: Draft January 2019  
Review date:

## 1. PURPOSE

Southern Midlands Council is committed to the prevention, deterrence and investigation of all forms of fraud and/or corrupt conduct. Fraud and corrupt conduct can be damaging to the Council through financial loss, bad publicity and loss in public confidence

This policy covers guidelines and responsibilities regarding appropriate actions that must be followed to increase the awareness of, and, for the investigation of fraud and/or corrupt conduct. Management of the risk of exposure is an important area to monitor and the Council needs to be assured that appropriate and transparent procedures are in place.

The objective of the policy is to:

- Protect Council's assets and reputation;
- Ensure a sound ethical culture of the Council;
- Ensure Senior Management commitment to identifying risk exposures to fraud and corrupt conduct as well as establishing procedures for prevention and detection;
- Ensure Councillors and staff are aware of the responsibilities in relation to ethical conduct.

## 2. DEFINITIONS

Fraud is defined as 'Inducing a course of action by deceit or other dishonest conduct, involving acts or omissions or the making of false statements, orally or in writing, with the object of obtaining money or other benefit from, or evading a liability to, the Council'.

Some examples of fraud include:

- Unauthorised use of Council's plant, furniture and equipment;
- Any misappropriation of funds;
- Accepting gifts from contractors, consultants and customers;
- Falsification of expense claims, including timesheets;
- Inappropriate use of position to obtain goods and services.

A number of these issues are specifically covered in the 'Southern Midlands Council – Code of Conduct Policy' (covering Employees, Contractors, Sub Contractors, Employees of Contractors and Sub Contractors, Employees of Labour Hire Companies that have assigned to work at Council, Outworkers, Apprentices and Trainees, Work Experience Students and Volunteers) and the Southern Midlands Council – Code of Conduct (Elected Members).



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Approved by:  
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### 3. ELEMENTS OF THE POLICY

- 1 Applicability
- 2 Education and Awareness
- 3 Roles and Responsibilities
- 4 Procedures
- 5 Consequences of Engaging in Fraudulent or Corrupt Conduct
- 6 Risk Management
- 7 Fraud and Corrupt Conduct Control Program
- 8 Linked Documentation

#### 1. Applicability

This policy applies to all Councillors, Employees, Contractors, Sub Contractors, Employees of Contractors and Sub Contractors, Employees of Labour Hire Companies that have been assigned to work at Council, Outworkers, Apprentices and Trainees, Work Experience Students and Volunteers.

#### 2. Education and Awareness

The likelihood and impact of fraudulent behaviour will be minimised by promoting a sound ethical environment. This approach reduces the risk of fraud, and allows greater reliance of the integrity of those that the policy applies to rather than on direct measures.

It is the responsibility of all applicable persons to set an example through ethical and prudent use of Council assets and resources. All have a duty to advise management of any concerns they have about the conduct of Council affairs or the use of Council assets and resources.

The Fraud Control and Corrupt Conduct Prevention Policy will be brought to the attention of all relevant persons and will be included in the induction program, as well as being included in the Request for Tender documentation. Staff with particular responsibilities such as cash handling, purchasing authority and account payment, will be given specific training in approved cash handling, purchasing and accounts payment procedures.

#### 3. Roles and Responsibilities

##### 3.01 Councillors

Councillors have a responsibility to abide by its Code of Conduct.

Councillors need to keep in mind the Code of Conduct when considering reports, making decisions and scrutinising Council's activities.

Council will support all policies and measures taken to prevent, deter, detect and resolve suspected instances of fraud.



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### **3.02 Senior Management**

Senior Management is responsible for ensuring there are adequate internal controls to provide reasonable assurance for the prevention and detection of fraud and corruption.

Achievement of this is assisted by:

- Compliance with Council policies, rules and regulations;
- Ensuring Councillors are aware of their obligations as included in the "Southern Midlands Council – Code of Conduct (Elected Members)";
- Ensuring all other personnel are aware of their responsibilities through adequate induction, training, supervision and written procedures;
- Responding to issues raised by and external auditors.

All suspected cases or incidents of fraud are to be reported to the General Manager. The General Manager will promptly investigate such cases or incidents in accordance with the Fraud Control Procedure (attached).

### **3.03 Employees / Contractors / Sub Contractors, Employees of Contractors and Sub Contractors, Employees of Labour Hire Companies that have been assigned to work at Council, Outworkers, Apprentices and Trainees, Work Experience Students and Volunteers**

All of the above persons have a duty to make management aware of any concerns they have about the conduct of Council affairs or the use of Council assets and resources. Any issues raised by them should be promptly investigated. Confidentiality of issues raised must also be maintained.

## **4. Procedures**

The Fraud Control Investigation Procedure (attached) must be followed for all investigations of fraud.

## **5. Consequences of Engaging in Fraudulent or Corrupt Conduct**

Council's disciplinary procedures will apply to any staff member (employee) involved in fraudulent or corrupt activities in accordance with HR disciplinary procedures.

Any issue involving conduct of this kind and pertaining to a Councillor will be subject to the procedures set out in the Code of Conduct for Elected Members or referred to an appropriate external authority for investigation and further action.

Where fraudulent or corrupt conduct is believed to have been undertaken by a contractor, sub-contractor, an employee of a contractor or sub-contractor, an employee of a labour hire company that has been assigned to work with Council, apprentice or trainee, work experience student or volunteer, the matter will be referred to the appropriate internal process or external authority for investigation and further action.



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## 6. Risk Management

The measures required to satisfactorily address the risk of fraud depend on the nature and extent of risks faced. It is therefore necessary to undertake a risk assessment on an annual basis of the organisation's activities. The outcome of these assessments will then be used to formulate appropriate controls to mitigate any identified risks.

The following fraud minimisation procedures are to be followed:

- 1 Accountability of Managers for the results and deviations from budget in the monthly management reporting for departments. Further independent detailed reviews of significant variances that may arise will be arranged by the General Manager or the relevant Manager.
- 2 Periodic review of Council operations and an assessment of the Council's exposure to the risk of fraud.
- 3 An ongoing review process. Internal controls supported by internal reviews on a regular basis will minimise the exposure to fraud risk and minimise the occurrence of new frauds arising.
- 4 External audit review with the focus on accountability of financial systems and reporting processes.
- 5 Maintain strict recruitment practices, including the confirmation of all relevant employees details and thorough checking of references, in addition including police checks on applicants successfully applying for senior positions, and the promotion of this policy to all new Council employees.
- 6 All assets are properly recorded and regular checks are performed to ensure that significant items are present.
- 7 Set a standard of conduct for suppliers and contractors.
- 8 Review work practices open to collusion or manipulation.
- 9 There are penalties in place should a staff member be found guilty of fraud.
- 10 Ensure that Council management have been trained in identifying indicators of fraud.

## 7. Early Warning Signs

The following are some behavioural warning signs all staff and managers need to be aware of relating to potential fraudulent behaviour:

- Refusing to take leave.
- Resigning suddenly or failing to attend work for no apparent reason.
- Drugs or alcohol abuse.
- A Manager/staff member who over rides internal controls.
- Persistent anomalies in work practices.
- Obvious lifestyle changes that are in conflict with employees normal financial position.



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**FRAUD CONTROL & CORRUPT CONDUCT PREVENTION  
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Approved by: Council  
Approved date: Draft January 2019  
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#### 4. RELATED DOCUMENTS

- Fraud Control and Corrupt Conduct Investigation Procedure (Appendix A).
- Fraud Prevention Strategy (Appendix B).
- Fraud Detection and Risk Management Strategy (Appendix C).

#### 5. DOCUMENT ADMINISTRATION

This Instruction is a managed document and is to be reviewed bi-annually or as directed by the General Manager.

This document is Version 1.1 effective XX-XX-XXXX. The document is maintained by the General Managers Unit, for the Southern Midlands Council.

##### *Approval Process*

<i>First Council Meeting Date:</i>	<i>24<sup>th</sup> October 2012</i>	<i>Decision No.</i>	<i>C/12/10/070/19195</i>
<i>Final Council Meeting Date:</i>	<i>28<sup>th</sup> November 2012</i>	<i>Decision No.</i>	<i>C/12/11/072/19219</i>
<i>Repealed Council Meeting Date:</i>		<i>Decision No.</i>	
<i>Updated Council Meeting Date:</i>		<i>Decision No.</i>	



Council Policy  
**FRAUD CONTROL & CORRUPT CONDUCT PREVENTION  
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Review date:

APPENDIX A

## **FRAUD CONTROL AND CORRUPT CONDUCT INVESTIGATION PROCEDURE**

This procedure covers appropriate actions and responsibilities that must be followed for the investigation of fraud.

### **Process**

1. Any employee; contractor; sub-contractor; employee of a contractor or sub-contractor; an employee of a labour hire company that has been assigned to work at Council; Outworker; Apprentice; Trainee; Work Experience Student or Volunteer who has reason to suspect that a fraud has occurred shall immediately notify his / her Manager. If the person has reason to believe that the person's Manager may be involved, the person is to immediately notify the General Manager. The person who provides notification to his/her Manager shall keep this information confidential. (Note: Should the incident relate to the General Manager, the matter should be reported to the Mayor).
2. If the person has reason to believe that the General Manager may be involved, the matter should be reported immediately to the Mayor or in his/her absence, to the Deputy Mayor.
3. Any Councillor who has reason to suspect that a fraud has occurred shall immediately notify the General Manager. The Councillor shall keep this information confidential.
4. The Manager, when receiving notification of suspected fraud, will immediately contact the General Manager. The Manager will not attempt to investigate the suspected fraud and will keep the information confidential.
5. The General Manager will promptly investigate the fraud upon notification of the details, or alternatively, the Mayor will promptly investigate the report of fraud where there is reason to believe that the General Manager may be involved.
6. At the conclusion of the initial investigation of a Councillor, the General Manager will determine what further action may be required which may include the need to refer to an external authority.
7. At the conclusion of an investigation of an employee; contractor; sub-contractor; employee of a contractor or sub-contractor; an employee of a labour hire company that has been assigned to work at Council; Outworker; Apprentice; Trainee; Work Experience Student or Volunteer the General Manager will prepare a record.

The record will contain:

- The allegation/s
- An account of all relevant information received, and, if the General Manager has rejected the evidence as being unreliable, the reasons for this opinion being formed.
- The conclusions reached and the basis for them, and
- Any recommendation arising from the conclusions.

Following the completion of the record the General Manager will determine what further action might be required.



Council Policy  
**FRAUD CONTROL & CORRUPT CONDUCT PREVENTION  
POLICY**

Approved by:  
Approved date:  
Review date:

Council  
Draft January 2019

APPENDIX A

**FRAUD CONTROL AND CORRUPT CONDUCT INVESTIGATION  
PROCEDURE**

**Related Documents**

- Fraud Control and Corrupt Conduct Prevention Policy
- Code of Conduct Policy
- Code of Conduct (Elected Members)

**Review of Procedure**

The Fraud Control and Corrupt Conduct Investigation procedure will be reviewed biannually.

DRAFT



Council Policy  
**FRAUD CONTROL & CORRUPT CONDUCT PREVENTION  
POLICY**

Approved by: Council  
Approved date: Draft January 2019  
Review date:

APPENDIX B

## **FRAUD CONTROL & CORRUPT CONDUCT PREVENTION STRATEGY**

Council's fraud and corrupt conduct prevention strategy involves:

### **Organisational Integrity and Leadership**

The most effective form of fraud prevention is the establishment of an organisational culture that rejects fraudulent and corrupt practices. Commitment from Senior Management and Councillors is essential in establishing a behaviour model for all staff, committee members and volunteers.

Council will establish and maintain a fraud-resistant culture by:

- (a) employing managers and supervisors who will be positive role models for ethical behaviour;
- (b) adopting and enforcing policies that emphasise the importance of ethical behaviour;
- (c) issuing clear standards and procedures to minimise opportunities for fraudulent and corrupt behaviour, and enhance detection mechanisms; and
- (d) ensuring all staff are accountable for their own actions.

### **Employee Education and Awareness**

Employees will be made aware of Council's ethical conduct expectations by:

- (a) the inclusion of ethical conduct requirements in information packages for new employees;
- (b) an ongoing program of inclusion of ethical behaviour expectations within all position descriptions for new and existing positions; and
- (c) develop and implement a staff Code of Conduct.

Staff with particular responsibilities, such as cash handling and purchasing authority, will be given specific training in approved cash handling and purchasing procedures.

### **Customer and Community Awareness**

Fraudulent activity may be detected as a result of complaints from Council customers or other members of the public. It is essential that the community understands the impact of fraudulent and corrupt activity and the importance of exposing such behaviour. In order to increase community awareness and encourage the reporting of fraudulent and corrupt conduct, Council will:

- (a) publish the Code of Conduct on Council's website; and
- (b) provide feedback to all persons who report suspected corrupt or fraudulent conduct.

### **Regular Review of Policies and Procedures**

In addition to ongoing policy development directed at emphasising ethical behaviour and fraud prevention and detection, Council is committed to the ongoing review of existing policies and procedures.



Council Policy  
**FRAUD CONTROL & CORRUPT CONDUCT PREVENTION  
POLICY**

Approved by: Council  
Approved date: Draft January 2019  
Review date:

APPENDIX C

## **FRAUD DETECTION & RISK MANAGEMENT STRATEGY**

Council's fraud detection strategy involves:

### **Encouraging Disclosure**

It is recognised that most fraudulent activity is detected by employees of Council, and to a lesser extent, by members of the public. Council will encourage the reporting of fraudulent conduct by:

- (a) The inclusion of training on fraud awareness and reporting procedures in induction of new employees;
- (b) Awareness training for all staff on Council's Code of Conduct and reporting of fraudulent and corrupt activity on a bi-annual basis;
- (c) Advertising on Council's website of the various methods by which members of the public can report instances of fraudulent conduct that they may become aware of, and
- (d) Providing feedback to people who report suspected fraud.

### **Internal Review**

Council will minimise opportunities for undetected fraudulent activity via a robust internal review program. The General Manager shall establish and implement a detailed strategy and procedures, incorporating internal review guidelines in order to give this policy effect. Such a program shall include:

- (a) monthly reviews of purchasing and disposal transactions;
- (b) annual reviews of financial system security;
- (c) annual reviews of cash float and petty cash balances;
- (d) bi-annual stock takes of Council inventory;
- (e) annual reviews of physical asset security;
- (f) appropriate separation of duties identified;
- (g) annual reviews of compliance with adopted cash handling procedures; and
- (h) implementation and monitoring of recommendations by Council's external auditors.

## 17.2.6 CODE OF CONDUCT (ELECTED MEMBERS) - POLICY REVIEW

**Author:** GENERAL MANAGER (TIM KIRKWOOD)

**Date:** 20 FEBRUARY 2019

**Enclosure:**

- *Draft Code of Conduct (Elected Members)*
- *Amendments to Local Government Act 1993 and Local Government (Model Code of Conduct) Order 2016 Information Sheet*
- *Local Government Code of Conduct Overview of Complaint Process Information Sheet*

### ISSUE

Council to review and adopt the Code of Conduct for Elected Members (as amended).

### BACKGROUND

Following a review of the model code of conduct framework, there have been changes made to both the *Local Government Act 1993* (the Act) and the *Local Government (Model Code of Conduct) Order 2016* (the Code).

The *Local Government (Model Code of Conduct) Amendment Order 2018* was signed by the Minister for Local Government on 7 December 2018, and came into effect upon its gazettal on 26 December 2018.

The changes will not apply until the amended model code is adopted by the relevant council.

### DETAIL

Please refer to the attached Information Sheet which summarises the key changes from the amendments to the Act and the Model Code.

**Human Resources & Financial Implications – Nil**

**Community Consultation & Public Relations Implications –** The Tasmanian Government developed the Model Code of Conduct which progressed through various consultative processes.

The Act requires the general manager to make a copy of the council's code of conduct available –

- (a) *for public inspection, free of charge, at the public office of the council during ordinary office hours and on its website; and*
- (b) *for purchase at a reasonable charge.*

**Policy Implications –** Section 28T of the *Local Government Act 1993* requires each council to adopt the model code of conduct, either with or without any variations permitted under subsection (3). Subsection (3) basically requires that any amendment,

variation or adoption of a substitute model code of conduct must be approved by the Minister.

Failure to adopt the Model Code of Conduct, either with or without variations as approved by the Minister, will result in a breach of section 28T of the *Local Government Act 1993*.

**Priority - Implementation Time Frame** – Under section 28T of the *Local Government Act 1993* (the Act), councils must adopt the amended Model Code within three months of the Order taking effect. The deadline for adopting the amended Model Code is therefore 26 March 2019. Please note that Council’s previous Model Code will continue to apply until Council resolves to adopt the new amended Model Code.

Council must provide a copy of the adopted Model Code to the Director of Local Government within two weeks of adoption.

## RECOMMENDATION

**THAT Council:**

- a) **adopt the Elected Members Code of Conduct (incorporating amendments to the *Local Government Act 1993* and *Local Government (Model Code of Conduct) Order 2016*; and**
- b) **Revoke its existing Code of Conduct for Elected Members.**

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

**ENCLOSURE**

*Agenda Item 17.2.6*



**SOUTHERN MIDLANDS COUNCIL  
CODE OF CONDUCT (ELECTED MEMBERS)**

**INTRODUCTION**

**Purpose of Code of Conduct**

This Code of Conduct sets out the standards of behaviour expected of the councillors of the Southern Midlands Council, with respect to all aspects of their role.

As leaders in the community, councillors acknowledge the importance of high standards of behaviour in maintaining good governance. Good governance supports each councillor's primary goal of acting in the best interests of the community.

Councillors therefore agree to conduct themselves in accordance with the standards of behaviour set out in the Code of Conduct for elected members.

This Code of Conduct incorporates the Model Code of Conduct made by Order of the Minister for Local Government.

**Application of Code of Conduct**

This Code of Conduct applies to a councillor whenever he or she:

- conducts council business, whether at or outside a meeting;
- conducts the business of his or her office (which may be that of Mayor, Deputy Mayor or Councillor); or
- acts as a representative of the Council.

A complaint or failure to comply with the provisions of the Code of Conduct may be made where the councillor fails to meet the standard of conduct specified in the Model Code of Conduct.

**Standards of conduct prescribed under the Model Code of Conduct**

The model code of conduct provides for the following eight standards of conduct as detailed in Schedule 1:

**1. Decision making**

A councillor is to bring an open and unprejudiced mind to all matters being considered in the course of his or her duties, so that decisions are made in the best interests of the community.

**2. Conflict of interests that are not pecuniary**

A councillor effectively manages conflict of interest by ensuring that personal or private interests do not influence, and are not seen to influence, the performance of his or her role and acting in the public interest.

**3. Use of office**

A councillor uses his or her office solely to represent and serve the community, conducting himself or herself in a way that maintains the community's trust in the councillor and the Council as a whole.



## SOUTHERN MIDLANDS COUNCIL CODE OF CONDUCT (ELECTED MEMBERS)

- 4. Use of resources**  
A councillor uses Council resources and assets strictly for the purpose of performing his or her role.
- 5. Use of information**  
A councillor uses information appropriately to assist in performing his or her role in the best interests of the community.
- 6. Gifts and benefits**  
A councillor adheres to the highest standards of transparency and accountability in relation to the receiving of gifts or benefits, and carries out his or her duties without being influenced by personal gifts or benefits.
- 7. Relationships with community, councillors and council employees**  
A councillor is to be fair in his or her conduct, communication and relationships with members of the community, fellow councillors and Council employees in a way that builds trust and confidence in the Council.
- 8. Representation**  
A councillor is to represent himself or herself and the Council appropriately and within the ambit of his or her role, and clearly distinguish between his or her views as an individual and those of the Council.

### Principles of good governance

By adopting this Code of Conduct, councillors commit to the overarching principles of good governance by being:

*Accountable – Explain, and be answerable for, the consequences of decisions made on behalf of the community.*

*Transparent – Ensure decision making processes can be clearly followed and understood by the community.*

*Law-abiding – Ensure decisions are consistent with relevant legislation or common law, and be within the powers of local government.*

*Responsive – Represent and serve the needs of the entire community while balancing competing interests in a timely, appropriate and responsive manner.*

*Equitable – Provide all groups with the opportunity to participate in the decision making process and treat all groups equally.*

*Participatory and inclusive – Ensure that anyone affected by or interested in a decision has the opportunity to participate in the process for making that decision.*

*Effective and efficient – Implement decisions and follow processes that make the best use of the available people, resources and time, to ensure the best possible results for the community.*

*Consensus oriented – Take into account the different views and interests in the community, to reach a majority position on what is in the best interests of the whole community, and how it can be achieved.*



## SOUTHERN MIDLANDS COUNCIL CODE OF CONDUCT (ELECTED MEMBERS)

### Legislation

The code of conduct framework is legislated under the *Local Government Act 1993* (the Act). The Act is available to view via the Tasmanian Legislation Website at [www.thelaw.tas.gov.au](http://www.thelaw.tas.gov.au).

### Code of Conduct

Tasmanian councillors are required to comply with the provisions of the Council's Code of Conduct while performing the functions and exercising the powers of his or her office with the Council.

The Code of Conduct incorporates the Model Code of Conduct (made by order of the Minister responsible for local government) and may include permitted variations included as attached schedules to the Model Code of Conduct.

### Making a Code of Conduct complaint

A person may make a code of conduct complaint against one councillor in relation to the contravention by the councillor of the relevant council's code of conduct.

A person may make a complaint against more than one councillor if the complaint relates to the same behaviour and the same code of conduct contravention.

Code of conduct complaints are lodged with the General Manager of the relevant council and must comply with legislative requirements, as outlined below.

A complaint may not be made by more than two complainants jointly.

A code of conduct complaint is to –

- be in writing;
- state the name and address of the complainant;
- state the name of each councillor against whom the complaint is made;
- state the provisions of the relevant code of conduct that the councillor has allegedly contravened;
- contain details of the behaviour of each councillor that constitutes the alleged contravention;
- be lodged with the general manager within six months after the councillor or councillors against whom the complaint is made allegedly committed the contravention of the code of conduct; and
- be accompanied by the code of conduct complaint lodgement fee.

Once satisfied that the code of conduct complaint meets prescribed requirements, the General Manager forwards the complaint to the Code of Conduct Panel.

### Code of Conduct complaint lodgement fee

The code of conduct complaint lodgement fee is prescribed under Schedule 3 (Fees) of the *Local Government (General) Regulations 2015*. The current lodgement fee is 50 fee units.



## SOUTHERN MIDLANDS COUNCIL CODE OF CONDUCT (ELECTED MEMBERS)

### **Councillor dispute resolution**

Councillors commit to developing strong and positive working relationships and working effectively together at all times.

Prior to commencing a formal code of conduct complaint, the councillors who are parties to any disagreement should endeavour to resolve their differences in a courteous and respectful manner, recognising that they have been elected to act in the best interests of the community.

A council's internal dispute resolution process should be the first step that is taken when there is a dispute between councillors.

A councillor who is party to any disagreement should request the Mayor (or Lord Mayor) or the General Manager to assist that councillor in resolving the disagreement informally.

If the informal assistance does not resolve the disagreement, the General Manager may, with the consent of the parties involved, choose to appoint an external mediator to assist in the resolution of the disagreement. If an external mediator is appointed, councillors who are party to the disagreement must strive to cooperate with the mediator and use their best endeavours to assist the mediator and participate in the mediation arranged.

Where a matter cannot be resolved through internal processes, the next step may be to lodge a formal code of conduct complaint.

Councillors should only invoke the provisions of the Code of Conduct in good faith, where it is perceived that another councillor has not complied with the provisions or intent of the Code of Conduct.

### **Complaints under the *Local Government Act 1993***

The Director of Local Government is responsible for the investigation of complaints regarding alleged breaches of the Act.

Any person can make a complaint to the Director, via the Local Government Division (contact details below), in accordance with section 339E of the Act, where it is genuinely believed that a council, councillor or general manager may have committed an offence under the Act or failed to comply with the requirements of the Act.

To make a complaint, it is recommended that you first contact the Local Government Division to discuss whether the matter is something that the Division can assist with.

### **Public Interest Disclosure**

Any instances of suspected corrupt conduct, maladministration and serious and substantial waste of public resources or substantial risk to public health or safety or to the environment should be reported in accordance with the *Public Interest Disclosures Act 2002*. Disclosures may be made to the Tasmanian Ombudsman or the Tasmanian Integrity Commission.



SOUTHERN MIDLANDS COUNCIL  
**CODE OF CONDUCT (ELECTED MEMBERS)**

**Key contacts**

Department of Premier and Cabinet's Local Government Division  
Level 5, 15 Murray Street, HOBART TAS 7000  
GPO Box 123, HOBART TAS 7001  
Phone: (03) 6232 7022 Fax: (03) 6173 0257  
Email: [lgd@dpac.tas.gov.au](mailto:lgd@dpac.tas.gov.au)  
Web: [www.dpac.tas.gov.au/divisions/local\\_government](http://www.dpac.tas.gov.au/divisions/local_government)

Local Government Association of Tasmania  
326 Macquarie Street, HOBART TAS 7000  
GPO Box 1521, HOBART TAS 7001  
Phone: (03) 6233 5966  
Email: [admin@lqat.tas.gov.au](mailto:admin@lqat.tas.gov.au)  
Web: [www.lqat.tas.gov.au](http://www.lqat.tas.gov.au)

The Tasmanian Integrity Commission  
Surrey House, Level 2, 199 Macquarie Street, HOBART TAS 7000  
GPO Box 822, HOBART TAS 7001  
Phone: 1300 720 289  
Email: [mper@integrity.tas.gov.au](mailto:mper@integrity.tas.gov.au)  
Web: [www.integrity.tas.gov.au](http://www.integrity.tas.gov.au)

Ombudsman Tasmania  
NAB House, Level 6, 86 Collins Street, HOBART TAS 7000  
GPO Box 960, HOBART TAS 7001  
Phone: 1800 001 170  
Email: [ombudsman@ombudsman.tas.gov.au](mailto:ombudsman@ombudsman.tas.gov.au)  
Web: [www.ombudsman.tas.gov.au](http://www.ombudsman.tas.gov.au)

*Attachments*

**APPENDIX A**      **Schedule 1 of the *Local Government (Model Code of Conduct) Order 2016***

**APPENDIX B**      **Local Government Code of Conduct Flowchart**



SOUTHERN MIDLANDS COUNCIL  
**CODE OF CONDUCT (ELECTED MEMBERS)**

**APPENDIX A**

**SCHEDULE 1 – Model Code of Conduct**

Clause 4

**PART 1 – DECISION MAKING**

1. A councillor must bring an open and unprejudiced mind to all matters being decided upon in the course of his or her duties, including when making planning decisions as part of the Council's role as a Planning Authority.
2. A councillor must make decisions free from personal bias or prejudgement.
3. In making decisions, a councillor must give genuine and impartial consideration to all relevant information known to him or her, or of which he or she should have reasonably been aware.
4. A councillor must make decisions solely on merit and must not take irrelevant matters or circumstances into account when making decisions.

**PART 2 – CONFLICTS OF INTEREST THAT ARE NOT PECUNIARY**

1. When carrying out his or her public duty, a councillor must not be unduly influenced, nor be seen to be unduly influenced, by personal or private interests that he or she may have.
2. A councillor must act openly and honestly in the public interest.
3. A councillor must uphold the principles of transparency and honesty and declare actual, potential or perceived conflicts of interest at any meeting of the Council and at any workshop or any meeting of a body to which the councillor is appointed or nominated by the Council.
4. A councillor must act in good faith and exercise reasonable judgement to determine whether he or she has an actual, potential or perceived conflict of interest.
5. A councillor must avoid, and remove himself or herself from, positions of conflict of interest as far as reasonably possible.
6. A councillor who has an actual, potential or perceived conflict of interest in a matter before the Council must –
  - (a) declare the conflict of interest and the nature of the interest before discussion of the matter begins; and
  - (b) act in good faith and exercise reasonable judgement to determine whether a reasonable person would consider that the conflict of interest requires the councillor to remove himself or herself physically from any Council discussion and remain out of the room until the matter is decided by the Council.
7. This Part does not apply in relation to a pecuniary interest.



## SOUTHERN MIDLANDS COUNCIL CODE OF CONDUCT (ELECTED MEMBERS)

### PART 3 – USE OF OFFICE

1. The actions of a councillor must not bring the Council or the office of councillor into disrepute.
2. A councillor must not take advantage, or seek to take advantage, of his or her office or status to improperly influence others in order to gain an undue, improper, unauthorised or unfair benefit or detriment for himself or herself or any other person or body.
3. In his or her personal dealings with the Council (for example as a ratepayer, recipient of a Council service or planning applicant), a councillor must not expect nor request, expressly or implicitly, preferential treatment for himself or herself or any other person or body.

### PART 4 – USE OF RESOURCES

1. A councillor must use Council resources appropriately in the course of his or her public duties.
2. A councillor must not use Council resources for private purposes except as provided by Council policies and procedures.
3. A councillor must not allow the misuse of Council resources by any other person or body.
4. . . . .

### PART 5 – USE OF INFORMATION

1. . . . .
2. A councillor must only access or use Council information needed to perform his or her role and not for personal reasons or non-official purposes.
3. . . . .
4. A councillor must only release Council information in accordance with established Council policies and procedures and in compliance with relevant legislation.

### PART 6 – GIFTS AND BENEFITS

1. A councillor may accept an offer of a gift or benefit if it directly relates to the carrying out of the councillor's public duties and is appropriate in the circumstances and is not in contravention of any relevant legislation.
2. A councillor must avoid situations in which a reasonable person would consider that any person or body, through the provisions of gifts or benefits of any kind, is securing (or attempting to secure) influence or a favour from the councillor or the Council.
3. . . . .
4. . . . .
5. . . . .
6. . . . .
7. . . . .
8. . . . .



SOUTHERN MIDLANDS COUNCIL  
**CODE OF CONDUCT (ELECTED MEMBERS)**

**PART 7 – RELATIONSHIPS WITH COMMUNITY, COUNCILLORS AND COUNCIL EMPLOYEES**

1. A councillor –
  - (a) must treat all persons fairly; and
  - (b) must not cause any reasonable person offence or embarrassment; and
  - (c) must not bully or harass any person.
2. A councillor must listen to, and respect, the views of other councillors in Council and committee meetings and any other proceedings of the Council, and endeavour to ensure that issues, not personalities, are the focus of debate.
3. . . . .
4. A councillor must not contact or issue instructions to any of the Council's contractors or tenderers, without appropriate authorisation.
5. A councillor must not contact an employee of the Council in relation to Council matters unless authorised by the General Manager of the Council.

**PART 8 – REPRESENTATION**

1. When giving information to the community, a councillor must accurately represent the policies and decisions of the Council.
2. A councillor must not knowingly misrepresent information that he or she has obtained in the course of his or her duties.
3. A councillor must not speak on behalf of the Council unless specifically authorised or delegated by the Mayor or Lord Mayor.
4. A councillor must clearly indicate when he or she is putting forward his or her personal views.
5. A councillor's personal views must not be expressed publicly in such a way as to undermine the decisions of the Council or bring the Council into disrepute.
6. A councillor must show respect when expressing personal views publicly.
7. The personal conduct of a councillor must not reflect, or have the potential to reflect, adversely on the reputation of the Council.
8. When representing the Council on external bodies, a councillor must strive to understand the basis of the appointment and be aware of the ethical and legal responsibilities attached to such an appointment.

**PART 9 – VARIATION OF CODE OF CONDUCT**

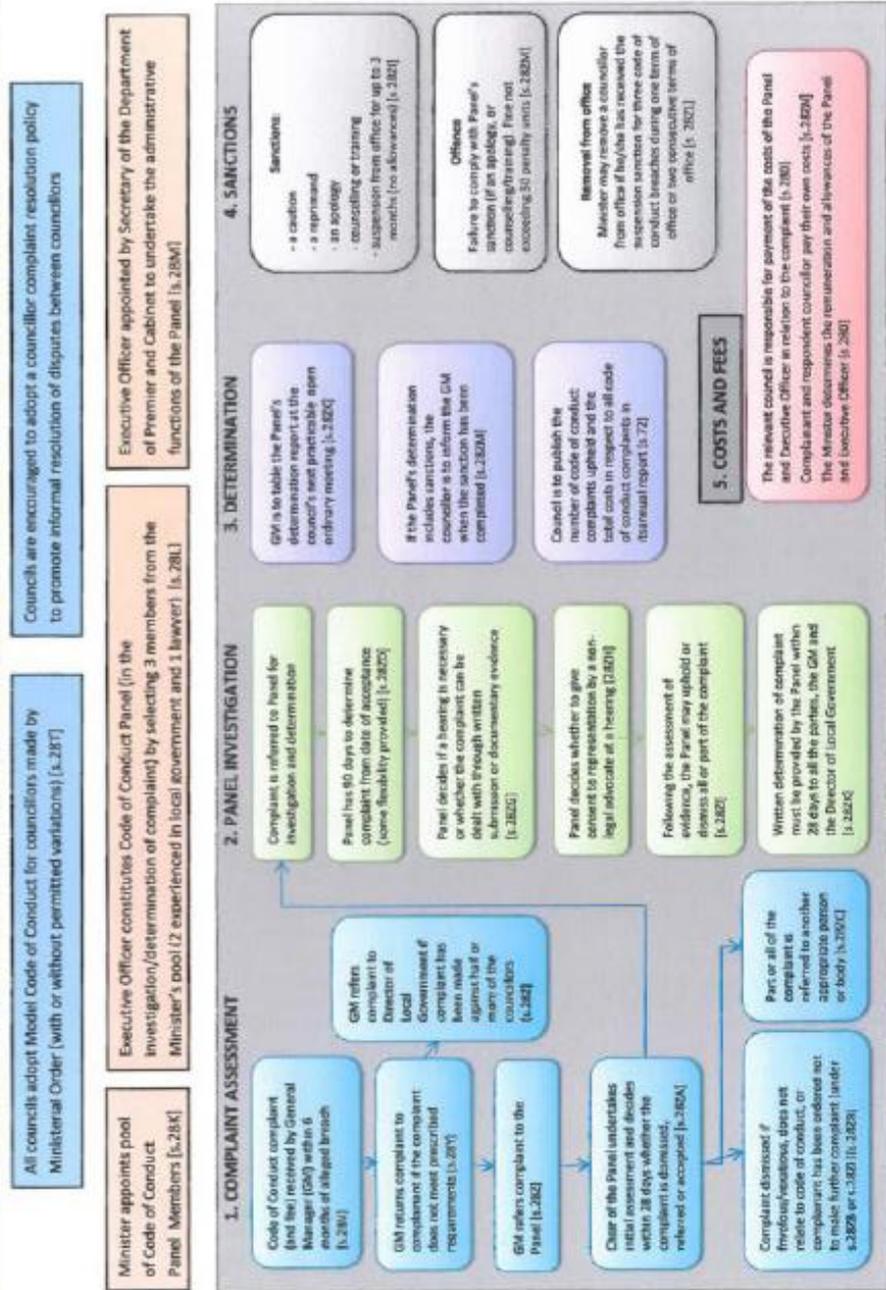
1. Any variation of this model code of conduct is to be in accordance with section 28T of the Act.



SOUTHERN MIDLANDS COUNCIL  
**CODE OF CONDUCT (ELECTED MEMBERS)**

**APPENDIX B**

**Local Government Code of Conduct Framework under the Local Government Act 1993 – Flowchart**



## Amendments to *Local Government Act 1993* and *Local Government (Model Code of Conduct) Order 2016*

### INFORMATION SHEET

This information sheet provides a summary of the changes made to the *Local Government Act 1993* and the *Local Government (Model Code of Conduct) Order 2016* in December 2018

#### Code of Conduct Changes

Following a review of the model code of conduct framework, there have been changes made to both the *Local Government Act 1993* (the Act) and the *Local Government (Model Code of Conduct) Order 2016* (the Code). Together, these changes will improve the overall efficiency and effectiveness of the complaints handling process.

Amendments to the Act apply as of 10 December 2018 include:

- section 28V(3)(fb) - a new requirement that a complainant provide details of reasonable efforts made to resolve the issue that is the subject of the complaint, when lodging a complaint;
- section 28ZE(5A) - a new requirement that a complainant (along with councillors or employees of the council) are to provide a statutory declaration verifying the accuracy of the information they provide in respect of a complaint;
- section 28ZB(1)(a) and (ab) - a new provision to allow the chairperson of a Code of Conduct Panel to dismiss complaints on the basis of 'triviality', as well as on the basis that the complainant has not made a reasonable

effort to resolve the issue prior to lodgement of the complaint;

- section 72(1)(ba) - a new provision requiring councils to include in their annual report the number of code of conduct complaints that were received in total, as well as the number that were upheld either wholly or in part;
- section 339 - a new offence provision to explicitly prevent any person from misusing information acquired in relation to a code of conduct investigation; and
- a small number of minor amendments focused on improving the overall procedural fairness, confidentiality and transparency of the complaints handling process.

Amendments to the model code were approved by the Minister for Local Government on 7 December 2018 and came into effect upon Gazettal on 26 December 2018. However, these changes will not apply until the amended model code is adopted by the relevant council.

Amendments include:

- part 2 – clause 7 - changes to make it clear that the model code does not apply to pecuniary interests or to the



- disclosure of confidential information, as these are dealt with as offence provisions under the Act; and
- Part 2 – clause 6 - the introduction of a 'reasonable person' test in relation to non-pecuniary conflicts of interest. This replaces the 'materiality' test, and is intended to provide consistency within the Code and with common law principles. Further guidance will be issued about what is the 'reasonable person'.

#### Vacation of office - Schedule 5 - clause 3(1)

The office of a councillor, who is elected to any Parliament in Australia, is vacated on the day on which they begin to hold office in that Parliament. This will prevent members elected to Tasmanian or Australian Parliament continuing to also serve as councillors.

#### Customer service charter - section 339F(4)

A review of a council's charter needs to be undertaken within 12 months of a council election, rather than every two years.

### Miscellaneous Changes

Miscellaneous amendments to the Act were also made in order to address a number of minor drafting and administrative matters. Relevant changes include:

#### Pecuniary interests - section 52(1)(d)

The Act was amended to clarify that a councillor can only vote on a matter relating to the payment of allowances or expenses if that matter relates to all councillors of the council.

#### Gifts and donations register - section 56B(3)

The register of gifts and donations for elected members is required to be made permanently available at the relevant council's office, on the council's website and updated at least monthly.

#### Improper use of information - section 339(1), (2) and (2A)

Existing provisions have been extended to capture former councillors, members, members of an audit panel or employees, similar to the restrictions that apply under the *Corporations Act 2001* to former directors with respect to the misuse of information.

Disclaimer: Advice on legislation or legal policy issues contained in this paper is intended for information and general guidance only. Such advice is not professional legal opinion.

Local Government Division  
GPO Box 123, HOBART TAS 7001 Australia  
Phone: 03 6232 7022 Fax: 03 6173 0257  
Email: [lgd@dpac.tas.gov.au](mailto:lgd@dpac.tas.gov.au) Visit: [www.dpac.gov.au/ldg](http://www.dpac.gov.au/ldg)

## LOCAL GOVERNMENT CODE OF CONDUCT – OVERVIEW OF COMPLAINT PROCESS

INFORMATION SHEET  
September 18

### Local government code of conduct framework

The local government code of conduct framework is prescribed under Part 3, Division 3A (Code of conduct, complaints and complaint resolution) of the *Local Government Act 1993* (the Act). The purpose of this information sheet is to provide guidance on the role of general managers in the code of conduct complaint process.

### How code of conduct complaints are made

Section 28V (Making a code of conduct complaint against councillor) of the Act provides that any person may make a code of conduct complaint against one councillor in relation to the contravention by the councillor of the relevant council's code of conduct.

A person may make a complaint against more than one councillor if the complaint relates to the same behaviour and the same code of conduct contravention.

Code of conduct complaints are lodged with the general manager of the relevant council and must comply with legislative requirements, as outlined below.

A complaint may not be made by more than two complainants jointly.

### Legislative requirements relating to code of conduct complaints

Under section 28V, a code of conduct complaint is to –

- be in writing;
- state the name and address of the complainant;
- state the name of each councillor against whom the complaint is made;
- state the provisions of the relevant code of conduct that the councillor has allegedly contravened;
- contain details of the behaviour of each councillor that constitutes the alleged contravention;
- be lodged with the general manager within six months after the councillor or councillors against whom the complaint is made allegedly committed the contravention of the code of conduct; and
- be accompanied by the code of conduct complaint lodgement fee.

## Code of conduct complaint lodgement fee

The code of conduct complaint lodgement fee is prescribed under Schedule 3 (Fees) of the *Local Government (General) Regulations 2015*. The lodgement fee is 50 fee units.

## Initial assessment of complaint by general manager

Section 28Y (Initial assessment of complaint by general manager) provides that the general manager is to undertake an initial assessment of a code of conduct complaint to ensure it meets the legislative requirements under section 28V.

This requirement does not apply if the general manager is the complainant.

If the general manager considers that the complaint does not comply with the legislative requirements, he or she is to notify the complainant in writing of the reasons it does not comply and advise that the complainant may lodge an amended or substituted complaint without payment of a further fee.

A complainant must lodge an amended or substituted complaint within the prescribed timeframe for making a complaint under section 28V (six months). However, if the complaint is returned to the complainant after the end of the six months or less than 14 days before the end of that period, the complainant may lodge the amended or substituted complaint within 14 days after receiving the returned complaint.

## Referral of complaint by general manager

Section 28Z (Referral of code of conduct complaint by general manager) provides that once the general manager has determined that the code of conduct complaint complies with section 28V, he or she is to refer the complaint to the Code of Conduct Panel's Executive Officer if the complaint is against less than half of all councillors of the council, or the Director of Local Government if the complaint is against half or more of the councillors of the council.

If the Director accepts the complaint, it becomes a complaint under section 339E of the Act. If the Director rejects the complaint, the Executive Officer constitutes a Code of Conduct Panel to investigate the complaint.

The Director is to notify the general manager within 28 days as to whether it is accepted as a complaint under section 339E of the Act.

If the Director fails to notify the general manager as required, the Director is taken to have accepted the referral of the code of conduct complaint.

If the Director refuses to accept the referral of the code of conduct complaint, the general manager, as soon as practicable, is to refer the complaint to the Executive Officer.

## Initial assessment of code of conduct complaint by chairperson of Code of Conduct Panel

Section 28ZA (Initial assessment of code of conduct complaint by Code of Conduct Panel) provides that, on receiving a code of conduct complaint, the chairperson of the Code of

Conduct Panel is to do an initial assessment of the complaint and determine whether to accept the complaint (or part of it) for investigation/determination by the Panel, dismiss the complaint (or part of the complaint, or refer the complaint (or part of it) to another person or authority.

The chairperson is to complete the initial assessment and notify the relevant persons within 28 days of receiving the complaint.

Within 28 days after receiving the code of conduct complaint, the chairperson of the Code of Conduct Panel is to notify the complainant and the general manager, in writing, of the result of the initial assessment and the reasons for it.

### Notification of determination of code of conduct complaint

Section 28ZK (Notification of determination of code of conduct complaint) provides that within 28 days after determining a complaint, the Code of Conduct Panel is to provide a copy of its determination report to the complainant, the councillor against whom the complaint is made, the general manager and the Director of Local Government.

If the Panel produces an addendum to the report, it is not to be provided to a complainant that is not a councillor. An addendum is required if the Code of Conduct Panel considers that the determination of the complaint contains information of a kind referred to in section 338A (Disclosure of information).

The general manager tables a copy of a determination report at the first open council meeting at which it is practicable to do.

If the general manager receives an addendum, he or she tables it at the next closed council meeting at which it is practicable to do so.

### Councillor to comply with sanction imposed for contravention of code of conduct

Section 28ZL (Councillor to comply with sanction imposed for contravention of code of conduct) provides that if a councillor fails to comply with a sanction that requires them to apologise to a person or attend counselling or a training course, in the timeframe specified by the Code of Conduct Panel, the matter is referred to the Director of Local Government and that councillor may face a penalty of a fine not exceeding 50 penalty units.

The councillor is responsible for notifying the general manager that he or she has complied with a sanction, within seven days of having done so.

In the event that a councillor fails to notify the general manager within the required timeframe, the general manager is to notify the Director of Local government, in writing, of that fact.

## Refund of fee accompanying lodgement of code of conduct complaint

Section 28ZN (Refund of fee accompanying lodgement of code of conduct complaint) provides that a council must refund a code of conduct complaint lodgement fee if:

- the complaint is referred by the general manager to the Director of Local Government (and accepted);
- the whole complaint is referred to another person or authority by the Code of Conduct Panel (and accepted);
- the whole complaint is withdrawn by the complainant (or complainants jointly) prior to the referral by the general manager to the Code of Conduct Panel;
- the complaint (or part of it) is upheld by the Code of Conduct Panel; or
- the respondent councillor(s) resign/lose office before the complaint is dealt with.

## Reporting code of conduct complaints in Annual Report

Section 72 (Annual report) requires a council to report in its annual report the number of code of conduct complaints that were upheld by the Code of Conduct Panel during the preceding financial year and the total costs met by the council during the preceding financial year in respect to all code of conduct complaints.

## Withdrawal from a code of conduct complaint

Section 28W (Withdrawal of or from a code of conduct complaint) allows a complainant (or two complainants jointly) to withdraw from a code of conduct complaint, by notice in writing to the general manager or the Code of Conduct Panel, at any time prior to the final determination of the complaint by the Panel.

If a notice withdrawing from a code of conduct complaint is provided to the general manager after the complaint has been referred to the Code of Conduct Panel, the general manager is to notify the Code of Conduct Panel's Executive Officer, in writing, of the withdrawal.

The Code of Conduct Panel is required to notify the general manager if it receives the written notice of the withdrawal.

## Amendment of a code of conduct complaint

Section 28X (Amendment of code of conduct complaint) allows a complainant to amend a code of conduct complaint, by notice in writing to the general manager or the Code of Conduct Panel, at any time prior to the final determination of the complaint by the Panel.

If the Panel has commenced its investigation into a code of conduct complaint, the Panel must consent to the amendment.

If a notice amending a code of conduct complaint is provided to the general manager after the complaint has been referred to the Code of Conduct Panel, the general manager is to notify the Panel's Executive Officer, in writing, of the amendment.

The Code of Conduct Panel is required to notify the general manager if it receives the written notice of the amendment.

### Information on lodging a complaint

Section 28Z of the Local Government Act provides that:

*(a) if the complaint is against less than half of all the councillors of the council, is to refer the complaint to the Code of Conduct Panel by providing it to the Executive Officer; and*

*(b) if the complaint is against one half or more of all the councillors of the council, is to refer the complaint to the Director of Local Government.*

The email address for the Executive Officer of the Code of Conduct Panel to lodge a complaint or further information is: [lgconduct@dpac.tas.gov.au](mailto:lgconduct@dpac.tas.gov.au)

For further information regarding code of conduct complaints please call the Executive Officer on 03 6232 7013.

If the complaint relates to Section 28Z (b) of the Local Government Act, please email the Local Government Division at [lgd@dpac.tas.gov.au](mailto:lgd@dpac.tas.gov.au) or telephone 03 6232 7022.

Disclaimer: Information on legislation contained in this document is intended for information and general guidance only. Such information is not professional legal opinion.

Code of Conduct  
GPO Box 123 Hobart TAS 7001 Australia  
Ph (03) 6232 7013  
Email: [lgconduct@dpac.tas.gov.au](mailto:lgconduct@dpac.tas.gov.au) Web  
[http://www.dpac.tas.gov.au/divisions/local\\_government/local\\_government\\_code\\_of\\_conduct](http://www.dpac.tas.gov.au/divisions/local_government/local_government_code_of_conduct)



Tasmanian  
Government

## **17.2.7 POLICY POSITION BY THE STATE GOVERNMENT – PUBLIC CAMPING ON COUNCIL LAND**

**Author:** DEPUTY GENERAL MANAGER (ANDREW BENSON)

**Date:** 21 FEBRUARY 2019

**Enclosure:**

- *Public Camping Competitive Neutrality Policy Statement*
- *Fact Sheet Applying Competitive Neutrality Principles to public camping in Tasmania*

### **ISSUE**

Council to consider the enclosed State Government policy document in respect of public camping, with a further report to be provided in relation to the impact of this policy on Council operations.

### **BACKGROUND**

The issue in respect of free camping in regional towns has been a significant issue for some Councils over recent years. The Office of the Tasmanian Economic Regulator has on a number of occasions challenged the manner in which Councils provide for camping on public land.

The Local Government Association was asked to seek a state government review of the current application of national competition principles as they relate to free camping in regional towns in Tasmania.

### **DETAIL**

This document is State Government's policy statement for the application of competitive neutrality principles to the provision of public camping facilities by public entities (i.e. Councils).

Competitive neutrality principles require public entities involved in significant business activities to compete on fair and equal terms with private sector businesses, when there is a net public benefit in doing so.

Whilst there has been no 'direct' competition, with the private sector by the *Stop Overs* provided by Southern Midlands Council, consideration of Council operations in the provision of public amenities will now have to be considered under this document.

A report on the implications of any changes will be provided to Council in due course after investigation and analysis in respect of this matter.

### **RECOMMENDATION**

**THAT Council receive and note the report.**

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

**ENCLOSURE**

*Agenda Item 17.2.7*

# National Competition Policy: Applying Competitive Neutrality Principles to public camping in Tasmania

January 2019

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# I. INTRODUCTION

## I.1. Background

Competitive neutrality principles require public entities involved in significant business activities to compete on fair and equal terms with private sector businesses, when there is a net public benefit in doing so.

The Competitive Neutrality Policy and Principles are set out in clause 3 of the *Competition Principles Agreement*, adopted by the Commonwealth and all state and territory governments on 11 April 1995.

Clause 3(1) of the Agreement states –

The objective of competitive neutrality policy is the elimination of resource allocation distortions arising out of the public ownership of entities engaged in significant business activities: Government businesses should not enjoy any net competitive advantage simply as a result of their public sector ownership. These principles only apply to the business activities of publicly owned entities, not to the non-business, non-profit activities of these entities.

Under clause 7 of the Agreement, the states and territories agreed to apply National Competition Policy, including competitive neutrality principles, to local government.

States and territories are free to determine their own agenda for implementation of competitive neutrality principles. Application of the principles is published in policy statements, in accordance with the Agreement.

This document is Tasmania's policy statement for the application of competitive neutrality principles to the provision of public camping facilities by public entities.

If interpretation of this policy statement results in outcomes that are inconsistent with the principles of competitive neutrality, the Tasmanian Economic Regulator and the Treasurer (the Minister responsible for competition policy) have discretion to apply the tests in a manner that reflects the Competitive Neutrality Policy and Principles set out in clause 3 of the *Competition Principles Agreement*.

## I.2. Definitions

**Public camping** includes the provision of temporary or permanent facilities or activities that attract, benefit or provide for overnight camping in a place owned or controlled by a public entity, irrespective of whether a fee is charged for the use of any facilities provided.

Public camping is considered to be facilitated by a public entity where a public place under the control or responsibility of that entity is used for public camping purposes, regardless of whether or not the entity intended for that place to be used for the purpose of public camping.

**Public entity** includes local governments and any Tasmanian Government agency, business or authority that provides or facilitates public camping.

**Below cost public camping** means public camping provided without the application of full cost attribution pricing principles, including free camping.



### 1.3. Tasmanian Economic Regulator

The *Economic Regulator Act 2009* establishes the Tasmanian Economic Regulator as the independent body responsible for investigating complaints alleging breaches of competitive neutrality principles.

The Economic Regulator may receive complaints from business operators who believe their business is detrimentally affected by a significant business activity of a public entity in contravention of the competitive neutrality principles. Information on how to lodge a complaint, including a guideline and form, is available on the Economic Regulator's website: <http://economicregulator.tas.gov.au/other-industries/competitive-neutrality>.

This policy statement is designed to assist all stakeholders to understand how the Economic Regulator will consider the application of competitive neutrality principles in relation to a complaint about public camping.

This document also provides information to guide public entities on the process for seeking a Ministerial Statement in relation to specific public camping facilities.

While this information is intended to provide the greatest clarity possible, applying the principles requires a degree of judgment and it is not possible to predict all of the circumstances and market conditions in which the principles are to be applied.

In situations not clearly defined within this policy statement, the Economic Regulator or the Treasurer will consider matters on a case-by-case basis with reference to the broader application statements and the *Competition Principles Agreement*.

### 1.4. Related policies and documents

This policy statement supports and is to be read alongside the following documents, available on the Economic Regulator website, which provide broad guidance on applying competition principles to public entities:

- *Application of the Competitive Neutrality Principles under National Competition Policy* (Government of Tasmania, June 1996).
- *National Competition Policy: Applying the Principles to Local Government in Tasmania* (Treasury, December 2013).
- *Identification and management of significant business activities by local government in Tasmania to comply with competitive neutrality principles* (Treasury, December 2013).
- *Corporatisation Principles for Local Government Business Activities* (Treasury, December 1998).
- *Full Cost Attribution Principles for Local Government* (Treasury, June 1997).
- *Guidelines for considering the public benefit under the National Competition Policy* (Treasury, March 1997).

This policy statement replaces and supersedes all other public documents concerning the application of Competitive Neutrality Policy to public camping, including the *Statewide Directions Paper – Review of Council Recreational Vehicle Overnight Camping Services, May 2012*.



## 1.5. Policy objective

The Tasmanian Government supports the growth of the visitor economy and recognises the importance of Recreational Vehicle tourism and the role of commercial caravan parks, particularly for smaller regional centres. The Government is committed to the National Competition Policy and the application of competitive neutrality principles where it is in the public benefit.

In recognition of the role of local government in pursuing regional and economic development in the interests of their communities, there must be balance in applying competitive neutrality principles to ensure that these objectives can be achieved without restricting or preventing private sector businesses from effectively competing in relevant markets.

This policy statement is intended to achieve the right balance by clearly defining the application of competitive neutrality principles to public camping facilities and allowing public entities to provide below cost public camping in certain circumstances.

A Ministerial Statement of the application of competitive neutrality principles on a specific public camping facility will provide certainty to the public entity responsible for the activity and the relevant local community and businesses.

A Ministerial Statement has the effect of exempting the relevant public camping activity from competitive neutrality principles, subject to conditions. It does not provide any exemption from any other legal obligations or liabilities of the public entity in relation to the activity, including compliance with the *Competition and Consumer Act 2010 (Cth)*.

## 1.6. Reporting by local government

Local governments are required to include all significant business activities in annual reports, in accordance with section 72(1)(caa) of the *Local Government Act 1993*. The effect of this policy statement is that all local government public camping activities that comprise more than 10 per cent of the relevant market must be reported in the relevant council's annual report. This requirement applies regardless of whether full cost attribution principles are adopted in relation to that public camping activity or whether a Ministerial Statement has been issued. If a council has undertaken a public benefit assessment which concludes that it is not appropriate to apply full cost attribution principles to a specific significant business activity, a summary of that assessment should be included with the relevant reporting under section 72(1)(caa) of the *Local Government Act*.

While there is no statutory requirement, the Government requests local government to include reporting of all public camping activities together with the significant business activity reporting in their annual reports. This will assist the ongoing review of the application of competitive neutrality principles to public camping and ensuring the right policy balance is maintained as circumstances and market conditions change over time.



## 2. POLICY GUIDELINES

This section provides guidance on how public entities should undertake the various assessments when applying competitive neutrality principles to the provision of public camping facilities, the steps in the decision-making process and the evidentiary requirements to support the entity's decisions in the event a complaint is received by the Economic Regulator.

### 2.1. Test for applying competitive neutrality principles to public camping

For the purposes of applying competitive neutrality principles, the following tests apply to the provision of public camping facilities in Tasmania:

#### **Step 1: Business activities of public camping**

In this policy statement, public camping (as defined in Part 1.2) is a business activity.

Further guidance and examples of public camping business activities are set out in Part 2.2.

#### **Step 2: Significant business activities**

The test for determining whether the provision of a public camping facility is a significant business activity is based on the quantitative market share threshold explained below.

##### *Market share threshold*

For each public camping facility, the public entity must assess the total number of non-powered camping sites within a geographic market area of 60 km drive from the public camping facility (the geographic market). If the facilities are in separate locations within the geographic market, the public entity must aggregate the total non-powered public camping sites.

If the total number of non-powered public camping sites provided by the public entity is more than 10 per cent of the total number of non-powered camping sites within the geographic market, the public entity must apply full cost attribution principles unless otherwise permitted under the arrangements in this policy statement.

This policy statement has been designed to provide clarity about the application of competitive neutrality principles to the provision of non-powered overnight camping facilities. However, if a public entity provides powered camping sites, the number of powered camp sites are to be included in the total number of public camping sites in the geographic area.

##### *The role of the Economic Regulator in applying the significant business activity test where there is no Ministerial Statement*

If there is a competitive neutrality complaint by an affected party and there is no Ministerial Statement in effect, the Economic Regulator will apply the market share threshold to determine the significant business activity test using the same principles set out above. However, the Economic Regulator will determine the geographic market area by a 60 km drive from the location of the complainant's site.



### **Step 3: Below cost public camping above 10 per cent of the geographic market**

This section applies when a public entity provides more than 10 per cent of the total number of non-powered camping sites in a geographic market and does not apply full cost attribution pricing principles.

If a public entity intends to provide below cost public camping at more than 10 per cent of the sites in the geographic market, the public entity must demonstrate, with appropriate evidence, that there are net public benefits in not applying full cost attribution pricing principles (a public benefit assessment).

### **Step 4: A public benefit assessment**

This section applies where a public entity seeks to provide below cost public camping that represents more than 10 per cent of the total number of non-powered sites in the geographic market on the basis that there are net public benefits in doing so.

In these circumstances, the public entity must first consult with their communities, including private camping providers, and undertake a public benefit assessment.

The public benefit assessment requires public entities to consult with their communities to test whether there are net public benefits in providing public camping without applying full cost attribution pricing principles.

In the assessment, the public benefit is demonstrated if the harm caused to the market through unfair competition and, where relevant, any other costs of the policy are outweighed by the benefits to the community as a whole.

More information about the public benefit assessment is set out in Part 2.4 and Attachment B.

### **Step 5: Ministerial Statement**

This section applies if a public entity has conducted a public benefit assessment and the assessment concludes that there is a net public benefit from providing public camping in a location without applying full cost attribution principles.

In these circumstances, the public entity may seek from the Treasurer a Ministerial Statement confirming the conclusion that full cost attribution principles should not apply, or not fully apply, to public camping in the specified location.

A Ministerial Statement will have the effect of exempting the public camping facility in the location specified in the Statement from the application of full cost attribution principles in the event of a complaint to the Economic Regulator.

The Treasurer will consider the public benefit assessment on the merits of the public entity's public policy objectives, the actual benefits and costs to the local community and any anti-competitive detriments. The Treasurer will issue a Ministerial Statement if satisfied that there is a net public benefit in not applying full cost attribution principles.

A Ministerial Statement may specify more than one location or a Ministerial Statement may be issued for each location requested by a public entity, at the Treasurer's discretion.



## 2.2. Public camping business activities

The first part of the competitive neutrality assessment clarifies whether an activity is a business, rather than a regulatory or governance function of the public entity. In the application of National Competition Policy to public camping, activities or facilities provided by a public entity will be considered business activities if a reasonable person would conclude that the provision of facilities or facilitation of activities is intended to benefit or attract overnight campers.

The National Competition Council considers that, in defining a business activity, the relevant considerations are the nature of the activity and the contestability of the market. In line with this, a business activity is one that involves the production of goods and/or services in a market that is, or has the potential to be, competitive.

The fact that there is no competition, actual or potential, with other providers of the same goods or services does not automatically imply that an activity is not a business, as the public entity may be setting artificially low prices and so preventing potential competitors from entering the market. For example, providing goods or services free of charge does not necessarily mean that the provision is not made in the course of a business activity. Some government services that are not business activities should nevertheless be subject to fees and charges if it is appropriate to recover the cost of providing the service from users, rather than the community as a whole.

The provision of a good or service that is considered to be necessary or essential, or involving an element of public service, does not prevent an activity from being considered a business activity. The ultimate decision as to whether an activity is a business activity may need to be resolved by the Economic Regulator in the event of a complaint. However, this guide should assist public entities and stakeholders to differentiate between activities that are purely public services or amenities, and activities that are intended for the benefit and attraction of RV tourists and other free campers.

The following general principles can be derived from previous Economic Regulator determinations of competitive neutrality complaints concerning public camping:

- The provision of basic public services and amenities for the benefit of the local community and visitors are not considered business activities. For example, the provision of a public toilet is not in itself a business activity.
- The availability of unrestricted free parking on a public road or in a public carpark in isolation is not a business activity.
- The provision of facilities and/or services clearly intended to attract RV/caravan tourists to stay overnight in an area or specific location are business activities.
- The promotion of a place or facility, whether by advertising, signage, RV Friendly Town/Destination accreditation or some other means, that is owned or controlled by a public entity establishes a clear intention for the place or facility to be used for public camping and is likely to be considered a business activity.
- Allowing overnight camping to occur in a public place that principally serves another purpose but also attracts RV/caravan tourists, in numbers and in frequency that are more than incidental, is considered to be the facilitation of public camping and is a business activity regardless of whether the public entity intended for the place to be used for public camping or promoted the place for that purpose.



## 2.2.1. Identifying public camping business activities

### Public amenities

The provision and maintenance of a public toilet is not of itself a business activity. It is commonly expected that in an established town, however large or small, the local government will provide and maintain recreational areas such as parks and gardens, and there will also be public toilet facilities for the convenience of the local community and visitors. Similarly, other public amenities intended for the use of the local community and visitors, such as picnic areas, barbeque facilities, playgrounds, drinking water fountains and open-air cold water showers at entrances to beaches, are all government-provided services that are not of themselves business activities.

### Car parking

Car parking is generally regulated by local government for a range of reasons such as public access, safety and traffic management. Regulatory approaches range from unrestricted on-road parking to time-limited or time-restricted parking, metered parking and dedicated free or fee-based car parking areas and facilities. The parking of a self-contained RV in a public place, where parking is legal and otherwise unrestricted, does not of itself constitute the undertaking of a business activity by the local government.

### RV/caravan parking

Some local governments regulate the use of caravans, requiring a licence to occupy a caravan and/or imposing penalties for occupying a caravan in a public place. These types of restrictions, as well as the enforcement of parking restrictions, are authorised through the making of by-laws which, in accordance with the Competition Principles Agreement, are subject to competition policy requiring local governments to prepare a Regulatory Impact Statement where by-laws would restrict competition or have a negative impact on business. The absence of any explicit restriction or prohibition of RV parking or occupying a caravan in a public place does not constitute the undertaking of a business activity by the local government.

### Waste disposal (dump points)

The consideration of whether the provision of a dump point is a business activity is less straightforward than other services or amenities because the users of a dump point are generally a self-contained RVs or caravans, tourist coaches or similar vehicles. While the principal purpose for providing a dump point may be environmental protection, the provision of it commonly relates solely to the activities of transiting vehicles, as local residents tend not to have a need for a sewage dump point. Therefore, in most cases the provision of a dump point will be considered a business activity in combination with other services or facilities used by RV/caravan tourists and the facilitation or allowance of nearby overnight parking by these vehicles.

The provision of a dump point in an area would not be considered the provision of public camping if there is no facility for overnight camping. In this scenario, it is expected that the principal purpose of the dump point is to prevent the illegal dumping of RV/caravan holding tanks in stormwater drains, on public land or in waterways. However, if a private business in the geographic market area also offers to the general public the use of a dump point facility for a fee, the public dump point may be considered to be a business activity in the market for sewage disposal (not camping) and would therefore need to be assessed under the general Competitive Neutrality Policy. A potential competitive neutrality complaint can only relate to the business activity being undertaken by the public entity, which in this case would be the activity of a dump point only, because there is no provision or facilitation of public camping.

Alternatively, the provision of a dump point at a location that incidentally attracts a number of RV/caravan tourists to park overnight on a regular basis may be considered to be the facilitation of public camping even if the relevant public entity had not intended it to be so (see the incidental overnight parking section below).



### **Rest stops**

Highway rest stops are designed to provide motorists with a safe place to pull over, rest and revive on their journeys. These are principally road safety facilities intended for use by all motorists and usually for all types of vehicles, including cars, buses and trucks. Unless the relevant public entity has prohibited overnight parking or camping at a particular rest stop, these facilities may be legally used by self-contained RVs and caravans as a safer alternative to parking on the side of a highway. Under this policy statement, the allowance of overnight parking or camping at a rest stop will be considered a public camping business activity for the purpose of Competitive Neutrality Policy. The use of a rest stop by RV/caravan tourists must be assessed by the relevant public entity for significance in the market, together with any other public camping facilities within the geographic market area. That is, if the combined number of public camping sites available within the relevant geographic market area exceeds 10 per cent of the total public and commercial non-powered sites available in the area, competitive neutrality principles will apply unless determined to be inappropriate under a public benefit assessment.

Where a particular rest stop becomes popular with RV/caravan tourists as a public camping facility, the public entity responsible for managing the rest stop should consider whether facilitating public camping at that site prevents the site from being used for its principal purpose as a rest stop for motorists. In a public benefit assessment for public camping at the site, any limitation or prevention of the use of the site as a rest stop for road safety must be included as a cost of the public camping facility when determining whether to apply full cost attribution principles. Alternatively, the public entity may consider limiting or preventing use of the site for public camping to maintain its principal use as a rest stop.

### **Public parks and recreation grounds**

The utilisation of public spaces, parks and recreation grounds are policy matters for the relevant public entities responsible for the facilities. Policies necessarily take into consideration the interests of the local community and broader public. In some cases, public camping provides an opportunity to further utilise these public resources when they are otherwise not in use.

In any space that is not a public road and is not private land controlled or managed by a public entity, overnight parking and camping by RVs, caravans and other vehicles, including camping in a tent, is public camping. The public entity that is responsible for the day-to-day care, maintenance and/or management of the public space, whether directly or through engagement of a private contractor or volunteers, is responsible for complying with Competitive Neutrality Policy.

All public camping provided or facilitated in public spaces, parks and recreation grounds as defined above is to be assessed in accordance with this policy statement. Where the public camping is assessed as a significant business activity in accordance with the 10 per cent market share threshold, competitive neutrality principles are to be applied, subject to a public benefit assessment.

### **Incidental overnight parking**

Where parking and occupying a caravan or RV on the side of a public road or in a public parking space is not illegal or subject to local by-law restrictions or prohibitions, this is not considered to be the provision or facilitation of public camping by a public entity. However, if the occurrence of town-based parking by RV/caravan tourists becomes significant, either with reference to the market share threshold or in proportion to the size of the town, the local government should take steps to assess the impact of these activities on the local community, including residents, businesses and nearby caravan parks.

Generally, legal public parking by a small number of RV/caravan tourists will not be considered a public camping activity unless a complainant can demonstrate the practice is having a significant impact on the market. Potential complainants are required to approach the local council in the first instance to discuss their concerns. Councils are encouraged to investigate all concerns raised,

consider the broader community impacts of various policy options and attempt, in good faith, to negotiate an acceptable solution.

#### **Promoting public camping**

Any promotion by the public entity of a place, location, town or area as being available for public camping is considered to be the provision or facilitation of public camping. Where the market impact of public camping exceeds the 10 per cent market share threshold within the geographic market area, competitive neutrality principles must apply, subject to a public benefit assessment.

Promotion includes advertising, signage, RV Friendly Town/Destination accreditation and any other means of communicating or designating that a location is available for public camping.

#### **Any combination of factors**

While many of the factors mentioned above do not singularly constitute public camping business activities, when there are multiple services, facilities or activities combined, there is a much greater probability that public camping is being provided or facilitated. The greater the number of these factors that exist together in a location, the greater the attractiveness to RV/caravan tourists and consequently the greater impact on the market if public camping is substitutable for the services provided by nearby commercial caravan parks.

It is not appropriate to set a minimum number of factors that would constitute a public camping service or facility because the attractiveness of a site depends on the extent of alternatives within the geographic market area. Therefore, judgement of the intended use of the facilities is necessary. Wherever the facilities provide more benefit or convenience to overnight campers than to the local population, it is clear the facilities are intended to attract RV/caravan tourists.

### **2.3. Significant public camping business activities**

For the purpose of applying competitive neutrality principles to public camping services and facilities, a public entity will be considered to be undertaking a significant business activity if the activity includes the provision, accommodation or facilitation of camping spaces greater than 10 per cent of the total number of non-powered camping sites available within the 60 km geographic market area.

If there is more than one public camping location within 60 kilometres drive of each other, they will be considered to be in the same market area. Public camping locations that are more than 60 kilometres apart by public road are considered to be in separate markets for the purpose of this policy statement. Public camping sites within the same market area are to be aggregated for the purpose of determining the market impact of the public camping activities.

### **2.4. Public benefit assessments**

The Competition Principles Agreement requires competitive neutrality principles to be adopted only where appropriate and only to the extent that the benefits to be realised from implementation outweigh the costs.

Therefore, where a public entity has identified a need for public camping greater than the 10 per cent market share threshold, competitive neutrality principles should be adopted only where it is appropriate and where the benefits outweigh the costs, taking into account the matters set out in clause 1(3) of the Competition Principles Agreement, as set out below, or any other matters the public entity can reasonably justify in a public benefit analysis.

For example, when considering the appropriateness of the application of full cost attribution pricing to public camping, public entities may consider the extent to which economic and regional development goals, consumer interests (including the interests of RV tourists) and the efficient allocation of resources (including greater utilisation of public land, carparks and recreational



areas) could be detrimentally affected by the imposition of full cost attribution pricing. Entities also need to consider any detriments to the competitiveness of businesses and the related effects on consumer choice, employment and investment growth that would arise from not applying full cost attribution pricing. The costs of implementing and operating a pricing system may also be taken into account.

The purpose of the public benefit assessment is to determine whether there is a net public benefit from applying full cost attribution principles to a significant public camping business activity. Full cost attribution principles are used to neutralise the net competitive advantage enjoyed by a public entity arising from its public ownership.

The onus is on public entities to conduct an objective public benefit assessment to substantiate that the public benefit will not be served by applying competitive neutrality principles. While a public benefit assessment may only be formally required where the provision of public camping exceeds 10 per cent of the geographic market, public entities are encouraged to undertake a public benefit assessment when evaluating whether to allocate public resources towards the establishment and maintenance of any public camping services or facilities. Public benefit assessments support good decision making when public entities are faced with problems concerning public amenity, health, safety and environmental issues requiring a policy response.

Clause 1(3) of the Agreement provides that, without limiting the matters that may be taken into account:

- (a) for the benefits of a particular policy or course of action to be balanced against the costs of the policy or course of action; or
- (b) for the merits or appropriateness of a particular policy or course of action to be determined; or
- (c) for an assessment of the most effective means of achieving a policy objective;

the following matters shall, where relevant, be taken into account:

- (d) government legislation and policies relating to sustainable development;
- (e) social welfare and equity considerations, including community service obligations;
- (f) government legislation and policies relating to matters such as occupational health and safety, industrial relations and access and equity;
- (g) economic and regional development, including employment and investment growth;
- (h) the interests of consumers generally or of a class of consumers;
- (i) the competitiveness of Australian businesses; and
- (j) the efficient allocation of resources.

When considering the appropriateness of the application of full cost attribution pricing to public camping, public entities can consider the extent to which economic and regional development goals, consumer interests (including the interests of RV tourists) and the efficient allocation of resources (including public land, carparks and recreational areas) could be detrimentally affected by the imposition of full cost attribution pricing. Public entities also need to consider any detriments to the competitiveness of businesses and the related effects on consumer choice, employment and investment growth that would arise from not applying full cost attribution pricing.

Clause 3(6) of the Competition Principles Agreement provides that competitive neutrality principles, such as full cost attribution pricing, are only required to the extent that the benefits to be realised from implementation outweigh the costs. Factors to be taken into account when considering the costs and benefits of implementing full cost attribution include:

- the benefit of increased market contestability from implementation;
- the benefit of improved performance through incentives to operate more efficiently;
- the benefit of better clarification of commercial and non-commercial objectives;
- the cost of any legislative or regulatory amendment to facilitate the implementation of full cost attribution pricing;



- the cost of obtaining information and undertaking research and analysis of appropriate levels for tax equivalents, debt guarantee fees or pricing principles, necessary to implement full cost attribution pricing; and
- administration costs, including the administration of tax equivalent and debt guarantee frameworks, as well as the costs of any additional reporting requirements and collecting fees and charges from users.

## 2.5. Full cost attribution principles

Full cost attribution pricing does not mean public entities must charge for public camping at rates that are at least as high as commercial businesses for the same service, it simply means that when setting prices, the public entity is to include provision for any net advantage it enjoys as a result of its public ownership. Examples of advantages may include:

- tax exemptions;
- no requirements to operate on commercial terms;
- lower cost of financial capital;
- exemption from certain Commonwealth and State legislation;
- the ability to cross-subsidise commercial activities from other government operations; and
- immunity from bankruptcy and the threat of take-overs.

Disadvantages from public ownership may include:

- higher accountability costs through additional reporting requirements;
- public sector award conditions and superannuation costs;
- requirements to undertake non-commercial activities and provide public services;
- a lack of operational and managerial autonomy due to Ministerial or council directives; and
- a lack of access to taxation benefits such as depreciation of assets and other deductions.

As listed above, full cost attribution would include costs that a public entity does not actually incur, but which private businesses do incur in the provision of the same service.

For example, when determining the 'cost' of insurance in the provision of a public camping facility, rather than apportioning a percentage of the overall insurance costs that are actually attributable to that service from the operating budget, full cost attribution would generally require that a public entity seek advice as to the cost of taking out separate insurance as if it were a private operator.

Public entities that can offer lower prices on a commercial basis through innovation and operational efficiencies are encouraged to do so, as this is legitimate pro-competitive behaviour. Provided the public entity can demonstrate the application of full cost attribution pricing that effectively eliminates any net competitive advantage from public ownership, competitive pricing in the market will be supported by the Economic Regulator. Full cost attribution principles are not intended to protect existing commercial operators from competitive pricing in the market.

A Full Cost Attribution Checklist, addressing the types of costing considerations to be taken into account when applying full cost attribution, is included in this paper (see Attachment A). It is intended that the template can be adapted by public entities to suit the nature of the services they deliver.



## 2.6. Contact

Copies of this document can be obtained from the National Competition Policy section of the Treasury website: <http://www.treasury.tas.gov.au>, or by contacting Treasury as set out below:

The Economic Reform Unit of the Department of Treasury and Finance can provide assistance and feedback on the preparation of public benefit assessments where a Ministerial Statement is sought on request.

Assistant Director  
Economic Policy Branch  
Department of Treasury and Finance  
GPO Box 147  
HOBART TAS 7001

Ph: (03) 6166 4162

Fax: (03) 6233 5690

Email: [economic.reform@treasury.tas.gov.au](mailto:economic.reform@treasury.tas.gov.au)

## Attachment A. Full Cost Attribution Checklist

NOTE: The Full Cost Attribution Checklist is not exhaustive, but rather an indicative listing of the types of costs that a public entity may need to consider. Depending on the nature of the services being provided, some public entities may identify additional costs to be taken into account whilst for other public entities some of the listed costs will not apply.

### FULL COST ATTRIBUTION CHECKLIST FOR PROVISION OF PUBLIC CAMPING FACILITIES

Cost item	Total annual cost associated with the site (\$)	Proportion attributable to camping activities if the site is used for other activities (%)	Annual cost attributable to camping at the site (\$)
<b><u>Operating costs</u></b>			
Salaries direct (including on-costs such as payroll tax, workers compensation and superannuation)			
Salaries indirect (i.e. proportion of salaries and on-costs of corporate services staff including HR, Finance and Administration staff)			
Repairs and maintenance			
Insurance (include general property and public liability)			
Power			
Rubbish collection			
Water and sewerage			
Rent			
Gardening			
Consumables			
Advertising/Marketing			
Corporate supplies			
Signage			
Administration			
Other (detail)			
<b><u>Capital costs</u></b>			
Financing costs <sup>1</sup> (i.e. interest on borrowings to finance the construction of assets such as amenity blocks)			
Depreciation			
Opportunity Cost of Capital			
<b><u>Competitive neutrality costs</u></b>			
Taxation e.g. land tax, rates			
Guarantee fees			
Tax equivalents <sup>2</sup>			



**NOTES:**

**1. Financing costs**

The market rate of interest should be based on the Reserve Bank of Australia's 90-day Bank Accepted Bill Rate / Small Business Loan Rate

**2. Tax equivalents**

Tax equivalents are competitive neutrality costs as public entities are not liable for Commonwealth income tax; i.e. to ensure that public entities are operating on a 'level playing field' with private operators, a tax equivalent amount should be calculated and accounted for when identifying the costs of providing public camping facilities. Tax equivalents are calculated by multiplying the net profit from providing the public camping facilities by the Commonwealth corporate tax rate (currently 30%) as follows:

Revenue  
Less: operating costs  
Less: capital costs  
Less: competitive neutrality costs.

= Net profit before tax equivalent expense

Less: Tax equivalent expense (30% of net profit before tax equivalent expense)

= Net profit after tax equivalent expense

The net profit after tax equivalent expense should be equal to or greater than 0; if less than 0 it means that the price being charged is less than cost and, the price, therefore, breaches the competitive neutrality principles.

It is likely that public entities do not have site usage data because they have either not monitored usage of the site or, for a new site, there is no history of usage.

Public entities will need to estimate revenue to arrive at the net profit and calculate the tax equivalent expense as, in the absence of site usage data, revenue can only be estimated on the basis of the expected number of site visits in a financial year.

## Attachment B. Public Benefit Assessment Guide

The following list of considerations, whilst not exhaustive, can be used to assist in determining whether there is a net public benefit from not applying full cost attribution principles to a public camping facility:

- promotion of competition in an industry, such as tourism;
- economic development;
- innovation and business efficiency;
- industry rationalisation;
- employment growth or the prevention of unemployment in efficient industries or particular regions;
- assisting efficiency for small businesses (for example, by providing guidance on costing and pricing or marketing initiatives which promote competitiveness);
- improving the quality and safety of goods and services and expand consumer choice;
- supply better information to consumers and business, thereby permitting more informed choices in their dealings at a lower cost;
- address any externalities that affect community welfare, such as noise levels or risks of motor accidents;
- promote equitable dealings in the market;
- promote industry cost savings, resulting in contained or lower prices at all levels of the supply chain;
- implement desirable community standards with the minimum impact on competition in the marketplace; or
- improve the protection of the environment.

## Structuring Public Benefit Assessments

The following guidance is not intended to constrain or limit the information a public entity may wish to provide in support of its public benefit argument. This is simply a suggestion for the minimum details that should be provided to demonstrate that the appropriate policy and stakeholder considerations have formed part of the assessment of net public benefit.

Where a public entity considers that the implementation of full cost attribution principles would compromise other public policy objectives, it will need to conduct a public benefit assessment in order to demonstrate its case for not implementing full cost attribution principles for the public camping activity. If implementation of full cost attribution pricing is shown to be not in the public benefit, then the public camping activity is exempt from Competitive Neutrality Policy.

The public benefit assessment should, at a minimum:

### **1. Describe the nature of the significant business activities**

As a preliminary step, a public entity may wish to identify any public camping facilities that fall within the market share threshold and have special or unique circumstances that may result in the site not being a substitute, or being a very weak substitute, for facilities provided by commercial caravan park operators. If the public entity can demonstrate that a particular site is not a substitute, or is a very weak substitute, for the commercial provider's service, the anti-competitive harm on the commercial operator of not applying full cost attribution pricing is likely to be lower. This is a factor that can be included in a



public benefit assessment on whether to apply full cost attribution pricing at that particular site.

**2. Clearly identify the policy objective for undertaking a public camping business activity**

Policy objectives refer to those which are endorsed by the Government, a Minister or a local government body. Supporting documentation could be in the form of a Ministerial policy statement or a formal resolution of a local government.

For example:

- Setting up a dump station to prevent tourists from dumping sewage on land, in stormwater drains or in waterways.
- Providing an off-road safe location for RV and caravan parking to prevent tourists parking on the roadside in dangerous places, in front of residences or where they cause traffic congestion.

This section is the public policy justification for why a public entity considers it is appropriate to provide public camping facilities.

**3. Identify all affected stakeholders and their interests/concerns**

In the context of public camping, affected stakeholders are likely to include (but are not limited to):

- The public (ratepayers, local residents and visitors);
- Commercial caravan park operators;
- Local businesses, including tourism/hospitality businesses, grocers and other retailers, service providers, etc; and
- Tourists.

When identifying stakeholder interests and concerns, it is important to link stakeholder interests with the policy objectives that are addressed by undertaking the public camping activity (public safety, environmental protection, etc), the benefits created (tourism attraction, increased competition and consumer choice, economic development and local employment, tourism spending, etc) and any adverse or negative impacts, such as the anti-competitive detriment to commercial caravan parks. Where negative impacts are identified, the analysis should include any steps taken or proposed to be taken to minimise or eliminate these impacts.

**4. Details of public consultation and market research undertaken**

Public consultation, both general and targeted towards affected stakeholders, is a mandatory component of any public benefit assessment intended to be submitted for consideration by the Treasurer. As the public benefit assessment will be made publicly available, the preparing public entity must consider that it will be publicly accountable for the appropriateness of the public consultation. This component of the public benefit assessment should detail the method of consultation undertaken, including how it was advertised, how submissions and feedback were received, whether a public meeting or hearing was held, and a summary of the feedback/submissions received and how this was considered in the development of the final decision regarding the public camping activity.

**5. Demonstrate that achievement of the stated policy objective would be jeopardised if full cost attribution pricing was implemented.**

For example:

- Charging a fee for the use of a dump station may disincentivise the use of the facility and thereby do nothing to prevent pollution.
- Charging a fee for public camping may disincentivise the use of the public camping facilities, thereby failing to achieve the objective of preventing overnight parking in undesired locations.

**6. Determine the best available means of achieving the overall policy objectives, including an assessment of alternative approaches.**

In this assessment, the public entity should identify other means of achieving the overall policy objectives, including the proposed option of providing or facilitating public camping, and assess the relative merits of the alternative approaches. The determination of the best available means may involve a qualitative assessment of the priorities assigned to – and by implication, the trade-offs arising from – the competing policy objectives.

For example:

- Alternative approaches to stop pollution may be to issue environmental notices, infringement notices or introduce by-laws to prevent tourists from dumping sewage on land, in stormwater drains or in waterways. Assessments of each option might reveal that one or another is cheaper or more expensive to implement, or more or less effective to monitor and enforce.
- Introducing parking restrictions in certain locations to prevent problem parking or by-laws to restrict the occupation of RVs and caravans in public places could be alternative options to providing public camping. Both options may be cheaper than establishing and maintaining camping facilities and would alleviate the need to apply competitive neutrality principles. Alternatively, the cost of implementing full cost attribution and employing staff to monitor the grounds and collect fees could outweigh the benefits of neutralising the competitive advantage of providing free camping, whereas prohibiting parking and not providing an alternative may deter visitors from the area altogether.

The public benefit assessment should be undertaken in consultation with the affected community, including businesses that would be adversely affected by unfair competition, through an open and transparent process. The public entity is best placed to determine, on a case-by-case basis, the level, nature or scope of the consultation having regard to the complexity of the issues and the impact on the community. At the conclusion of the consultation, the processes and outcomes of the public benefit assessment should be documented and made publicly available. Information that is commercial-in-confidence may be excluded, provided a statement specifying reasons to support the claim is noted in the public documentation.

The public benefit assessment would demonstrate whether the anti-competitive detriment of the decision to not apply full cost attribution pricing is outweighed by the sum of the public benefits, such as regional development, public health and safety or the efficient allocation of resources. The public consultation process will provide the public entity with valuable information to ensure the best overall policy option is identified to achieve the objective.

The Economic Reform Unit of the Department of Treasury and Finance can provide assistance and feedback on the preparation of public benefit assessments where a Ministerial Statement is sought, on request.



## Application of Competitive Neutrality Principles to public camping in Tasmania

This fact sheet outlines the key points from the Policy Statement titled *National Competition Policy: Applying Competitive Neutrality Principles to public camping in Tasmania*. The Policy Statement assists public entities to apply the National Competition Policy competitive neutrality principles when providing public facilities that can be used for overnight camping.

### Competitive neutrality principles

Competitive neutrality principles are designed to prevent unfair competition between government and privately-owned businesses by ensuring that all public entities compete with private operators on fair and equal terms, where it is in the public benefit to do so.

Competitive neutrality principles apply to the significant business activities of public entities. In Tasmania, public entities who undertake significant business activities are required to either adopt a corporatisation model or apply full cost attribution pricing principles. Full cost attribution pricing means that prices for goods or services provided by public entities should reflect all direct and indirect costs of supplying the goods or services, including any costs that the entity would incur if it were privately owned, such as taxes and higher borrowing costs.

The Policy Statement sets out how these principles apply to the provision of public camping facilities by public entities.

### Public entity

A public entity includes local government and any Tasmanian Government agency, business or authority.

### Public camping

The Policy Statement defines public camping to be a business activity for the purposes of competitive neutrality principles. Public camping involves the provision of a combination of facilities by the public entity, which may include:

- public toilets;
- car parking;
- waste disposal and black/grey water dump points;
- highway rest stops; or
- public parks and recreation grounds.

The Policy Statement does not set a minimum number of facilities that would constitute a public camping facility and a degree of judgement is required. If the facilities provide more benefit or convenience to overnight campers than to the local population, the facilities are likely to constitute a public camping facility.

### Significant business activities

The Policy Statement provides that public camping facilities are significant business activities where the number of public camping spaces facilitated by the public entity is more than 10 per cent of the total number of non-powered camping spaces (public and private), within a 60 kilometre drive from the public camping facility.

**Full cost attribution or a public benefit assessment**

If a public entity is providing free or below cost public camping above the 10 per cent market share threshold, the public entity can either choose to apply full cost attribution pricing principles, or conduct a public benefit assessment.

If the public benefit assessment demonstrates that there are net benefits to the community in providing free or below cost public camping above the 10 per cent market share threshold, the public entity may choose to operate the public camping facility without applying full cost attribution pricing principles.

A public benefit assessment provides an opportunity for public entities to consult with their communities to test whether there are net public benefits in providing public camping without applying full cost attribution to the public camping facilities.

**Ministerial Statement**

A public entity may seek a Ministerial Statement from the Treasurer if a public benefit assessment concludes that there is a net public benefit from providing public camping in a certain location without applying full cost attribution principles.

If the Treasurer is satisfied that the public benefit case is made, the Treasurer may issue a Ministerial Statement. The public entity will then have certainty that it can provide free or below cost public camping in that location, subject to the terms of the Ministerial Statement.

**For enquiries**

Phone: (03) 6166 4162  
Email: [economic.reform@treasury.tas.gov.au](mailto:economic.reform@treasury.tas.gov.au)

**Requirement to apply competitive neutrality principles**

The Policy Statement has been developed to assist public entities comply with competitive neutrality principles. While not compulsory, if a public entity does not correctly apply competitive neutrality principles nor has a Ministerial Statement in effect and a commercial provider who believes it is adversely affected by a public camping facility lodges a complaint with the Tasmanian Economic Regulator, the Economic Regulator may find that the complaint is justified. If a complaint is justified, the Treasurer has the option of making a direction to the public entity to comply with the Economic Regulator's recommendations.

**Tools to assist public entities**

The Policy Statement contains a checklist for applying full cost attribution principles and a guideline for undertaking a public benefit assessment.

The Department of Treasury and Finance can provide assistance and support, upon request, to public entities who wish to undertake a public benefit assessment under the Policy Statement.

## 17.2.8 TABLING OF DOCUMENTS

Nil.

## 17.3 Finances

### Strategic Plan Reference(s) 6.3.1, 6.3.2 & 6.3.3

*Community's finances will be managed responsibly to enhance the wellbeing of residents / Council will maintain community wealth to ensure that the wealth enjoyed by today's generation may also be enjoyed by tomorrow's generation / Council's financial position will be robust enough to recover from unanticipated events, and absorb the volatility inherent in revenues and expenses.*

### 17.3.1 MONTHLY FINANCIAL STATEMENT (JANUARY 2019)

**Author:** FINANCE OFFICER (COURTNEY PENNICOTT)

**Date:** 20 FEBRUARY 2019

#### ISSUE

Provide the Financial Report for the period ending 31 January 2019.

#### BACKGROUND

The format of the Operating Expenditure Report has been amended to reflect a suggestion from the Audit Panel to include a Year To Date (YTD) Budget Column, with variations (and percentage) based on YTD Budgets – as opposed to total annual Budget.

Note: Depreciation is calculated on an annual basis at the end of the financial year and therefore the budget for depreciation is included in the June period.

#### DETAIL

The enclosed Report incorporates the following: -

- Statement of Comprehensive Income – 1 July 2018 to 31 January 2019
- Operating Expenditure Budget Report – as at 31 January 2019
- Capital Expenditure Estimates (*refer to enclosed report detailing the individual capital projects*) – as at 31 January 2019
- Cash Flow Statement – 1 July 2018 to 31 January 2019
- Rates & Charges – as at 12<sup>th</sup> February 2019

#### OPERATING EXPENDITURE ESTIMATES (OPERATING BUDGET)

Overall, operating expenditure to end of January 2019 was \$4,244,509 which represents 96.39% of YTD Budget.

Whilst there are some variations within the individual Program Budgets (refer following comments), YTD expenditure is consistent with Budget.

#### ***Strategic Theme - Infrastructure***

**Sub-Program – Bridges** – expenditure to date (\$49,146 – 249.08% of YTD Budget) relates to engineering assessments required for NHVR (Special Purpose Vehicles

network assessment) which is a one-off exercise at a cost of \$20,802. This assessment also relates to the Road Program and the amount expended can be offset against the Road Program Budget.

**Sub-Program – Walkways** – expenditure to date (\$142,712 – 110.54% of YTD Budget). Costs relate to annual township mowing, spraying and litter collection.

**Sub-Program – Public Toilets** – expenditure to date (\$43,785 – 108.74%). Additional unforeseen costs associated with internal sewerage blockages at Colebrook History Room Toilets.

***Strategic Theme – Growth***

Nil.

***Strategic Theme – Landscapes***

**Sub-Program – Heritage** – expenditure to date (\$198,128 – 111.76%). Expenditure relates to general running expenses, maintenance, insurance costs on Heritage Buildings.

**Sub-Program – Natural** – expenditure to date (\$134,352 – 124.25%). Expenditure relates to works at the Chauncy Vale Reserve (i.e. safety upgrades) and land care facilitator costs. Costs will be monitored to reduce expenditure in the remainder of the financial year.

***Strategic Theme – Lifestyle***

Nil.

***Strategic Theme –Community***

**Sub-Program – Capacity** – expenditure to date (\$46,565 – 250.61%). Expenditure includes Council's contribution of \$5K to the Green Ponds Progress Association (being its contribution towards the purchase of a community bus) and costs associated with the Heritage Festival and the Kempton Memorial Avenue event.

***Strategic Theme –Organisation***

Nil.

**RECOMMENDATION**

**THAT the Financial Report be received and the information noted.**

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

STATEMENT OF COMPREHENSIVE INCOME

FOR THE PERIOD

1st JULY 2018 to 31st JANUARY 2019

	Annual Budget	Year to Date as at 31st JANUARY	%	Comments
<b>Income</b>				
General rates	\$ 5,390,741	\$ 5,341,338	99.1%	Budget includes Interest & Penalties to be imposed to end of June 2019
User Fees (refer Note 1)	\$ 730,602	\$ 587,390	80.4%	
Interest	\$ 177,000	\$ 123,797	69.9%	
Government Subsidies	\$ 24,000	\$ 11,751	49.0%	Heavy Vehicle Licence Fees & Road Rescue MAIB reimbursements
Contract Income	\$ 0	\$ 0	0.0%	
Other (refer Note 2)	\$ 162,000	\$ 80,621	49.8%	
<b>Sub-Total</b>	<b>\$ 6,484,343</b>	<b>\$ 6,144,896</b>	<b>94.8%</b>	
Grants - Operating	\$ 3,356,130	\$ 856,316	25.5%	\$851,551.50 FAGS; \$4,764 ANZAC
<b>Total Income</b>	<b>\$ 9,840,473</b>	<b>\$ 7,001,212</b>	<b>71.1%</b>	
<b>Expenses</b>				
Employee benefits	\$ (3,914,764)	\$ (2,165,534)	55.3%	Less Roads - Resheeting Capitalised
Materials and contracts	\$ (3,042,876)	\$ (1,870,607)	61.5%	Less Roads - Resheeting Capitalised, Includes Land Tax
Depreciation and amortisation	\$ (2,855,500)	\$ (1,665,613)	58.3%	Percentage Calculation (based on year-to-date)
Finance costs	\$ (30,723)	\$ (20,094)	65.4%	
Contributions	\$ (221,180)	\$ (110,590)	50.0%	Fire Service Levies
Other	\$ (141,075)	\$ (77,683)	55.1%	Incls Rate Discounts
<b>Total expenses</b>	<b>\$ (10,206,118)</b>	<b>\$ (5,910,122)</b>	<b>57.9%</b>	
<b>Surplus (deficit) from operations</b>	<b>\$ (365,645)</b>	<b>\$ 1,091,090</b>	<b>-298.4%</b>	
Grants - Capital (refer Note 3)	\$ 1,669,375	\$ 127,946	7.7%	
Sale Proceeds (Plant & Machinery)	\$ 353,000	\$ 63,547	0.0%	
Net gain / (loss on disposal of non-current assets)	\$ 0	\$ 0	0.0%	
<b>Surplus / (Deficit)</b>	<b>\$ 1,656,730</b>	<b>\$ 1,282,583</b>	<b>77.4%</b>	

NOTES				
1. Income - User Fees (Budget \$730,602) includes:				
- All other Programs	\$ 399,869	\$ 333,911	83.5%	Actual Income Received (i.e. excluding Debtors)
- Private Works	\$ 170,733	\$ 179,766	105.3%	
- Callington Mill	\$ 160,000	\$ 73,713	46.1%	
	\$ 730,602	\$ 587,390		
2. Income - Other (Budget \$162,000) includes:				
- Tas Water Distributions	\$ 152,000	\$ 72,286	47.56%	
- HBS Dividend	\$ 10,000	\$ -	0.0%	
- Other	\$ -	\$ 8,334	0.0%	
	\$ 162,000	\$ 80,621	49.8%	
3. Grant - Capital (Budget \$1,669,375) includes:				
- Swimming Pool	\$ 1,250,000	\$ -	0.0%	
- Kempton Comm Health Centre	\$ 75,000	\$ -	0.0%	Received 30/6/18
- Roads To Recovery Grant	\$ 344,375	\$ 4,146	1.2%	
- Commissariat NSRF Grant	\$ -	\$ 123,800	0.0%	
	\$ 1,669,375	\$ 127,946	7.7%	
4. Grant - Operating (Budget \$1,669,375) includes:				
Operating Grants				
FAGS	\$ 3,356,130	\$ 851,552	25.4%	
ANZAC Memorial Grant	\$ -	\$ 4,764		
	\$ 3,356,130	\$ 856,316		

**CAPITAL EXPENDITURE PROGRAM 2018-19  
AS AT 31 JANUARY 2019**

			BUDGET	EXPENDITURE	VARIANCE	COMMENTS
<b>INFRASTRUCTURE</b>						
<b>ROAD ASSETS</b>						
Resheeting Program	Various	Roads Resheeting	\$ 450,000	\$ 185,697	\$ 240,295	
		Hardings Road		\$ 24,008		RTR
Reseal Program		Roads Resealing (as per agreed program)	\$ 500,000	\$ -	\$ 483,200	
	C1010047	Kempton Intersections		\$ 16,800		
		Glen Morey Road	\$ 135,000	\$ -	\$ 135,000	RTR
		Woodsdale Road	\$ 135,000	\$ -	\$ 135,000	RTR
	C1020033	Yarlington Road (Smarts Hill - 150 metres)	\$ 22,500	\$ -	\$ 22,500	\$22.5K Budget c/fwd
Reconstruct & Seal	C1010001	Blackbrush Road - new seal (400 metres each end)	\$ 72,000	\$ 89,973	\$ (17,973)	\$72K Budget c/fwd
		Huntington Tier ( 350 metres, Huntington Tier End)	\$ 52,000	\$ -	\$ 52,000	
Minor Seals (New)		Various Projects	\$ 20,000	\$ -	\$ 20,000	
		Church Road (Brighton Council end)	\$ 10,000	\$ -	\$ 10,000	\$10K Budget c/fwd
	C1020032	Hasting Street Junction	\$ 15,000	\$ 959	\$ 14,041	\$15K Budget c/fwd WIP 30/6/18 \$959
Unsealed - Road Widening	C1010077	Clifton Vale - (Cliff Section)	\$ 40,000	\$ -	\$ 40,000	\$40K Budget c/fwd
		Brown Mountain Road (vicinity of Ferniehurst)	\$ 15,000	\$ -	\$ 15,000	
		Native Corners Road (Far end, Widening/Guard Rail)	\$ 20,000	\$ -	\$ 20,000	
Junction / Road Realignment / Other	C1010037	Campania - Reeve St / Clime Street (includes Footpath)	\$ 70,000	\$ 2,617	\$ 67,383	\$45K Budget c/fwd WIP 30/6/18 \$2,617
	C1010079	Reeve St - Hall Street to Rec Ground (K&G) - 70 metres	\$ 20,000	\$ 6,887	\$ 13,114	Budget c/fwd
		Reeve Street - Footpath (continuation to Hall)	\$ 18,000	\$ -	\$ 18,000	
	C1020047	Lovely Banks Road (junction with Colebrook)	\$ -	\$ 3,230	\$ (3,230)	Survey & Acquisition Plan
	G1010002	Bagdad Primary School - Car Park (contribution)	\$ 25,000	\$ -	\$ 25,000	
	C1040022	Tunbridge Main Road - Kerb & Gutter Renewal	\$ 20,000	\$ -	\$ 20,000	
	C1010039	Woodsdale Road - Landslip Area(s) - Engineering Assessment	\$ 9,500	\$ 3,662	\$ 5,838	\$9.5K Budget c/fwd
	G1010002	Bagdad Community Club - Car Park	\$ 32,000	\$ 1,723	\$ 30,277	Grant Funded (Grant Received June 18)
			<b>\$ 1,681,000</b>	<b>\$ 335,555</b>	<b>\$ 1,345,445</b>	
<b>BRIDGE ASSETS</b>						
	C1030006	Fields Road Bridge (B1851)	\$ -	\$ 1,469	\$ (1,469)	WIP 30/6/18
	C1030049	Inglewood Road (B 4289)	\$ -	\$ 435	\$ (435)	Capitalised 16/17
	C1030056	Noyes Road (Limekiln Creek T268.00051)	\$ -	\$ 150	\$ (150)	Capitalised 17/18
	C1030057	Reynolds Road (Burns Creek B5301)	\$ -	\$ 146	\$ (146)	WIP 30/6/18
			<b>\$ -</b>	<b>\$ 2,200</b>	<b>\$ (2,200)</b>	

<b>WALKWAYS</b>	C1040003	Footpaths - General Streetscapes	\$ 5,000	\$ -	\$ 5,000	
		Bagdad Township				
	C1090013	- Swan Street (Blackport Rd to Green Valley Rd)	\$ 110,000	\$ 134,384	\$ (24,384)	\$4K Budget c/fwd WIP 30/6/18 \$2,687 Includes Asphaltting \$21,411
		Campania Township				
		- Review Management Plan (Site Plan) / Walking Tracks (Bush	\$ 5,000	\$ -	\$ 5,000	\$5K Budget c/fwd
		Colebrook Township				
	C1040015	- Streetscape Plan Development & Implementation (Part)	\$ 15,000	\$ 39,611	\$ (24,611)	\$15K Budget c/fwd
		Kempton Township				
	C1040004	- Streetscape Plan (Review & Implementation (Part)	\$ 70,000	\$ 79,844	\$ (9,844)	\$40K Budget c/fwd WIP 30/6/18 \$9,660
	C1040006	- Main Street Footpath Construction	\$ 25,000	\$ 22,363	\$ 2,637	
		Parattah Township				
	C1040025	- Tunnack Main Road Kerb & Gutter	\$ 14,478	\$ 28,384	\$ (13,906)	Includes Asphaltting \$10,080
		Tunbridge Township				
	C1040024	- Streetscape Project (Part Implementation) - 2 yr program	\$ 9,500	\$ 11,057	\$ (1,557)	\$9.5K Budget c/fwd
			<b>\$ 253,978</b>	<b>\$ 315,644</b>	<b>\$ (61,666)</b>	
<b>LIGHTING</b>	C1050001	Esplanade Project (Total Project Cost \$128k year 1-2)	\$ 64,000	\$ -	\$ 64,000	
			<b>\$ 64,000</b>	<b>\$ -</b>	<b>\$ 64,000</b>	
			<b>BUDGET</b>	<b>EXPENDITURE</b>	<b>VARIANCE</b>	<b>COMMENTS</b>
<b>BUILDINGS</b>	C4070037	Tunbridge Town Hall Toilets (Contribution)	\$ 10,000	\$ 1,495	\$ 8,505	
			<b>\$ 10,000</b>	<b>\$ 1,495</b>	<b>\$ 8,505</b>	
<b>DRAINAGE</b>		Bagdad				
		- Lyndon Road	\$ 15,000	\$ -	\$ 15,000	
		Campania				
		- Reeve Street Open Drain (north of Telephone Box)	\$ -	\$ 4,124	\$ (4,124)	WIP 30/6/18 \$4,124 - Budget c/fwd
		Oatlands				
		- Barrack Street (towards Mason Street)	\$ 10,000	\$ -	\$ 10,000	\$10K Budget c/fwd
		- High St/Wellington Street Junction	\$ 5,000	\$ -	\$ 5,000	\$5K Budget c/fwd
		- Queen Anne Street	\$ 7,500	\$ -	\$ 7,500	\$7.5K Budget c/fwd
		Kempton				
		- Memorial Avenue	\$ 10,000	\$ -	\$ 10,000	
			<b>\$ 47,500</b>	<b>\$ 4,124</b>	<b>\$ 43,376</b>	

<b>WASTE</b>	C110001	Wheelie Bins and Crates	\$ 17,000	\$ 176,172	\$ (159,172)	Funded Annual Depreciation
		Oatlands WTS - Concrete Pad(s)	\$ 25,000	\$ -	\$ 25,000	\$25K Budget c/fwd
		Dysart WTS - General Improvements	\$ 20,000	\$ -	\$ 20,000	\$20K Budget c/fwd
			<b>\$ 62,000</b>	<b>\$ 176,172</b>	<b>\$ (114,172)</b>	
<b>GROWTH TOURISM</b>						
	C2020002	Beacon Tourism Sub-Regional Project	\$ -	\$ 224	\$ (224)	Relating to 17-18 Grant
	C2020005	Lake Dulverton Arts Sculpture Project	\$ 12,000	\$ 14,446	\$ (2,446)	WIP 30/6/18 \$12,000
			<b>\$ 12,000</b>	<b>\$ 14,670</b>	<b>\$ (2,670)</b>	
<b>HERITAGE</b>						
	C3010003	Callington Mill (Asset Renewals)	\$ 10,000	\$ 16,087	\$ (6,087)	
		Callington Mill (Mill Tower - Fire Detection System & Exit Lighting)	\$ 6,500	\$ -	\$ 6,500	Budget c/fwd
		Callington Mill (Restoration of Fan Tail & Sails)	\$ -	\$ 27,494	\$ (27,494)	WIP 30/6/18 \$27,494
	G3010010	Commissariat (79 High Street)	\$ 141,800	\$ 334,615	\$ (192,815)	
		Commissariat (79 High Street)	\$ 464,250	\$ 692,258	\$ (228,008)	WIP 30/6/18 \$692,258
Wood Stove (Women's Kitchen)		Oatlands Court House (Stabilisation & Gaol Cell)	\$ 8,000	\$ -	\$ 8,000	Budget c/fwd \$5k
	C3010002	Oatlands Gaol - Minor Capital Works	\$ 5,000	\$ -	\$ 5,000	Budget c/fwd
		Oatlands Gaol - Wingwall Completion	\$ 15,000	\$ -	\$ 15,000	
		Oatlands Gaol - Aluminum Temporary Steps (Entrance)	\$ 3,500	\$ -	\$ 3,500	
	G3010011	Heritage Building (Key Card System)	\$ 47,000	\$ 45,499	\$ 1,501	\$47K Budget c/fwd WIP \$37,192
		Kempton Watch House (Fitout)	\$ 7,500	\$ -	\$ 7,500	\$7.5K Budget c/fwd
	C3010011	Roche Hall Forecourt (Interps - Planning Condition of Approval)	\$ 40,000	\$ 3,845	\$ 36,156	
		Roche Hall - External Painting (excl. Gutters; Fascias & Soffits)	\$ 15,000	\$ -	\$ 15,000	
	C3010006	Parattah Railway Station	\$ -	\$ 5,700	\$ (5,700)	
			<b>\$ 763,550</b>	<b>\$ 1,125,498</b>	<b>\$ (361,948)</b>	
<b>NATURAL</b>						
	C3020007	Chauncy Vale - Improvements	\$ 15,000	\$ 3,244	\$ 11,756	
	C3020008	Mahers Point - Lanscape Plan	\$ 25,000	\$ 2,596	\$ 22,404	
		Callington Park - BBQ Replacement	\$ 5,500	\$ -	\$ 5,500	
			<b>\$ 45,500</b>	<b>\$ 5,839</b>	<b>\$ 39,661</b>	
<b>REGULATORY</b>						
	C3040001	Kempton Council Chambers - Restoration Works	\$ 46,500	\$ 17,327	\$ 29,173	\$11.5K Budget c/fwd
	C9990001	Kempton Council Chambers - Office Furniture & Equipment	\$ 8,400	\$ -	\$ 8,400	
			<b>\$ 54,900</b>	<b>\$ 17,327</b>	<b>\$ 37,573</b>	

			BUDGET	EXPENDITURE	VARIANCE	COMMENTS
<b>LIFESTYLE ACCESS</b>						
	C4070035	All Buildings (Priority Approach - Year 3 of 5)	\$ 50,000	\$ -	\$ 50,000	
			<b>\$ 50,000</b>	<b>\$ -</b>	<b>\$ 50,000</b>	
<b>PUBLIC HEALTH</b>						
	C4070035	Kempton Community Health Facility	\$ 200,000	\$ 445	\$ 199,555	
			<b>\$ 200,000</b>	<b>\$ 445</b>	<b>\$ 199,555</b>	
<b>RECREATION</b>						
	C4070005	Recreation Committee	\$ 30,000	\$ 17,664	\$ 12,336	Colebrook Hall & Oat Community Centre
	C4070034	Oatlands Aquatic Centre (New Pool)	\$ 2,000,000	\$ 125,974	\$ 1,874,026	
	C4070034	Oatlands Aquatic Centre (New Pool)	\$ -	\$ 379,803	\$ (379,803)	WIP 30/6/18 \$379,803
		Kempton Blue Place - Water/Sewerage Connections	\$ -	\$ 3,844	\$ (3,844)	WIP 30/6/18 \$3,844 Budget c/fwd
	C4070017	Kempton Hall - external repainting	\$ 50,000	\$ 63,723	\$ (13,723)	\$40K Budget c/fwd WIP 30/6/18 \$23,073
		Mangalore Hall (replace Gutters and Roofing)	\$ 18,000	\$ -	\$ 18,000	
		Recreation Ground - Campania (Nets)	\$ 45,000	\$ -	\$ 45,000	
	C4070019	Recreation Ground - Kempton (Grandstand Rails & Seating)	\$ 10,000	\$ 4,042	\$ 5,958	
		Recreation Ground - Kempton (Lighting)	\$ 10,000	\$ -	\$ 10,000	
		Recreation Ground - Mt Pleasant (Upgrade Toilets)	\$ 13,000	\$ -	\$ 13,000	\$13K Budget c/fwd
	C4070001	Rec Ground - Parattah (Facility Development)	\$ 14,000	\$ 13,305	\$ 695	\$14K Budget c/fwd WIP \$407
		Tunbridge Park - Perimeter Fence (Safety)	\$ 7,500	\$ -	\$ 7,500	\$7.5K Budget c/fwd
			<b>\$ 2,197,500</b>	<b>\$ 608,356</b>	<b>\$ 1,589,144</b>	
<b>COMMUNITY CAPACITY</b>						
	C5020001	Levendale Community Centre	\$ 8,000	\$ -	\$ 8,000	\$8K Budget c/fwd
		Memorial Avenue Development (Island: Survey, Fencing & Aquisit	\$ -	\$ 54,902	\$ (54,902)	CFIG Grant - C/Fwd WIP 30/6/18
	G4070022	Memorial Avenue Development (Interps)	\$ 19,764	\$ 30,217	\$ (10,453)	Grant of \$4,764 added to Budget
			<b>\$ 27,764</b>	<b>\$ 85,120</b>	<b>\$ (57,356)</b>	
<b>SAFETY</b>						
		Road Accident Rescue Unit	\$ 3,000	\$ -	\$ 3,000	
			<b>\$ 3,000</b>	<b>\$ -</b>	<b>\$ 3,000</b>	

<b>ORGANISATION</b>						
<b>SUSTAINABILITY</b>						
	C4070011	Council Chambers - Building Improvements	\$ 10,500	\$ -	\$ 10,500	\$7.5K Budget c/fwd
		Council Chambers - Works Office	\$ 5,000	\$ -	\$ 5,000	
		Floor Coverings (Works Office)	\$ 6,000	\$ -	\$ 6,000	
		Council Chambers - Damp Issues & Stonemasonry	\$ 15,000	\$ -	\$ 15,000	\$15K Budget c/fwd
	C6020003	Computer System (Hardware / Software)	\$ 42,000	\$ 35,271	\$ 6,729	
	C6020008	Telephone / Comms System	\$ 55,000	\$ 1,953	\$ 53,047	\$35K Budget c/fwd
	C9990001	Town Hall (General - Incl. Office Equip/Furniture)	\$ 8,400	\$ 400	\$ 8,000	
		Photo Reframing	\$ 3,000	\$ -	\$ 3,000	
		Computers/Phones - Councillors	\$ 21,000	\$ -	\$ 21,000	
			<b>\$ 165,900</b>	<b>\$ 37,624</b>	<b>\$ 128,276</b>	
<b>WORKS</b>						
		Kempton Depot - External Painting	\$ 10,000	\$ -	\$ 10,000	\$10K Budget c/fwd
	C6020001	Depot Relocation (Site / Concept Plans/ Amneities/ Redords Stora	\$ 358,000	\$ 253,456	\$ 104,544	\$80K Budget c/fwd
		Minor Plant Purchases	\$ 9,500	\$ -	\$ 9,500	
	C6020008	Radio System	\$ 2,000	\$ -	\$ 2,000	
		<b>Plant Replacement Program</b>				
		Refer separate Schedule (Gross)	\$ 770,000	\$ 132,000	\$ 638,000	
		Light Vehicles (Gross)	\$ 210,000	\$ 103,388	\$ 106,612	
		(Trade Allowance - \$180K)				
			<b>\$ 1,359,500</b>	<b>\$ 488,844</b>	<b>\$ 870,656</b>	
		<b>GRAND TOTALS</b>	<b>\$ 6,998,092</b>	<b>\$ 3,218,912</b>	<b>\$ 3,779,180</b>	

	INFLOWS (OUTFLOWS) (July 2018)	INFLOWS (OUTFLOWS) (August 2018)	INFLOWS (OUTFLOWS) (September 2018)	INFLOWS (OUTFLOWS) (October 2018)	INFLOWS (OUTFLOWS) (November 2018)	INFLOWS (OUTFLOWS) (December 2018)	INFLOWS (OUTFLOWS) (January 2019)	INFLOWS (OUTFLOWS) (Year to Date)
<b>Cash flows from operating activities</b>								
<b>Payments</b>								
Employee costs	- 285,779.85	- 295,693.96	- 410,844.19	- 269,413.22	- 283,683.04	- 290,906.17	- 194,373.00	- 2,030,693.43
Materials and contracts	- 482,830.14	- 220,305.02	- 185,394.11	- 460,711.50	- 272,557.44	- 234,037.43	- 150,807.88	- 2,006,643.52
Interest	- 4,426.65	-	-	-	- 3,530.34	- 7,847.96	- 4,288.97	- 20,093.92
Other	- 25,671.40	- 41,219.25	- 71,621.86	- 92,680.45	- 29,909.04	- 35,452.97	- 127,530.20	- 424,085.17
	- 798,708.04	- 557,218.23	- 667,860.16	- 822,805.17	- 589,679.86	- 568,244.53	- 477,000.05	- 4,481,516.04
<b>Receipts</b>								
Rates	114,381.50	1,201,186.32	1,358,690.78	235,199.99	452,880.36	285,301.89	440,823.51	4,088,464.35
User charges	979,934.15	78,692.91	66,852.70	97,915.47	71,652.87	61,926.41	- 57,440.99	1,299,533.52
Interest received	15,678.88	19,293.05	16,295.02	18,406.88	18,528.99	14,239.46	21,354.28	123,796.56
Subsidies		11,751.00	-	-	-	-	-	11,751.00
Other revenue grants	-	425,775.75	-	-	429,921.75	-	-	855,697.50
GST Refunds from ATO								-
Other	7,715.98	65,480.21	45,845.86	6,626.13	129,033.57	- 40,643.48	- 70,504.78	143,553.49
	1,117,710.51	1,802,179.24	1,487,684.36	358,148.47	1,102,017.54	320,824.28	334,232.02	6,522,796.42
<b>Net cash from operating activities</b>	319,002.47	1,244,961.01	819,824.20	- 464,656.70	512,337.68	- 247,420.25	- 142,768.03	2,041,280.38
<b>Cash flows from investing activities</b>								
Payments for property, plant & equipment	- 140,397.25	- 369,085.11	- 311,770.44	- 132,413.29	- 180,280.39	- 590,148.80	- 159,515.48	- 1,883,610.76
Proceeds from sale of property, plant & equipment				909.09	40,909.09	92.89	21,636.36	63,547.43
Proceeds from Capital grants	-	-	-	4,764.00	-	-	123,800.00	128,564.00
Proceeds from Investments	-	-	-	-	-	-	-	-
Payment for Investments	-	-	-	-	-	-	-	-
<b>Net cash used in investing activities</b>	- 140,397.25	- 369,085.11	- 311,770.44	- 126,740.20	- 139,371.30	- 590,055.91	- 14,079.12	- 1,691,499.33
<b>Cash flows from financing activities</b>								
Repayment of borrowings	- 6,781.93	-	-	-	- 14,013.38	- 17,144.62	- 6,919.61	- 44,859.54
Proceeds from borrowings								-
<b>Net cash from (used in) financing activities</b>	- 6,781.93	-	-	-	- 14,013.38	- 17,144.62	- 6,919.61	- 44,859.54
<b>Net increase/(decrease) in cash held</b>	171,823.29	875,875.90	508,053.76	- 591,396.90	358,953.00	- 854,620.78	- 163,766.76	304,921.51
Cash at beginning of reporting year	11,567,278.62	11,739,101.91	12,614,977.81	13,123,031.57	12,531,634.67	12,890,587.67	12,035,966.89	11,567,278.62
<b>Cash at end of reporting</b>	11,739,101.91	12,614,977.81	13,123,031.57	12,531,634.67	12,890,587.67	12,035,966.89	11,872,200.13	11,872,200.13

SOUTHERN MIDLANDS COUNCIL : OPERATING EXPENDITURE 2018/19

SUMMARY SHEET

PROGRAM	YTD ACTUAL (as at 31 Jan 19)	YTD BUDGET (as at 31 Jan 19)	YTD VARIANCE	YTD VARIANCE %	FULL YEAR BUDGET - REVISED INC. GRANTS & OTHER
<b>INFRASTRUCTURE</b>					
Roads	691,206	802,710	111,504	86.11%	3,176,074
Bridges	49,146	44,544	4,602	110.33%	372,719
Walkways	142,712	129,104	13,608	110.54%	194,893
Lighting	48,066	50,470	2,404	95.24%	86,520
Irrigation	-	-	-	0.00%	0
Drainage	6,481	16,358	9,877	39.62%	80,042
Waste	476,138	470,189	5,949	101.27%	825,181
Public Toilets	43,785	40,267	3,518	108.74%	64,173
Communications	-	-	-	0.00%	0
Signage	3,537	4,419	882	80.04%	7,575
<b>INFRASTRUCTURE TOTAL:</b>	<b>1,461,070</b>	<b>1,558,061</b>	<b>96,991</b>	<b>93.77%</b>	<b>4,807,177</b>
<b>GROWTH</b>					
Residential	-	-	-	0.00%	0
Business	237,874	247,299	9,425	96.19%	1,173,941
Tourism	28,462	31,721	3,259	89.73%	43,950
Agriculture	-	-	-	0.00%	0
<b>GROWTH TOTAL:</b>	<b>266,337</b>	<b>279,020</b>	<b>12,683</b>	<b>95.45%</b>	<b>1,217,891</b>
<b>LANDSCAPES</b>					
Heritage	198,128	178,652	19,476	110.90%	298,546
Natural	134,352	100,289	34,063	133.97%	173,266
Cultural	1,406	5,600	4,194	25.11%	9,600
Regulatory	403,817	462,049	58,232	87.40%	792,083
Climate Change	-	5,861	5,861	0.00%	10,047
<b>LANDSCAPES TOTAL:</b>	<b>737,704</b>	<b>752,451</b>	<b>14,747</b>	<b>98.04%</b>	<b>1,283,542</b>
<b>LIFESTYLE</b>					
Youth	156,231	153,324	2,907	101.90%	257,126
Aged	383	1,458	1,075	26.29%	2,500
Childcare	5,130	6,458	1,328	79.44%	7,500
Volunteers	24,464	35,833	11,369	68.27%	40,000
Access	-	-	-	0.00%	0
Public Health	2,735	5,887	3,152	46.46%	10,093
Recreation	208,948	275,932	66,984	75.72%	473,710
Animals	51,807	61,572	9,765	84.14%	105,552
Education	1,561	-	1,561	0.00%	0
<b>LIFESTYLE TOTAL:</b>	<b>451,260</b>	<b>540,464</b>	<b>89,204</b>	<b>83.49%</b>	<b>896,481</b>
<b>COMMUNITY</b>					
Retention	-	-	-	0.00%	0
Capacity	46,565	16,656	29,909	279.57%	27,925
Safety	19,386	31,296	11,910	61.94%	56,650
Consultation	10,239	14,165	3,926	72.28%	23,425
<b>COMMUNITY TOTAL:</b>	<b>76,190</b>	<b>62,117</b>	<b>14,073</b>	<b>122.65%</b>	<b>108,000</b>
<b>ORGANISATION</b>					
Improvement	55,355	61,241	5,886	90.39%	104,984
Sustainability	1,037,071	1,002,128	34,943	103.49%	2,256,362
Finances	159,522	164,632	5,110	96.90%	296,680
<b>ORGANISATION TOTAL:</b>	<b>1,251,948</b>	<b>1,228,001</b>	<b>23,947</b>	<b>101.95%</b>	<b>2,658,026</b>
<b>TOTALS</b>	<b>4,244,509</b>	<b>4,420,114</b>	<b>175,605</b>	<b>96.03%</b>	<b>10,971,117</b>

<b>SOUTHERN MIDLANDS COUNCIL</b>				
<b>SUMMARY OF RATES AND CHARGES LEVIED, REMITTED AND COLLECTED</b>				
	This Financial Year 12th February 2019		Last Financial Year 12th February 2018	
Arrears brought forward as at July 1		\$ 419,894.17		\$ 379,430.89
ADD current rates and charges levied		\$ 5,297,326.00		\$ 5,113,865.33
ADD current interest and penalty		\$ 47,472.90		\$ 48,312.60
<b>TOTAL rates and charges demanded</b>	100.00%	\$ 5,764,693.07	100.00%	\$ 5,541,608.82
LESS rates and charges collected	70.02%	\$ 4,036,442.06	68.98%	\$ 3,822,780.58
LESS pensioner remissions	3.94%	\$ 227,211.96	4.12%	\$ 228,449.02
LESS other remissions and refunds	0.29%	\$ 16,772.93	0.17%	\$ 9,193.91
LESS discounts	0.49%	\$ 28,524.85	0.47%	\$ 26,244.14
<b>TOTAL rates and charges collected and remitted</b>	74.75%	\$ 4,308,951.80	73.75%	\$ 4,086,667.65
<b>UNPAID RATES AND CHARGES</b>	25.25%	\$ 1,455,741.27	26.25%	\$ 1,454,941.17

## **18. MUNICIPAL SEAL**

Nil.

**19. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA**

Council to address urgent business items previously accepted onto the agenda.

**RECOMMENDATION**

**THAT** in accordance with Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015*, the following items are to be dealt with in Closed Session.

<b>Matter</b>	<b>Local Government (Meeting Procedures) Regulations 2015 Reference</b>
<i>Closed Council Minutes - Confirmation</i>	15(2)
<i>Applications for Leave of Absence</i>	15(2)(h) <i>Applications by councillors for a leave of absence</i>
<i>Property Matter – Tunnack</i>	15(2)(f)

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

**RECOMMENDATION**

**THAT** in accordance with Regulation 15(2) of the *Local Government (Meeting Procedures) Regulations 2015*, Council move into Closed Session and the meeting be closed to members of the public.

<b>DECISION (MUST BE BY ABSOLUTE MAJORITY)</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

## **CLOSED COUNCIL AGENDA**

### **20. BUSINESS IN “CLOSED SESSION”**

*Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015 provides that Council may consider certain sensitive matters in Closed Meeting.*

*The following matters have been listed in the Closed Meeting section of the Council Agenda in accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015.*

#### **20.1 CLOSED COUNCIL MINUTES - CONFIRMATION**

*Item considered in Closed Session in accordance with Regulation 15 (2) of the Local Government (Meeting Procedures) Regulations 2015.*

#### **20.2 APPLICATIONS FOR LEAVE OF ABSENCE**

*Item considered in Closed Session in accordance with Regulation 15 (2)(h) of the Local Government (Meeting Procedures) Regulations 2015.*

#### **20.3 PROPERTY MATTER – TUNNACK**

*Item considered in Closed Session in accordance with Regulation 15 (2)(g) of the Local Government (Meeting Procedures) Regulations 2015.*

## RECOMMENDATION

**THAT Council move out of “Closed Session”.**

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

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## OPEN COUNCIL AGENDA

### 21. CLOSURE