# Minutes of the Meeting of the Glenorchy City Council held at the Council Chambers on Monday, 24 October 2016 at 3.02 p.m.

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| **Present:** | Aldermen K. Johnston (Mayor), H. Quick (Deputy Mayor), J. Branch-Allen, J. Dunsby, S. King, C. Lucas, H. Nielsen, D. Pearce, S.E. Slade and M. Stevenson. |
| **In attendance:** | Mr. P. Brooks (General Manager), Ms. S. Iskandarli (Director, Corporate Governance and General Counsel), Mr. E. Reale (Director, City Services and Infrastructure), Mr. T. McMullen (Acting Director, Community, Economic Development and Business), Mr. S. Scott (Manager, Governance and Risk), Ms. D. Berry (Manager, People and Safety), Mr. C. French (Manager, Business and Finance), Mr. D. Ronaldson (Manager, Community and Customer Service), Mr. P. Garnsey (Manager, Environment and Development), Mr. R. Grierson (Manager, Infrastructure, Engineering and Design), Mr. S. Mohamed (Manager, Waste Services), Mr. R. Frankcombe (Manager, Works), Mr. B. Hannan (Senior Internal Compliance Advisor), Mr. A. Falaki (Coordinator, Community Planning and Inclusion), Ms. J. Sleiters (Community Development Coordinator), Ms. E. McGoldrick (Coordinator, City Strategy and Economic Development) and Mrs. J. King (Mayoral and Executive Support Officer). |
| | Ms. Lynn Mason, member of Glenorchy City Council's Board of Inquiry |
| | Mr. Paul Oxley, Chair - Audit Panel |

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| **Workshops held since last Council Meeting** | **Date:** **Monday, 10 October 2016**<br>**Purpose:** To discuss:<br>• Corporate Reporting Options<br>• Public Waste Management plan<br>• Draft Strategic Plan 2016-2026 |

The meeting was opened with a prayer by Rev. Stephen Savage.

The Chairperson read two statements at the beginning of Council Meeting:

Statement 1 – In relation to the Audio Recording of the Council Meeting under Regulation 33 of the *Local Government (Meeting Procedures) Regulations 2015* and Council's 'Audio Recording Council Meetings' Policy.

Statement 2 – In relation to Work Health and Safety at the Council Meeting.

## 1. APOLOGIES

None.

## 2. CONFIRMATION OF MINUTES

### Resolution:

PEARCE/KING

That the minutes of the Council Meeting held on Monday, 26 September 2016 be confirmed, subject to the following changes:

a) That the motion sought by Alderman Johnston that Item 26 on the agenda be dealt with at the end of the closed session of Council, be corrected from 'first item on the Agenda' to instead read 'last item on the agenda', and

b) In relation to Item 28.2, correct a typographical error to change 'sales or water' to 'sales of water'.

The motion was put.

**FOR:** Aldermen Pearce, Branch-Allen, Dunsby, Slade, Quick, Johnston, Nielsen, Lucas, King and Stevenson.

**AGAINST:**

The motion was CARRIED.

## 3. ANNOUNCEMENTS BY THE CHAIR

The Mayor noted the passing of Mr. Fred House who was the last surviving member of the HMAS Sydney II (D48). Mr. House attended the Anzac Service at Glenorchy this year.

## 4. PECUNIARY INTEREST NOTIFICATION

The Chairperson asked if any Aldermen had or were likely to have a pecuniary interest in any items on the Agenda.

The Mayor declared an interest in Item 18.

## 5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

**Mrs. Kaye Smith, Glenorchy**

**Question:**
In relation to Item 17 (Proposed amendment to Meeting Policy) on the agenda at the Council meeting on 26 September 2016, Mrs. Smith had asked:

1. What is the purpose of the proposed amendment?; and
2. The officer's report, in relation to the proposed amendment to the procedure for dealing with questions without notice, contains the following passage:

   "***2) Questions without Notice***

   *a) The Chairperson of a meeting shall permit discussion of a* ***question on notice****…*" (emphasis added) is the wording 'without notice' and 'on notice' in that point a typographical error, and, if not, what does it mean?

**Answer: Question 1**

The purpose of the proposed amendment was to facilitate the efficient progress of Council meetings and reduce strain on Council staff in having to provide answers to complex questions on notice in tight time frames and having to remain at Council meetings into the late evening. This was to be achieved by amending Council's Meetings policy to:

- require Aldermen to provide questions on notice to Council management 11 days before the Council meeting to allow a longer time period for staff to prepare answers before the deadline under the *Local Government (Meeting Procedures) Regulations 2015* for the circulation of the agenda (4 days before an ordinary council meeting) expired. This was done in response to the current practice of Aldermen submitting questions on notice on the Sunday night the week before the meeting, the last opportunity to do so under the regulations; and
- limiting debate and discussion on questions without notice to 3 minutes, to stop the current practice of Council debating the answers to questions on notice for extended periods of time which delays the efficient and expeditious progress of council meetings (particularly where, as regularly occurs, there are numerous questions without notice).

**Answer: Question 2**

The words 'question on notice' (which are emphasised in bold in the above extract from the officer's report) are a typographical error. They should read 'question without notice'.

## 6. PUBLIC QUESTION TIME (15 MINUTES)

**Mr. Martin Watkins, Claremont**

Mr. Watkins asked a question about Item 10 on the agenda in relation to the transition of Community Precincts and specifically about the Claremont Community Library. Mr. Watkins advised that many thousands of hours of work had been performed by volunteers at the Claremont Library over the years, and, in view of that, asked how Aldermen could be prepared to vote against the recommendation that it continue in operation.

The question was taken on notice pending the outcome of the debate on Item 10.

## 7. PETITIONS/DEPUTATIONS

None.

# COMMUNITY

## 8. ANNOUNCEMENTS BY THE MAYOR

File Reference: Mayoral Announcements

**Reporting Brief:**

To receive the announcement of events by the Mayor.

### Resolution:

DUNSBY/BRANCH-ALLEN

That Council:

> RECEIVE the announcements about the activities of the Mayor's office for the period 21 September 2016 to 18 October 2016.

The motion was put.

**FOR:** Aldermen Pearce, Branch-Allen, Dunsby, Slade, Quick, Johnston, Nielsen, Lucas, King and Stevenson.

**AGAINST:**

The motion was CARRIED.

## 9. GLENORCHY MULTICULTURAL FRAMEWORK UPDATE

File Reference: Cultural Diversity - Information, Cultural Diversity Advisory Committee - Special Committee

**Reporting Brief:**

This report provides a further update for Council on the outcomes of the State Government Grant of $100,000 towards the development of an understanding and plan of how the needs of multicultural communities for spaces to assist with cultural celebrations can be met.

This report outlines a further piece of work to be completed – the Glenorchy Multicultural Framework.

## Resolution:

PEARCE/NIELSEN

That Council:

(a) NOTE the existing work undertaken by the Community and Customer Service Department in relation to multi-culturalism, and

(b) NOTE the forthcoming preparation of a Glenorchy Multicultural Framework.

The motion was put.

**FOR:** Aldermen Pearce, Branch-Allen, Dunsby, Slade, Quick, Johnston, Nielsen, Lucas, King and Stevenson.

**AGAINST:**

The motion was CARRIED.

## 10. COMMUNITY PRECINCT PROGRAM TRANSITION

File Reference: Precinct Program - General Administration, Claremont Community Library 2016-2017

**Reporting Brief:**

At its August 2016 meeting, Council resolved to discontinue the Community Precinct Program. This report:

1. outlines the work completed to transition community precinct programs and projects, and

2. recommends future arrangements for the Claremont Community Library.

## Resolution:

BRANCH-ALLEN/PEARCE

That Council:

(a) NOTE the work completed to transition Community Precinct programs and projects

(b) CONTINUE to auspice and oversee the functions of the Claremont Community Library program, and

(c) REVIEW the current arrangement for the Claremont Community Library program in three years (June 2019).

The motion was put.

**FOR:** Aldermen Pearce, Branch-Allen, Dunsby, Slade, Quick, Johnston, Nielsen, Lucas, King and Stevenson.

**AGAINST:**

The motion was CARRIED.

# GOVERNANCE

## 11. PROPOSED AMENDMENT TO MEETING POLICY

File Reference: Meeting Policy

**Reporting Brief:**

This Report is to recommend to Council to make amendments to the Council's Meeting Policy under Regulation 37(1) of the *Local Government (Meeting Procedures) Regulations 2015* ('Regulations') to specify clear process to be applied in relation to questions without notice and questions on notice from the Aldermen under Regulation 29 and Regulation 30 of the Regulations.

### Recommendation:

That Council:

APPROVE the amendment to Council's Meeting Policy under Regulation 37(1) and from the good governance point of view, and include in the Meeting Policy the following procedures in relation to Regulations 29 and 30:

**Questions on Notice**

*(a)* *An Alderman, at least 11 days before an ordinary council meeting or a council committee meeting, may give a written notice to the General Manager of a question in respect of which the Alderman seeks an answer at that meeting*.

*(b)* *A period referred to in sub- clause (a) includes Saturdays, Sundays and statutory holidays, but does not include the day on which the agenda and any associated reports and documents are provided to the Aldermen and public, and the day of the ordinary meeting*.

(c) *The Chairperson of a meeting must not permit any debate on a question with notice and must not permit any debate on an answer to that question.*

(d) *The Chairperson of a meeting shall permit discussion of a question on notice and the answer to that question for clarification only, and such discussion shall take no more than 3 minutes.*

**Questions without Notice**

(a) *The Chairperson of a meeting shall permit discussion of a question without notice and the answer to that question for clarification only, and such discussion shall take no more than 3 minutes.*

## Discussion:

Mayor Johnston noted that the recommendation as it currently stands was in an identical form to the recommendation that was on the agenda at the meeting of 26 September 2016 which she had refused to accept on the basis that she considered it was contrary to Regulations 27, 29 and 30 of the *Local Government (Meeting Procedures) Regulations 2015* and was therefore unlawful. Mayor Johnston asked the Director, Corporate Governance and General Counsel what her justification was for placing the item on the agenda, given Mayor Johnston's previous comments.

Director, Corporate Governance and General Counsel replied that following the meeting on 26 September 2016 Council had sought independent legal advice from Mr David Morris of Simmons Wolfhagen Lawyers which had confirmed that the proposed amendment was in full compliance with the law and was able to be voted on by Council. She also reiterated that the advice she had received from Simmons Wolfhagen Lawyers was in agreement with the qualified advice she had provided at the 26 September 2016 Council Meeting.

Mayor Johnston advised that she, independently, had also sought independent advice from Ogilvie Jennings (which she had paid for personally), Mayor Johnston advised that the conclusion in that advice was that she should refuse to accept the motion to amend the meetings policy on the basis that it is unlawful as Council lacks the jurisdiction to determine meeting procedures that are already prescribed.

Both Mayor Johnston and Director, Corporate Governance and General Counsel circulated copies of their respective legal advice to the Aldermen.

Mayor Johnston advised that her advice was that it would be unlawful to accept the motion. She therefore did not accept a mover or seconder for the motion.

No vote was allowed.

The majority of the Aldermen have raised their concerns and disappointment with the Mayor's conduct and accordingly Alderman Branch-Allen moved a motion that this Item deferred until the next Council Meeting, pending further legal advice.

## Resolution:

BRANCH-ALLEN/KING

That Item 11 be deferred until the next Council meeting, pending further legal advice.

The motion was put.

**FOR:** Aldermen Pearce, Branch-Allen, Dunsby, Nielsen, Lucas and King.

**AGAINST:** Aldermen Slade, Quick, Johnston and Stevenson.

The motion was CARRIED.

## 12. COUNCIL POLICY

File Reference: Council Policy

**Reporting Brief:**

The purpose of this report is to recommend that Council rescinds the 'Ordering of Goods and Services' policy.

## Resolution:

BRANCH-ALLEN/PEARCE

That Council:

> RESCIND the 'Ordering of Goods and Services' policy on the basis that it has become redundant through the operation of Council's Code for Tenders and Contracts and legislative provisions.

The motion was put.

**FOR:** Aldermen Pearce, Branch-Allen, Dunsby, Slade, Quick, Johnston, Nielsen, Lucas, King and Stevenson.

**AGAINST:**

The motion was CARRIED.

## 13. TERM OF THE APPOINTMENT OF AUDIT PANEL MEMBERS

File Reference: Audit Panel

**Reporting Brief:**

The purpose of this Report is to brief Council about the expiry of the term of the Audit Panel members and recommend that Council start the process of appointment or re-appointment of members for the Audit Panel of Glenorchy City Council.

### Resolution:

SLADE/KING

THAT Council:

(a) CALLS for the expressions of interest among the Aldermen in order to appoint 2 Aldermen as standing members and 2 Aldermen as proxy members of the Audit Panel, and

(b) CALLS for public expressions of interest for the three independent members including the Chair of the Audit Panel and appoints the members and the Chair as a result of the selection process.

The motion was put.

**FOR:** Aldermen Pearce, Branch-Allen, Dunsby, Slade, Quick, Johnston, Nielsen, Lucas, King and Stevenson.

**AGAINST:**

The motion was CARRIED.

## 14. WASTE MANAGEMENT STRATEGY - PUBLIC VERSION

File Reference: Glenorchy Waste Management Strategy

**Reporting Brief:**

The purpose of this report is to seek Council's endorsement and approval to release a publically available version of Council's Waste Management Strategy 2013 - 2023.

**Resolution:**

PEARCE/KING

That Council:

(a) RECEIVES and NOTES the report on Council's accessible version of the Waste Management Strategy 2013 – 2023, and

(b) APPROVES the release of the accessible version of the Waste Management Strategy 2013 - 2023 to be made publically available in alternate mediums such as Council's website and in hard copy.

The motion was put.

**FOR:** Aldermen Pearce, Branch-Allen, Dunsby, Slade, Quick, Johnston, Nielsen, Lucas, King and Stevenson.

**AGAINST:**

The motion was CARRIED.

## 15. PROPOSED GLENORCHY CITY COUNCIL STRATEGIC PLAN 2016-2025

File Reference: Glenorchy City Council Strategic Plan 2016-2025

**Reporting Brief:**

To request Council to authorise consultation with the community and relevant authorities and bodies on the proposed Glenorchy City Council Strategic Plan 2016-2025.

**Resolution:**

BRANCH-ALLEN/PEARCE

That Council:

AUTHORISE the placement of the proposed Glenorchy City Council Strategic Plan 2016-2025 on public exhibition from 29 October to 25 November 2016 in accordance with the Community Engagement Plan for the project.

The motion was put.

**FOR:** Aldermen Pearce, Branch-Allen, Dunsby, Slade, Quick, Johnston, Nielsen, Lucas, King and Stevenson.

**AGAINST:**

The motion was CARRIED.

## 16. ANNUAL REPORT 2015-16

File Reference: Annual Report

**Reporting Brief:**

To present the *Glenorchy City Council Annual Report 2015-16* (including Council's financial statements for the financial year) for adoption by Council.

### Recommendation:

That Council:

(a) ADOPT the *Glenorchy City Council Annual Report 2015-16* in the form of Attachment 1

(b) RECEIVE the *2016 General Purpose Financial Report* (included in the Annual Report) in accordance with section 84(4) of the Act, and

(c) AUTHORISE the General Manager to do all things necessary to comply with the public notification and other requirements in section 72(2) of the *Local Government Act 1993*.

AMENDMENT

BRANCH-ALLEN/LUCAS

That recommendation 'a)' be amended as follows:

(a) ADOPT the *Glenorchy City Council Annual Report 2015-16* without the current Mayor's message.

### Discussion:

Alderman Branch-Allen advised that she objected to the Mayor's Message in the Annual Report on the basis that it contained references to the Board of Inquiry and should have taken a positive tone rather than a negative. Alderman Branch-Allen described it as 'historically selective'.

Aldermen Pearce, King and Lucas and Deputy Mayor Quick also recorded their disappointment at the content of the Mayor's message. Deputy Mayor Quick added that an annual report should note concerns about an organisation but overall should highlight positive achievements.

Alderman Stevenson noted that it was the remit of the Mayor to provide a message in the annual report, and she is not required to develop it in collaboration with Council. Alderman Stevenson also noted that the Mayor's message was simply matter of fact about the presence of the Board of Inquiry and contained numerous references to positive achievements.

Mayor Johnston advised that the purpose of the Annual Report is to record the activities of an organisation during the year. It is important that the activities of Council during the year are recorded, and there is no doubt that the Board of Inquiry is the most significant event to occur for Council during the financial year. Mayor Johnston also noted that she had drafted an original report, and had then received a re-written version of her message that had been drafted by Mr Tony Harrison, a public relations consultant. In view of the criticisms of her original message form the other Aldermen and on the advice of Council management, she had then re-written her message and had incorporated some elements of the version drafted by Mr. Harrison.

The Director, Corporate Governance and General Counsel gave qualified advice that whilst it was not a statutory requirement to have a Mayor's message in the Annual Report, from a good governance perspective it was important that it was not removed as and it would be very unusual for an annual report not to include a message from the Mayor. On that basis, the Director strongly recommended to Aldermen that the Mayor's message be included in the Annual Report.

The motion was put.

**FOR:** Aldermen Pearce, Branch-Allen, Slade, Nielsen, Lucas and King.

**AGAINST:** Aldermen Dunsby, Quick, Johnston and Stevenson.

The motion was CARRIED.

## Resolution:

KING/QUICK

The amended motion was put.

That Council:

(a) ADOPT the *Glenorchy City Council Annual Report 2015-16* without the current Mayor's message.

(b) RECEIVE the *2016 General Purpose Financial Report* (included in the Annual Report) in accordance with section 84(4) of the Act, and

(c) AUTHORISE the General Manager to do all things necessary to comply with the public notification and other requirements in section 72(2) of the *Local Government Act 1993*.

**FOR:** Aldermen Pearce, Branch-Allen, Nielsen and Lucas.

**AGAINST:** Aldermen Dunsby, Slade, Quick, Johnston, King and Stevenson.

The motion was LOST.

Following the vote, the Director, Corporate Governance and General Counsel gave qualified advice that the outcome of the motion being defeated was that Council may not have an Annual Report for 2015-16 and therefore it will have a significant effect on the Council's Annual General Meeting.

The Director Corporate Governance and General Counsel advised that it is requirement under section 72 of the Local Government Act 1993 for Council to have an Annual Report and urged the Aldermen to consider her advice in terms of complying with the legislative requirements.

After receipt of the legal advice Council agreed to call a Special Meeting of Council to be held on 7 November 2016 to reconsider the Annual Report 2015-2016. The General Manager asked Aldermen to provide their feedback on the current draft Annual Report by Friday, 28 October 2016.

## 17. ANNUAL PLAN PROGRESS REPORT AS AT 30 JUNE 2016

File Reference: Quarterly Report - Annual Plan Progress

**Reporting Brief:**

To provide Council with the Quarterly Annual Plan Progress Report as at 30 June 2016.

### Recommendation:

That Council:

> RECEIVE and NOTE the Quarterly Annual Plan Progress Report as at 30 June 2016.

ALTERNATIVE MOTION:

STEVENSON/DUNSBY

> That Council NOTE the Quarterly Annual Plan Progress Report as at 30 June 2016 and also NOTE concern over the lack of progress particularly in the high priority Annual Plan actions.

The alternative motion was put.

**FOR:** Aldermen Dunsby, Johnston, Lucas and Stevenson.

**AGAINST:** Aldermen Pearce, Branch-Allen, Slade, Quick, Nielsen and King.

The motion was LOST.

## Resolution:

PEARCE/NIELSEN

Foreshadowed motion as contained in the Council agenda.

That Council:

> RECEIVE and NOTE the Quarterly Annual Plan Progress Report as at 30 June 2016.

The motion was put.

**FOR:** Aldermen Pearce, Branch-Allen, Slade, Quick, Nielsen, Lucas and King.

**AGAINST:** Aldermen Dunsby, Johnston and Stevenson.

The motion was CARRIED.

Alderman Johnston declared an interest in the following item and vacated the chair and left the meeting at 4.57 p.m.

Deputy Mayor Quick took the Chair under Regulation 10 of the *Local Government (Meeting Procedures) Regulations 2015.*

# 18. NORTH CHIGWELL SPORTS GROUND LIGHTING REINSTATEMENT

File Reference: North Chigwell Sports Ground

**Reporting Brief:**

The purpose of this report is to seek Council's approval to co-fund the replacement of new lighting to the North Chigwell Sports Ground from the Strategic Asset Management Reserve, in the amount of $114,000, to replace lighting infrastructure damaged by bad weather.

## Resolution:

NIELSEN/KING

That Council:

> APPROVES the release of funds from the Strategic Asset Management Reserve for the total amount of $114,000 to co-fund the replacement of the sports ground lighting system for the North Chigwell Metro recreation precinct.

Alderman Dunsby left the meeting at 5.01 p.m.
Alderman Dunsby returned to the meeting at 5.03 p.m.

The motion was put.

**FOR:** Aldermen Pearce, Branch-Allen, Dunsby, Slade, Quick, Nielsen, Lucas, King and Stevenson.

**AGAINST:**

The motion was CARRIED.

Alderman Johnston returned to the meeting at 5.04 p.m. and resumed the Chair.

## 19. AMENDMENTS TO CHICANE GATE ARRANGEMENTS ALONG THE INTERCITY SHARED PATHWAY

File Reference: Intercity Shared Pathway

**Reporting Brief:**

The purpose of this report is to seek Council approval to release $105,000 from the Strategic Asset Management Reserve for removal chicane gates at each road crossing, and the installation of 'Give Way' signs and additional line marking along the length of, the Intercity Shared Pathway, in accordance with the resolution made at Council's meeting on 15 March 2016.

### Resolution:

NIELSEN/BRANCH-ALLEN

That Council:

> APPROVES the release of funds from the Strategic Asset Management Reserve for the total amount of $105,000 (ex-GST) for the removal of chicane gates, new signage and line marking along the Intercity Shared Pathway within Glenorchy.

The motion was put.

**FOR:** Aldermen Pearce, Branch-Allen, Dunsby, Slade, Quick, Johnston, Nielsen, Lucas, King and Stevenson.

**AGAINST:**

The motion was CARRIED.

## 20. ACTIONS LIST - UPDATE REPORT

File Reference: Actions List - Council Meetings

**Reporting Brief:**

Outstanding Actions List (Open Council Meeting) updated following the 26 September 2016 Council meeting.

### Resolution:

SLADE/KING

That Council:

> NOTE the progress of the items on the Actions List (Open Council Meeting), as updated following the 26 September 2016 Council meeting.

The motion was put.

**FOR:** Aldermen Pearce, Branch-Allen, Dunsby, Slade, Quick, Johnston, Nielsen, Lucas, King and Stevenson.

**AGAINST:**

The motion was CARRIED.

## 21. NOTICES OF MOTIONS – QUESTIONS ON NOTICE / WITHOUT NOTICE

**ALDERMAN SLADE**

Alderman Slade asked whether the General Manager could provide a report detailing Council's commitments and responsibilities as a result of joining the Coalition Against Gambling.

The General Manager took the question on notice and advised that he would provide a report, as requested.

A motion under Regulation 16(1) was moved by Alderman Branch-Allen

## Resolution:

BRANCH-ALLEN/SLADE

That it be noted in the minutes that the Mayor and the Board of Inquiry have been provided with a copy of audio recording of the closed session of the Council Meeting of 26 September 2016 and Council will retain a copy until such time as the Board of Inquiry has concluded its work.

Alderman Nielsen left the meeting at 5.21 p.m.

The motion was put.

**FOR:** Aldermen Pearce, Branch-Allen, Dunsby, Slade, Quick, Johnston, Lucas, King and Stevenson.

**AGAINST:**

The motion was CARRIED.

## 21.1. QUESTION ON NOTICE - ALDERMAN K. JOHNSTON – 3

File Reference: Question on Notice

**Question on Notice:**

To consider a Question on Notice by Alderman Kristie Johnston submitted in accordance with the requirements of Regulation 30 of the *Local Government (Meeting Procedures) Regulations 2015*.

## Question on Notice:

At the 26 September Council meeting the Director of Corporate Governance and General Counsel advised Council that she had an additional and special role over and above that of Director. She also confirmed that she had and continues to have extensive interaction with the aldermanic body as part of the role of General Counsel, particularly in relation to the provision of qualified legal advice to Council. May the General Manager please advise Council if the role/position of General Counsel was advertised either internally or externally, and if so what were the required qualifications and experience for such a position? If it was not advertised, may the General Manager please advise why not?

**Answer:**

Council has a legal team which comprises a number of highly qualified lawyers in a number of legal fields, such as property, commercial, procurement, governance, right to information and so on. Council's legal team is providing a number of legal services and support to Council employees and co-ordinates Council's external legal matters to ensure that Council's activities are in compliance with legislative requirements and good governance principles.

It is common in every organisation that the legal team's activities are overseen and monitored by either the Chief Legal Adviser or General Counsel. It is the role of the Chief Legal Adviser or General Counsel to also provide high level legal, governance and business advice to the Aldermanic body or the Board of Directors and the organisation.
Managing, overseeing and co-ordinating the legal team and legal services of Council is in the portfolio of the Director Corporate Governance who centralised Council's decentralised legal services in 2013 when she was appointed the Council Lawyer.

It is common that the Directors who manage the legal services of the organisation also have a second role and act as the General Counsel or Company Secretary.

Accordingly, the role of the General Counsel was not advertised as this position was offered to the Director Corporate Governance who had the legal services in her portfolio, and she was appointed to the General Counsel role under section 63 of the *Local Government Act 1993* (Tas) which gives the General Manager the power to appoint persons as employees of Council.

The Director Corporate Governance has high level experience, high level educational background and credentials and is well suited with her skills and knowledge to undertake this role, and is undertaking this role very successfully. This success has been well recognised by a number of external and internal parties.

Alderman Nielsen returned to the meeting at 5.23 p.m.

## 21.2. QUESTION ON NOTICE - ALDERMAN K. JOHNSTON - 4

File Reference: Question on Notice

**Question on Notice:**

To consider a Question on Notice by Alderman Kristie Johnston submitted in accordance with the requirements of Regulation 30 of the *Local Government (Meeting Procedures) Regulations 2015*.

## Question on Notice:

The General Manager has repeatedly advised me that he would be circulating to all aldermen the workshop schedule but has not done so at the time of writing. Given that he has indicated to me that there will be numerous extra workshops it is important that all aldermen are provided with the dates, times and subject matter as soon as possible to ensure maximum attendance and participation. Indeed, as Mayor I am not aware of the upcoming workshops and am concerned that I was unaware of a workshop scheduled for 18 October and only became aware of its existence when I was advised of its cancellation. May the General Manager please circulate to all aldermen the workshop schedule as a matter of urgency?

**Answer:**

Management is currently working on a number of projects and strategies to be presented to Council with recommendations, either for its information or seeking Council's approval.

As normal practice before taking an officer's report on a major project to Council, Management present them to Aldermen at an Aldermanic Workshop.

The General Manager at his weekly liaison meetings with the Mayor advised the Mayor that Management is currently working on the dates and times of the projects that will be presented to Council at Aldermanic workshops to ensure the presentation of the projects has been prioritised, appropriate communication has been undertaken with external parties to co-ordinate the presentations with their timeframes, co-ordinate with Aldermanic timeframes, GPA and Council Meetings and so on.

The list of Aldermanic Workshop projects has been circulated to Aldermen on Wednesday 19th October 2016 and it is evident from the list that Management has a number of strategies and projects that it would like to present to Council.

Many of these projects are ready to be presented but it is proving difficult to find time slots that are convenient for all Aldermen. For example, the Procurement Strategy is ready for presentation but has been deferred due to the inability to find a time slot convenient for all Aldermen.

In addition, due to the number of projects involved, some of these will be presented to Council next calendar year.

Alderman Branch-Allen left the meeting at 5.25 p.m.

## 21.3. QUESTION ON NOTICE - ALDERMAN K. JOHNSTON - 5

File Reference: Question on Notice

**Question on Notice:**

To consider a Question on Notice by Alderman Kristie Johnston submitted in accordance with the requirements of Regulation 30 of the *Local Government (Meeting Procedures) Regulations 2015*.

### Question on Notice:

At the time of writing this question (Sunday night, 16 October) the draft minutes for the 26 September meeting have not been circulated to aldermen or myself as Mayor/Chair.

Given that Council has recently implemented audio recording of its meetings to assist with the provision of accurate minutes may the General Manager please advise Council why he has been unable to provide the draft minutes to date?

**Answer:**

The draft minutes of the 26 September 2016 Council meeting were circulated on Monday, 17 October 2016. This is in line with the statutory time-frame for the circulation of minutes, which requires that they be circulated to Aldermen as soon as practicable and at least before the next ordinary council meeting (regulation 36 *Local Government (Meeting Procedures) Regulations 2016*).

## 21.4. QUESTION ON NOTICE - ALDERMAN K. JOHNSTON - 1

File Reference: Question on Notice

**Question on Notice:**

To consider a Question on Notice by Alderman Kristie Johnston submitted in accordance with the requirements of Regulation 30 of the *Local Government (Meeting Procedures) Regulations 2015*.

### Question on Notice:

At the 1 August Council meeting council received a Quarterly Annual Plan Progress Report for the period ending 31 March 2016. During that item I expressed serious concern and dissatisfaction that:

- the report was provided four months past the end of the quarter and that another entire quarter had passed in that time;
- the report indicated that the vast majority of projects were not on schedule or needed review;
- a basic extrapolation of the report to the 30 June would be likely to show a failure to achieve the targets for the 15/16 annual plan;
- Council had adopted a new Annual Plan 16/17 without any recent indication from the General Manager as to the progress on, and likely completion of, the 15/16 annual plan; and
- it seemed that a lack of sufficient resourcing was a common reason for the failure to meet targets which in turn suggest that the annual plan and budget processes are disjointed and at odds with one another.

In response to questioning the General Manager indicated that I should not be concerned and that I should "wait and see" what the final quarter report (period ending 30 June 2016) said. Upon further questioning as to when that report would be made available the General Manager advised Council that it had already been completed.

In response to my expressed frustration that the 30 June report had not been included on the 1 August Council agenda the General Manager further advised that it would be on the 29 August or 26 September agenda.

The General Manager did not include it on the 29 August or 26 September agendas. The report is again four months overdue.

May the General Manager please provide the Quarterly Annual Plan Progress Report for the period ending 30 June 2016 and provide the reasons why it was not included in the 29 August or 26 September agendas?

Furthermore, may the General Manager give Council his assurance that the Quarterly Annual Plan Progress Report for period ending 30 September 2016 will be included on the 21 November Council meeting agenda?

**Answer:**

**(a) Delay in quarterly annual plan progress reporting for Q/E 30 June 2016**

For the reporting round for the quarter ending 30 June 2016, according to Council records, the chronology is as follows:

| Date | Action |
|---|---|
| 1 July 2016 | Cambron Open; request for reporting finalised 15 July |
| 20 July | Cambron Reopened: request for outstanding reporting finalised 29 July |
| 9 August | End of year (EOY) Quarterly report provided to ELT |
| 15 August | Requested feedback on EOY Quarterly report |
| 15 & 21 August | General Manager and Directors respond with need for changes to comments |
| 30 August | Meeting with GM to discuss business rule consistency |
| 30 August | Email to all managers; review application of business rules; Cambron reopened until 12 September |
| 12 September | Report provided to General Manager |
| 21 September | General Manager advised report to be taken to Council October |
| 28 September | Updating of some content still required. |
| 12 October | Annual Plan Quarterly progress report submitted on Info Council |
| 24 October | Date of Council meeting |

In summary, the quarterly annual plan reporting round for the quarter ending 30 June 2016 has taken just under 4 months to report to Council. A number of factors have conspired to protract this delay beyond the normal "outer-limit" time expectation for reporting to Council of 3 months:

- Delay in data input by 1 week.
- A need for definition of "business rules" for action and measure status was identified. This is a "one off".
- The consequent need for review and reapplication of the business rules to the line items.
- Some delay in input of revised data.

In relation to the business rules, it was identified that a set of business rules would improve the consistency of reporting.

Business rules for action and measure status were developed as follows:

| Action Status | Business rule for application of descriptor |
|---|---|
| Ongoing | For business as usual tasks (not for use with project tasks). |
| On schedule | The task is on track to meet the target set in the Annual Plan. |
| Review required | There are internal or external factors that present a foreseeable risk to project completion by the deadline set in the Annual Plan. |
| Completed | The task has been completed. |
| Task for Future Year | The task is identified in the Financial Year as commencing in an “out year” |
| **Measure Status** | **Business rule for application of descriptor** |
| Achieved | The measure has been met. |
| Likely to meet | Task performance is on track to meet the measure and target in the Annual Plan. |
| Not likely to meet | Task performance is not likely to meet the measure and target in the Annual Plan due to internal or external factors |
| Assessment premature | It is not possible at the time of reporting to determine task performance against the measure or target because the task has not yet reached its scheduled commencement date; or the task is scheduled to be commenced and undertaken in an out year. |

**(b) Assurances sought that the report for Q/E 30 September 2016 will be reported to Council on 21 November 2016.**

The typical process for quarterly annual plan progress reporting is as follows:

| Process | Approximate timing |
|---|---|
| Management Team advised that Cambron is open for data input. | |
| Data input by Managers | 2 weeks |
| Check carried out on the completeness of reporting | 1 day to 1 week |
| Cambron reopened for a further week to pick up any outstanding line items. | 1 week |
| Draft report compiled on Cambron. | 1 day to 1 week |
| Draft report reviewed by ELT | 1 week to 2 weeks |
| ELT directs Managers to make changes to draft report | 2 days to 2 weeks |
| Cambron report converted to MS Word template for quarterly reporting and agenda report prepared | 1 week |
| Agenda report lead time | 2 weeks |
| Allowance for timing of Council meeting (if agenda deadline is just missed) | (4 weeks) |
| **TOTAL TIME ESTIMATE** | **7.6 weeks to 12 weeks** |

In conclusion, it is anticipated that reporting should be possible using current processes in two to three months of the end of the reporting period. This could be further exacerbated by up to a month if the report is available at a point in time that is out of synchronisation with the Council meeting cycle.

Clearly, some tasks can be expedited but it must be recognised that this report is not prepared in isolation of other priority tasks undertaken by Managers and City Strategy staff.

In relation to the specific question, at the time of writing, Annual Plan reporting is yet to be opened for the quarter ending 30 September 2016 because the timelines for the 2016-17 Annual Plan, which are newly input into Cambron, are being reviewed before the first round of reporting with a view to achievability.

As a result, it is anticipated that the December Council meeting is the earliest that the annual plan progress report for the quarter ending 30 September 2016 would be available.

Alderman Branch-Allen returned to the meeting at 5.27 p.m.

## 21.5. QUESTION ON NOTICE - ALDERMAN K. JOHNSTON - 2

File Reference: Question on Notice

**Question on Notice:**

To consider a Question on Notice by Alderman Kristie Johnston submitted in accordance with the requirements of Regulation 30 of the *Local Government (Meeting Procedures) Regulations 2015*.

### Question on Notice:

May the General Manager please provide Council with an written update report on the service level reviews currently being undertaken?

Alderman Stevenson left the meeting at 5.35 p.m.
Alderman Stevenson returned to the meeting at 5.36 p.m.

**Answer:**

In August 2016 Council received a draft report from CT Management Group Pty Ltd in relation to the review they undertook into three Council departments in order to improve the efficiencies provided to Council and our community. These departments are:

Finance and Business Department - review of the finance section only;

Governance and Risk Department - review of the public compliance section only; and

Works Centre.

Following consideration by the Directors and Managers, the Executive Leadership Team ('ELT') had a meeting to discuss the Council's staffs response to the draft report and recommendations. The comments and feedback were forwarded to CT Management Group Pty Ltd last month.

In October 2016 Council received the CT Management Group Pty Ltd response to Council's staffs comments and the Management have met to discuss those CT Management Group Pty Ltd's comments.

Management is currently working on the process to be undertaken during the consultation with Council's employees and Council about the CT Management Group Pty Ltd recommendations.

The date and time for the Management Workshop and Aldermanic Workshop are in the process of being negotiated with the CT Management Group Pty Ltd and are expected to be at the end of November 2016.

### Resolution:

SLADE/KING

That the meeting be closed to the public to allow discussion of matters that are described in Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015.

The motion was put.

**FOR:** Aldermen Pearce, Branch-Allen, Dunsby, Slade, Quick, Johnston, Nielsen, Lucas, King and Stevenson.

**AGAINST:**

The motion was CARRIED.

# CLOSED TO MEMBERS OF THE PUBLIC

## 22. APPLICATIONS FOR LEAVE OF ABSENCE

## GOVERNANCE

Under Regulation 15(6)(c) the Chair invited Mr Paul Oxley, the Chair of the Audit Panel, to remain at the Meeting to provide advice or information to Council in relation to Items 23 and 24.

## 21. CHAIR'S SUMMARY REPORT OF AUDIT PANEL MEETING - 21 SEPTEMBER 2016

***This item is to be considered at a closed meeting of the Council by authority of the Local Government (Meeting Procedures) Regulations 2015 Regulation 15(2)(g) (Information of a personal and confidential nature or information provided to the Council on the condition it is kept confidential).***

## 24. AUDIT PANEL CHAIRMAN'S ANNUAL REPORT 2016

***This item is to be considered at a closed meeting of the Council by authority of the Local Government (Meeting Procedures) Regulations 2015 Regulation 15(2)(g) (Information of a personal and confidential nature or information provided to the Council on the condition it is kept confidential).***

Paul Oxley (Chair- Audit Panel) left the meeting at 6.00 p.m.

## 25. OUTCOME OF 6 OCTOBER 2016 TASWATER MEETING

***This item is to be considered at a closed meeting of the Council by authority of the Local Government (Meeting Procedures) Regulations 2015 Regulation 15(2)(g) (Information of a personal and confidential nature or information provided to the Council on the condition it is kept confidential).***

Alderman Branch-Allen returned to the meeting at 6.18 p.m.

## 26. COUNCIL'S ANNUAL INSURANCE RENEWAL UPDATE

***This item is to be considered at a closed meeting of the Council by authority of the Local Government (Meeting Procedures) Regulations 2015 Regulation 15(2)(b) (Information that, if disclosed, is likely to confer a commercial advantage or impose a commercial disadvantage on a person with whom the Council is conducting, or proposes to conduct, business.)***

# COMMUNITY

## 27. REPLACEMENT MULTI-SPORTS FLOOR FOR THE DERWENT ENTERTAINMENT CENTRE

***This item is to be considered at a closed meeting of the Council by authority of the Local Government (Meeting Procedures) Regulations 2015 Section 15(2)(c) (Commercial information of a confidential nature that, if disclosed, is likely to: prejudice the commercial position of the person who supplied it; confer a commercial advantage on a competitor of the Council; or reveal a trade secret) and (2)(g) (Information of a personal and confidential nature or information provided to the Council on the condition it is kept confidential).***

## 28. GLENORCHY AND MOONAH CCTV INSTALLATION

***This item is to be considered at a closed meeting of the Council by authority of the Local Government (Meeting Procedures) Regulations 2015 Regulation 15(2)(g) (Information of a personal and confidential nature or information provided to the Council on the condition it is kept confidential).***

# GOVERNANCE

## 29. ACTIONS LIST - UPDATE REPORT

***This item is to be considered at a closed meeting of the Council by authority of the Local Government (Meeting Procedures) Regulations 2015 Regulation 15(2)(g) (Information of a personal and confidential nature or information provided to the Council on the condition it is kept confidential).***

## 30. NOTICES OF MOTIONS – QUESTIONS ON NOTICE / WITHOUT NOTICE (CLOSED)

Alderman Quick left the meeting at 7.16 p.m.

## 30.1. QUESTION ON NOTICE - ALDERMAN M. STEVENSON - 1

***This item is to be considered at a closed meeting of the Council by authority of the Local Government (Meeting Procedures) Regulations 2015 Regulation 15(2)(g) (Information of a personal and confidential nature or information provided to the Council on the condition it is kept confidential).***

The meeting closed at 7.33 p.m.

Confirmed,

**CHAIR**