

**SPECIAL COUNCIL MEETING
AGENDA
MONDAY, 19 APRIL 2021**



GLENORCHY CITY COUNCIL

QUALIFIED PERSON CERTIFICATION

The General Manager certifies that, in accordance with section 65 of the *Local Government Act 1993*, any advice, information and recommendations contained in the reports related to this agenda have been prepared by persons who have the qualifications or experience necessary to give such advice, information and recommendations.

A handwritten signature in blue ink, likely of Tony McMullen, the General Manager.

Tony McMullen
General Manager

15 April 2021

Hour: 4.15pm

Present (in Chambers):

Present (by video link):

**In attendance (in
Chambers):**

**In attendance (by video
link):**

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1. APOLOGIES

2. PECUNIARY INTEREST NOTIFICATION

GOVERNANCE

Community goal: “Leading our Community”

3. NOMINATIONS FOR GENERAL MANAGEMENT COMMITTEE OF LOCAL GOVERNMENT ASSOCIATION OF TASMANIA (LGAT)

Author: General Manager (Tony McMullen)

Qualified Person: General Manager (Tony McMullen)

ECM File Reference: LGAT

Community Plan Reference:

Leading Our Community

We will be a progressive, positive community with strong council leadership, striving to make Our Community's Vision a reality

Strategic or Annual Plan Reference:

Leading Our Community

Objective 4.3 Build strong relationships to deliver our communities' goals

Strategy 4.3.1 Foster productive relationships with other levels of government, other councils and peak bodies to achieve community outcomes

Reporting Brief:

To seek Council's nomination of an eligible Alderman to a position on the General Management Committee of the Local Government Association of Tasmania (**LGAT**) and President of LGAT.

Proposal in Detail:

Background

The Tasmanian Electoral Commissioner has invited nominations for President of LGAT and for membership of the Local Government Association of Tasmania (**LGAT**) General Management Committee (**GMC**). Nominations close on Wednesday, 21 April 2021 at 5.00 pm.

At the 29 March 2021 Council meeting, Council resolved to nominate Councillor Dean Winter, Mayor of Kingborough for both the committee member and president positions. However, on 6 April 2021, Cr Winter was announced as candidate for the seat of Franklin at the upcoming State Election on 1 May 2021. If elected, Cr Winter would no longer be eligible for either the president or committee member positions.

While the outcome of the State election will not be known until on or after 1 May, it is desirable for Council to select alternative nominees for each position, given the possibility that its preferred nominee may not be available.

This report therefore recommends that the previous decision to nominate Cr Winter be rescinded and new nominations are sought.

Eligibility for nominations

Council is entitled to make only a single nomination under the LGAT rules. The person nominated may be a Glenorchy City Council Aldermen or an alderman or councillor from Clarence City Council or Kingborough Council. The Lord Mayor of Hobart has an ex officio position on the GMC.

The CEO of LGAT has confirmed that if Council wishes to also nominate a candidate for President, it is not obliged to nominate the same person.

The nomination invitation letter from the Tasmanian Electoral Commissioner is [Attachment 1](#). The nomination form is [Attachment 2](#).

About LGAT

The Local Government Association of Tasmania is the voice of Local Government to other spheres of government, stakeholders and the wider community.

LGAT has been the peak body for Local Government in Tasmania for over 100 years and is part of a national network of associations. It is funded by councils and earns other income through projects delivered on behalf of Local Government, services to members and sponsorships.

LGAT provides specialist services to its member councils including policy and strategic support, capacity building for Local Government elected members and officers and procurement of goods and services. LGAT also coordinates the Tasmanian Local Government Awards for Excellence, the LGAT Annual Conference and the LGAT Assist Program.

LGAT works collaboratively with members to support council staff and elected members. The communities our 29 councils serve are represented by 263 elected members and supported by nearly 4,000 staff.

General Management Committee

The election to the GMC is governed by the LGAT Rules, which are [Attachment 3](#).

Apart from the Lord Mayor, who has an 'as of right' position on the GMC, all positions, including the President, will be vacant. The President is elected at large by all Member councils. The six other members are elected by their electoral districts and population grouping.

The term of office is two years. The circumstances in which a position becomes vacant are set out in rule 21(d) of the LGAT rules, including that a member ceases to be an Aldermen. Accordingly, the term of membership could continue for the full two years if Council's nominee is re-elected at the next Local Government elections, due in October 2022.

The rules most relevant to the GMC election, with summary comments are as follows:

17. Function of the General Management Committee

The functions of the GMC include performance review/appointment of the CEO, providing strategic direction, providing for the good management and

administration of the Association and nominating representatives to the ALGA Board.

18. Composition of the General Management Committee

The General Management Committee is made up of:

- (i) the President;*
- (ii) provided the Hobart City Council is a current Member, the Lord Mayor of the Hobart City Council or his or her proxy; and*
- (iii) six members to be elected, as provided in Rule 18(b), from the three electoral districts.*

For each electoral district, one candidate is elected from councils with a population of 20,000 or more and one from councils with a population of less than 20,000

19. Electoral districts for the purpose of electing members to General Management Committee

These districts correspond to the three (3) local government regions as set out in the Local Government Act, with Glenorchy City Council located in the Southern electoral district.

20. Conduct of elections for membership to the General Management Committee

The Electoral Commissioner of Tasmania as returning officer asks for nominations from members within the 3 electoral districts.

Each Member is entitled to make only one nomination and if more than one is received all nominations from that Member will be null and void.

In making a nomination, a Member is not restricted to nominating an elected member from its own Council provided that the nomination is for an elected member from a Member Council in the same electoral district and the same Population category as the nominating Member.

When a President is elected, a recount is held to backfill his or her GMC position from the same electoral district and population category.

25. President

- (a) The President shall be a Councillor or Alderman of a Member Council.*
- (b) The functions of the President are to:*
 - (i) chair Meetings of the Association and the General Management Committee;*
 - (ii) be the spokesperson of the Association;*
 - (iii) provide leadership and direction in furthering the objects of the Association.*

The President is elected for a two-year term.

Nominations are called. If there is only one (1) nomination, the candidate is elected unopposed. If there is more than one candidate, the Electoral Commissioner conducts a postal ballot of member Councils to determine the successful candidate.

Timeframes for 2021 GMC Election

The schedule of dates applying to the GMC election is as follows:

Nominations Open	Monday, 1 March 2021
Nominations Close	5.00pm Wednesday, 21 April 2021
Ballot Material posted (If a ballot is required)	Monday, 26 April 2021
Close of Postal Ballot	10.00am Thursday, 17 June 2021
Declaration of the Result	Thursday, 17 June 2021

Committee Nominations and Appointments Policy

Council's Committee Nominations and Appointments Policy is applicable to this process because its scope states:

This policy applies to all nominations and appointments to committees and external bodies, other than the appointment of independent persons to Council's Audit Panel (the procedure for which is as set out in the Audit Panel Charter). (Author's emphasis added)

The Policy requires the following procedure to be adopted in respect of nominations:

- (1) *Where it is necessary to appoint Aldermen to committees (including as a result of a casual vacancy), the General Manager will circulate a notice to Aldermen which—*
 - (a) *notifies Aldermen that appointments, re-appointments and nominations for appointment to committees and external bodies are to be made at the relevant meeting, and*
 - (b) *lists the appointments and nominations to be made, and, for each, identifies—*
 - (i) *the committee or external body*
 - (ii) *the position available (including, for an external body, whether Council will be making a nomination only)*
 - (iii) *the nature of the duties to be undertaken*
 - (iv) *the proposed term of the appointment*
 - (v) *whether the position is to be held ex-officio by the Mayor or Deputy Mayor, and*
 - (vi) *any other information the General Manager considers relevant.*
 - (c) *requests that Aldermen submit nominations for the available positions one (1) week before the next council meeting.*

- (2) *The notice is to be circulated to all Aldermen by email no later than five days before nominations close (or as soon as practicable if it is not possible to circulate the notice five days before nominations close), and*
- (3) *Nominations may contain a statement in support of the nomination, to a maximum of 150 words.*
- (4) *Nominations may be for a position or a proxy position.*
- (5) *the General Manager will present a report to Council for consideration at the relevant council meeting which will contain, for each available position—*
 - (a) *the information specified in clause 2(1)(b), and*
 - (b) *a list of the nominations received and the documentation provided in support of each.*
- (6) *Where the number of nominees for a position does not exceed the number of positions available, the Council will determine the appointment in accordance with its ordinary meeting procedures.*
- (7) *If the number of nominees for a position exceeds the number of positions available—*
 - (a) *a ballot will be held to select the appointee or appointees (or nominees for a position on an external body, if applicable), and*
 - (b) *once the result of the ballot is determined, the chair will call for the appointment to be confirmed in accordance with Council's ordinary meeting procedures.*
- (8) *Where Council's nominee for a position on an external body is required to be confirmed by the external body, the General Manager is to write to the external body advising it of Council's decision.*
- (9) *For the avoidance of doubt, where a committee detail sheet that has previously been adopted by Council provides for a position to be held ex officio by the Mayor or the Deputy Mayor, the appointment of the Mayor or Deputy Mayor to that position is automatic, and no other Aldermen are entitled to nominate for that position.*

Notice to Aldermen

A notice to Aldermen calling for nominations was given on Monday, 12 April 2021 (Attachment 4). The notice called for nominations by 9:00 am on 15 April 2021.

The following nominations were received:

Position	Nominees
LGAT GMC Committee Member	Alderman Thomas
LGAT President	Alderman Thomas

Alderman Thomas has provided the following statements in support of her nominations:

LGAT General Management Committee member position

"If elected to the LGAT GMC I will be a strong advocate for southern councils. My experience in government at a local and state level and the relationships I have established with a diverse range of stakeholders make me a strong candidate for this role."

LGAT President position

"If elected as president I will be a strong advocate for the local government sector. My experience in government at a local and state level strategically and administratively, as well as the positive relationships I have with a diverse range of stakeholders mean I am a strong candidate for this role."

Rescission of previous nomination

Under regulation 18 of the *Local Government (Meeting Procedures) Regulations 2015*, a resolution that would have the effect of rescinding a previous decision must be accepted by an absolute majority of Aldermen. The following information is provided in compliance with the requirements of regulation 18.

If Council chooses to accept the recommended resolutions, or makes alternative resolutions that change its nominations this would result in the the following decision (which was unanimously accepted) at item 13 from the 29 March 2021 Council meeting being overturned:

FRASER/KING

That Council:

1. *NOMINATE Mayor Dean Winter, Kingborough Council to a position on the General Management Committee of the Local Government Association of Tasmania (LGAT)*
2. *NOMINATE Mayor Dean Winter, Kingborough Council for President of LGAT.*

The decision direction that action be taken, namely that a nomination form was completed and submitted reflecting Council's decision. However, the nomination form had not been submitted at the time Cr Winter announced his candidacy for the State election, meaning the action had not been carried out.

To ensure clarity, the recommendations to this report recommend the formal rescission of the previous decision to nominate Cr Winter.

Consultations:

Acting Mayor
Aldermen
Executive Officer

Human Resource / Financial and Risk Management Implications:

Financial

There are no material financial implications.

Human resources

There are no material human resources implications.

Risk management

Risk Identification	Consequence	Likelihood	Rating	Risk Mitigation Treatment
Adopt the recommendation Council's nomination is unsuccessful.	Insignificant (C1)	Possible (L3)	Low	Establish an effective working relationship with GMC representatives from other Councils.
Do not adopt the recommendation Council loses the opportunity to nominate a candidate for the General Management Committee and or Presidency of LGAT.	Minor (C2)	Almost Certain (L5)	Medium	Establish an effective working relationship with GMC representatives from other Councils.

Community Consultation and Public Relations Implications:

Community consultation

No community consultation was undertaken as the nomination process is considered an internal matter for Council.

Public relations

The GMC election process is an external process, independently conducted by the Tasmanian Electoral Commission (TEC). It is anticipated that the announcement of election results will be a matter for the TEC and LGAT.

Recommendation:

That Council:

1. RESCIND its decision made at its ordinary meeting on 29 March 2021 (Item 13) to nominate Cr Dean Winter to a position on the General Management Committee of the Local Government Association of Tasmania and as president of LGAT
2. NOMINATE Deputy Mayor/Acting Mayor Bec Thomas to a position on the General Management Committee of the Local Government Association of Tasmania (**LGAT**), and
3. NOMINATE Deputy Mayor/Acting Mayor Bec Thomas for President of LGAT.

Attachments/Annexures

- 1 Electoral Commissioner's GMC nomination invitation letter



- 2 GMC Nomination form



- 3 LGAT Rules Adopted July 2018



- 4 Notice for Nominations

