

COUNCIL AGENDA

MONDAY, 29 AUGUST 2016



GLENORCHY CITY COUNCIL

* *The General Manager certifies that the reports contained in this Agenda have been written by qualified persons under Section 65 of the Local Government Act 1993.*

Hour: 3.00 p.m.

Present:

In attendance:

Leave of Absence:

Workshops held since last Council Meeting

Date: Monday, 15 August 2016

Purpose: To discuss:

- DEC Business Plan
- Graffiti Management
- CEO - LGAT

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1. APOLOGIES

2. CONFIRMATION OF MINUTES

That the minutes of the Council Meeting held on 1 August 2016 be confirmed.

3. ANNOUNCEMENTS BY THE CHAIR

4. PECUNIARY INTEREST NOTIFICATION

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Mr. Darell Vincent, Berriedale

Year	Council Approved rate Revenue % Increase	Rate in the \$	Rate in the \$ % Increase	
2005/06	0%	5.94	-20.81%	
2006/07	5.80%	6.27	5.49%	
2007/08	5.91%	6.45	2.91%	
2008/09	5.84%	6.78	5.05%	
2009/10	5.07%	6.67	-1.56%	
2010/11	15.00%	7.71	15.57%	revaluation year
2011/12	8.00%	6.41	-16.86%	
2012/13	8.00%	6.92	7.96%	
2013/14	4.00%	7.34	6.07%	
2014/15	3.48%	7.75	5.59%	
2015/16	4.30%	7.71	-0.52%	
2016/17	4.30%	8.06	4.54%	

6. PUBLIC QUESTION TIME (15 MINUTES)

7. PETITIONS/DEPUTATIONS

COMMUNITY

8. ANNOUNCEMENTS BY THE MAYOR

Author: Mayor Kristie Johnston
Qualified Person: General Manager (Peter Brooks)
ECM File Reference: Mayoral Announcements

Community Plan Reference:

Under the City of Glenorchy Community Plan 2015 – 2040, the Community has prioritised 'transparent and accountable government'.

Strategic or Annual Plan Reference:

Annual Plan Reference *4.2.4.03 Implement the Governance Strategy*.

Reporting Brief:

To receive the announcement of events by the Mayor.

Proposal in Detail:

Announcements by the Mayor

The following is a list of events the Mayor has attended during the period 27 July 2016 to 23 August 2016.

Thursday, 28 July 2016

- Chaired the Safer Communities Committee meeting
- Attended the Greater Glenorchy Precinct meeting

Friday, 29 July 2016

- Attended a meeting with Eric Reece Scholarship recipient, Liam Heffernan
- Attended a meeting with GASP CEO
- Attended the GASP Board meeting

Saturday, 30 July 2016

- Attended the Glenorchy District Football Club Black & White Ball

Sunday, 31 July 2016

- Presented medals at the Glenorchy Fun Run
- Attended the Claremont RSL Ladies Auxiliary Christmas in July Luncheon

Monday, 1 August 2016

- Chaired the Extra Council Workshop
- Chaired the Council meeting

Tuesday, 2 August 2016

- Attended an appearance before the Glenorchy City Council Board of Inquiry

Thursday, 4 August 2016

- Attended the Greater Claremont Precinct meeting
- Participated in the Salvation Army Sleep Out Appeal

Friday, 5 August 2016

- Attended a Glenorchy Community Fund fundraising meeting

Sunday, 7 August 2016

- Attended the Young Archies awards

Monday, 8 August 2016

- Attended the STCA meeting
- Chaired the Glenorchy Planning Authority meeting

Tuesday, 9 August 2016

- Attended a meeting with a business representative
- Attended the Public Transit Corridor Working Group meeting
- Attended the TasWater Owner Representative Quarterly Briefing meeting

Wednesday, 10 August 2016

- Attended a meeting with GASP, Derwent Estuary Program, and Windermere Primary representative
- Attended a meeting with a resident
- Attended a meeting with a resident
- Chaired the Wilkinsons Point and Elwick Bay Master Plan Steering Committee meeting

Thursday, 11 August 2016

- Attended a meeting with the Social Action Research Centre
- Presided at the Citizenship Ceremony

Friday, 12 August 2016

- Attended a meeting with the Migrant Resource Centre CEO
- Attended and participated in the Glenorchy Community Fund Dinner and Dancing with the Mayor performance

Saturday, 13 August 2016

- Attended the Church of Later Day Saints 50 Years of Service to the Glenorchy/Hobart Community Open Day
- Judged and presented awards at the Model Train Show

Monday, 15 August 2016

- Attended the Brooker Highway Liaison Group meeting
- Chaired the Council workshop

Tuesday, 16 August 2016

- Attended the West Moonah Community House Courtyard opening

Wednesday, 17 August 2016

- Attended the Claremont Rotary Club dinner

Thursday, 18 August 2016

- Attended and spoke at the media launch for the Posties for Prostate Cancer Ride

Friday, 19 August 2016

- Attended the Keep Australia Beautiful State Awards at Orford
- Attended the Friends of Glenorchy District Football Club function and Glenorchy v Kingborough home game

Saturday, 20 August 2016

- Attended the Country Music Club of Southern Tasmania 50th Birthday Dinner

Sunday, 21 August 2016

- Attended the Glenorchy RSL Sub-Branch Annual Luncheon

Monday, 22 August 2016

- Attended the Glenorchy Community Fund Board meeting
- Attended a meeting with a business representative
- Chaired the Glenorchy Planning Authority meeting

Tuesday, 23 August 2016

- Read stories to the children at Goodstart Glenorchy Childcare centre for Book Week
- Attended the West Moonah Eating with Friends luncheon
- Read stories to children at Berriedale Childcare Centre for Book Week
- Attended the Glenorchy Youth Taskforce meeting

Numerous internal meetings and administrative duties were also undertaken.

Consultations:

Nil.

Human Resource / Financial and Risk Management Implications:

Nil.

Community Consultation and Public Relations Implications:

Nil.

Recommendation:

That Council:

RECEIVE the announcements about the activities of the Mayor's office for the period 27 July 2016 to 23 August 2016.

Attachments/Annexures

9. ACCESS ACTION PLAN

Author: Manager Community & Customer Service (David Ronaldson)
Qualified Person: Acting Director Community, Economic Development and Business (Tony McMullen)
ECM File Reference: Access Action Plan

Community Plan Reference:

City of Glenorchy Community Plan 2015-2040

Goal: Making Lives Better

We continue to be a safe inclusive, active and vibrant community. Our Ageing population, people with disabilities, and parents with young families will be able to easily access all public areas, and have public facilities to support them. There will be community services and programs for people of all ages and abilities to connect, support and make lives better.

Strategic or Annual Plan Reference:

Glenorchy City Council Annual Plan 2016-17 to 2019-20

- 1.1.2 Encourage diversity in our community by facilitating opportunities and connections
- 3.1.4 Deliver new and existing services to improve the city's liveability
- 3.1.4.05 Implement Council's Discrimination Act Action Plan

Reporting Brief:

To seek Council's adoption of the Access Action Plan 2016-2021, following presentation of the Plan to a Council workshop on 18 July 2016.

Proposal in Detail:

Glenorchy City Council Access Action Plan 2016-2021.

Glenorchy City Council wants to make Glenorchy the Best Place in Tasmania for People with Disability to Live, Work and Play.

During the last twelve months an appreciative enquiry approach has been taken to develop the draft Access Action Plan. This looked at identifying how people successfully participate in the community now and how we can expand on this to create better opportunities for people with a disability

To do this, the Glenorchy City Council will be a leader in creating opportunities for people with disability, their families and carers to participate as valued members of the social, cultural, economic, political and environmental life of the community (refer to the Access Action Plan at Attachment 1)

What does this look like?

- **Social** – people with disability interact, give and get support from others, participate with others in positive activities, have friends and a circle of people who are important in their lives.
- **Cultural** – people with disability attend and participate in a range of events or activities, such as music, arts, dance, theatre and sports.
- **Economic** – people with disability gain and maintain paid or voluntary work, or are engaged in meaningful enterprise activities.
- **Political** – people with disability can take part in debates, discussions and making decisions about issues that directly affect them as well as broader political issues.
- **Environmental** – people with disability can experience and care for our natural environment, parks and wildlife.

Why We Need an Access Plan

Our last Access Plan expired in 2006. Since then there have been many advances and calls for action at the international and national levels.

The *Disability Discrimination Act 1992* (Part 3) provides for the preparation of action plans, which, under section 61, must contain provisions relating to:

- (a) devising of policies and programs to achieve the objects of the Act
- (b) the internal communication of these policies and programs
- (c) the internal review of practices to identify any discriminatory practices
- (d) the setting of goals and targets against which the success of the plan in achieving the objects of the Act may be assessed
- (e) other means of evaluating the policies and programs, and
- (f) the appointment of persons to implement the action plan.

Action Plans are not mandatory but they are a very good way to plan initiatives that improve outcomes for people with a disability.

Human rights

The United Nation Conventions on the Rights of People with Disabilities calls all countries to ensure that people with disability enjoy all human rights and fundamental freedoms. These include:

- Respect for their dignity and independence
- Be free from discrimination against them
- Able to fully participate and be included in society
- Respect for difference and acceptance of people with disability as part of the diversity of humanity
- Have equal opportunities, and
- Able to access public spaces, buildings and information.

The Human Rights Commission actively encourages Local Governments to establish, implement and promote disability access action plans to foster discrimination free communities.

National Disability Strategy 2010-2020

The Australian Government National Disability Strategy 2012-2021 states that Governments at all levels have a responsibility to ensure inclusion, accessibility and connection across levels of government in all matters affecting the interests of people with disability. The Australian Local Government Association is a signatory to this strategy.

Legal

There are legal advantages to having an Access Action Plan. The Commonwealth's *Disability Discrimination Act 1992* makes it illegal to discriminate, harass or bully someone because of their disability. Disability discrimination happens when people with a disability are treated less fairly than people without a disability. Disability discrimination also occurs when people are treated less fairly because they are family, friends, carers or associates of a person with a disability.

Economic

There are very good reasons and business cases for employing people with disability. However people with disability are much more likely to be unemployed and poorer than people without disability. Australia compares poorly to other OECD countries.

Social

Perhaps overwhelmingly important is the underpinning principle that people and communities are healthier, happier and stronger when everyone has the opportunity to participate and feel included. It is important that people with disability can feel that they belong, can connect with others, and have independence and choice over their lives.

What does the plan cover?

The plan includes actions under the following five focus areas that align with Council responsibility:

1. Communication and information
2. Public spaces
3. City services and events
4. Our people and the way we work
5. Leading and working with others

Consultations:

Representatives from the following areas of Council were consulted either on an individual or group basis for initial input into the plan: Legal and Property; Governance and Risk; People and Safety; Works; Waste Services; Environment and Development; Infrastructure, Engineering and Design; Finance and Business; Community and Customer Service Department; Moonah Arts Centre; and the Derwent Entertainment Centre.

The following departments also provided response and further contributed to the final draft: Legal and Property, Governance and Risk; People and Safety; Works; Waste Services; Environment and Development; Infrastructure, Engineering and Design; Community and Customer Service Department; and the Derwent Entertainment Centre.

Human Resource / Financial and Risk Management Implications:

The Plan has been designed to be delivered within existing Council resources and business structures.

The Plan is an important risk mitigation as it identifies initiatives to assist Council to proactively meet its obligations under the Disability Discrimination Act.

Community Consultation and Public Relations Implications:*Community Engagement in the Development of the Plan*

The Access Officer worked closely with the Glenorchy City Council Access Committee through all stages of the development of the Plan, and also gained extensive individual input from most of the members.

In addition to this a broad range of stakeholders in the community were consulted in the compilation of this plan, including:

- Glenorchy Youth Task Force
- Staff at Claremont College and Guilford Young College
- Participants and staff from OAK Tasmania
- Participants who attended a six hour community forum: Hon. Elise Archer MP, Anti-Discrimination Commissioner, individuals from our community, and representatives from the Department Premier and Cabinet, Office of Scott Bacon MP, Anglicare, Carers Tas, Disability and Community Services, Eureka Clubhouse, Glenview, Hobart City Mission, Life Without Barriers, Glenorchy LINC, National Disability Coordination Officer, Baptcare, National Disability Insurance Agency, OAK Tasmania, STAR/Cosmos, TadPac, Wise Employment, Metro Tasmania, Guardian Network, The Parkside Foundation and Volunteering Tasmania.

Feedback and comments on the subsequent draft plan were sourced through all initial contributors and more widely through the Linkages network – a forum of Disability and Aged Care providers who work in the Glenorchy municipality.

Launch of the Plan

If approved, the Access Action Plan will be published on Council's website, before being launched at the International Day for People with Disabilities (Festival of Smiles) in November 2016.

A copy of the approved Plan would also be provided to the State and Commonwealth anti-discrimination bodies, members of the Access Committee and the Linkages network of providers.

Contributors to the consultation process would be notified about the approval of the Plan and where to source it.

Recommendation:

That Council:

ADOPT the Glenorchy City Council Access Action Plan 2016-2021.

Attachments/Annexures

- 1 Draft Access Action Plan 2016-2021

GOVERNANCE

10. COUNCIL POLICY - ANNUAL UPDATE ABOUT COUNCIL POLICIES

Author: Director Corporate Governance and General Counsel (Seva Iskandarli)

Qualified Person: General Manager (Peter Brooks)

ECM File Reference: Council Policy

Community Plan Reference:

Under the City of Glenorchy Community Plan 2015 – 2040, the Community has prioritised ‘transparent and accountable government’.

Strategic or Annual Plan Reference:

Annual Plan Reference 4.2.4.03 *Implement the Governance Strategy*.

Reporting Brief:

This Report is to update Council on the current status of the review and developments of Glenorchy City Council’s Policies, and provide Council information about the positive progress the Management is making in this review.

The Report also encloses the developed Master Policy Register, updated as at 22 August 2016.

Proposal in Detail:

On 12 May 2015, 17 August 2015 and 12 October 2015, Management held three Aldermanic Workshops in relation to the extensive review that Management started in the review and development of Council’s policies and procedures in line with legislative requirements, where applicable, and from the principles of good governance.

The strategy and process for the review and development of Council’s Policies have been presented to Glenorchy City Council’s Audit Panel in line with clause 4.1(f) of the Audit Panel Charter.

Since the Council and Audit Panel Workshops, Management has provided, and is continuing to provide, to Council monthly (in general) a report with the recommendations:

- either to adopt the reviewed policy or policies;
- to adopt the newly developed policy or policies; or
- rescind a policy or policies with the reasons for such recommendation.

Since 12 May 2015 Management's workshop for the Aldermen, Management has undertaken the following actions:

- 1) 48 policies have been reviewed and adopted by Council;
- 2) 5 policies are being presented to Council at the 29 August 2016 Meeting for adoption;
- 3) 30 policies have been rescinded by Council;
- 4) a new template for policies has been developed and adopted by Council;
- 5) a new policy framework has been developed and adopted by Council;
- 6) a Policy Master Register has been developed and presented to Council;
- 7) a departmental Policy Register has been developed;
- 8) a new website for Council's policies has been developed and the website has been updated with the information and adopted policies;
- 9) recording of the Council Meetings has been established and Council has been recording its meetings since the 4 July 2016 Council Meeting; and
- 10) recorded Council Meetings have been placed on Council's website to make them available to everybody, especially for our community members, from the transparency and accountability of Council point of view.

As referred to above, 30 Policies have been rescinded on the grounds that they had been identified as being irrelevant, superseded, not actually a policy or otherwise no longer required to support Council business or support Council's strategic or policy decisions.

The review of the remaining Council's policies is progressing positively by the Management with the view of the most policies being dealt with by December 2016 as appropriate.

An updated Master Policy Register as at 22 August 2016 is attached and marked as **Attachment A**.

Of note, over one-third of Council policies are associated with Council's Child Care Connection services. A summary table is presented below:

	Current	December 2016	Total
Child Care Connection	30	16	46
Other Council	18	67	85
Total (22 AUG 2016)	48	83	131

It also needs to be noted that policies which have passed their review date remain valid and the policy will be legally binding unless otherwise stated by the applicable Acts or its Regulations.

The above information clearly indicates that since 12 May 2015 Management has undertaken extensive work and has made considerable positive progress on the review and development of Council's policies.

The above information has been communicated to Aldermen at all times, either at the Council Meetings or by emails. Council also received a Master Register from Management by email on 22 May 2016.

Consultations:

All Directors and Departmental Managers

Human Resource / Financial and Risk Management Implications:

There are no human resources or financial implications.

Risk Identification	Consequence	Probability	Rating	Risk Mitigation Treatment
If Council policies are not kept current, then governance control effectiveness is less optimal	Minor	Almost Certain	Medium	Council continue to review its policies on a regular basis for currency

Community Consultation and Public Relations Implications:

Nil

Recommendation:

That Council:

1. RECEIVE the Master Policy Register as at 22 August 2016
2. NOTE the progress in the review of the Council's Policies as at 22 August 2016.

Attachments/Annexures

- 1 Review of Council Policies (22 August 2016)

11. COUNCIL POLICY - DOG MANAGEMENT POLICY

Author: Manager Governance & Risk (Simon Scott)
Acting Compliance Co-ordinator (James Don)

Qualified Person: Director, Corporate Governance & General Counsel (Seva Iskandarli)

ECM File Reference: Dog Management Policy

Community Plan Reference:

Under the City of Glenorchy Community Plan 2015 – 2040, the Community has prioritised ‘transparent and accountable government’.

Strategic or Annual Plan Reference:

Annual Plan Reference 4.1.3.04 *Implement the Governance Strategy*.

Reporting Brief:

This report is to seek Council’s approval of the revised Dog Management Policy (DMP) to be promulgated for public consultation prior to Council adoption at a later date.

Proposal in Detail:Statutory Requirements

Section 7(1) of the *Dog Control Act 2000* (the Act) requires that Council ‘... develop and implement a policy relating to dog management in its municipal area’. Furthermore, under section 7(2), the DMP is to include:

- a code relating to responsible ownership of dogs
- the provision of declared areas
- a fee structure, and
- any other relevant matter.

Council is required to review its DMP every five years (section 7(4)) and in reviewing this policy, Council is required to:

- invite public submissions relating to a proposed DMP
- consult with any appropriate body or organisation, and
- consider any submissions and results of any consultation before finalising the policy (sections 7(3) and (5)).

Attached is the current proposed draft DMP in readiness for public consultation (Attachment 1). Council last adopted its current DMP at its meeting held 7 December 2009 (Attachment 2).

Draft Changes to Proposed DMP

The proposed changes to the DMP include a revamped, more user-friendly document and a summary of the material changes follow:

Code of Responsible Dog Ownership

This section has been redrafted to provide dog owners, (and prospective dog owners), best practice principles in relation to responsible dog ownership and addresses the topics of pet selection, health and wellbeing, social responsibility, identification and regulatory compliance.

Declared Areas

The Animal Management Team has undertaken a comprehensive audit of all Council controlled parks and reserves for their suitability to be declared exercise areas. Community requests and concerns have also been taken into account during this investigation. This will be subject to further public consultation upon release of the draft DMP.

Of note, the single amendment to a Declared Area is in the change of the 'off-lead' classification at the Cadbury Road end of Windermere Community Foreshore Park, to 'on-lead'. This reclassification has been implemented as a result of community concerns received by Council that a children's' playground and picnic facilities are situated in the off-lead area, and dogs off-lead were found to cause a nuisance to park users. Furthermore, cyclists using the bike track (situated in the off-lead area which runs from lower Cadbury Road to upper Cadbury Road, near Somerdale Road) were at times experiencing harassment from off-lead dogs.

Fees

To encourage and recognise proactive dog ownership under the proposed DMP, whilst addressing equitability issues for dog owners whom may not qualify for incentive discounts under the current fee regime, a new fee model has been proposed. Noting that any innovations in this area will impact on upfront dog registration revenue, it is envisaged that by encouraging voluntary registrations, dog sterilisation and micro chipping, and promoting ethical choices of dog acquirement, this over time should reduce the cost to the community in servicing dog behavioural issues. It is also noted that based on recent Animal Management service level review data, the Glenorchy municipality has almost twice as many dogs per capita, in comparison to other similar sized local government areas nationally.

Material Change	Comment
New Adoption Dog Registrations	- Any dog adopted from the Tasmanian Canine Defence League (TCDL - Dogs Home of Tasmania), RSPCA shelter or Greyhound Adoption Program (GAP), will receive the first year of registration free of charge, up to the end of the annual registration expiry date. - Currently offered by both Hobart and Clarence City Councils, this incentive encourages prospective dog owners to adopt a dog that is registered, micro chipped and de-sexed, instead of supporting the supply of dogs and puppies from a 'back yard breeding' environment. - Based on a three financial year average, the estimated reduction in dog registration revenue to Council is \$4,000 per annum.
Under 12 Month New Dog Registrations	- Owners of newly acquired dogs under the age of 12 months, which are de-sexed, micro chipped and meeting other Council criteria, will receive the first year of registration free of charge, up to the end of the annual registration expiry date. - This incentive aims to promote registration and de-sexing of young dogs acquired, mostly from a 'back yard breeding' environment, or less likely, a pet shop. - Based on a three financial year average, Council receives voluntary registration of around 220 dogs under the age of 12 months. The estimated reduction in dog registration revenue to Council is \$5,600 per annum.
Reduced Fees for Obedience Trained Dogs	- Where the owner of a dog presents evidence at the time of registration, that their dog has completed an obedience course conducted by an accredited officer, they will receive the first year of registration free of charge, up to the end of the annual registration expiry date. - Clarence City Council have had this incentive for a number of years and over a population of 8,000 dogs have had on a three financial year average, awarded 24 dogs discounted obedience trained fees. - The estimated reduction in dog registration revenue to Council based on a similar model to Clarence would be minimal per annum (\$300).

Due Dates for Dog Registration Fees

To provide clarity around voluntary dog registration of young dogs, and to take into account public perception that a female dog cannot be de-sexed until the age of six (6) months, the proposed DMP has been changed to the following:

The lesser fee of registration is available for the owners of young dogs who voluntarily register their dog aged between 6 and 8 months of age, in which the dog must be registered before the dog turns 8 months of age.

Section 8(1) of the Act provides that '...the owner of a dog that is over the age of 6 months must register the dog'.

Consultations:

Animal Management Section
Manager – Governance and Risk

Human Resource / Financial and Risk Management Implications:

There will be a minor impost on staff attending to the consultation phase of this policy. Financial implications will be fully documented when the DMP is submitted to Council for adoption.

Risk Identification	Consequence	Probability	Rating	Risk Mitigation Treatment
If identified policy is not adopted as recommended, then governance control effectiveness is less optimal	Minor	Almost Certain	Medium	Council adopt 'Dog Management' policy

Community Consultation and Public Relations Implications:

Under section 7(3) of the Act, Council is required to consult and invite submission from the community and other appropriate bodies or organisations. It is intended that special interest groups including the RSPCA, Tasmanian Canine Defence League and the Hobart Dog Walkers Association will be encouraged to participate in the consultation process. Public awareness and submissions will be invited through newsprint media i.e. *The Mercury* and *Glenorchy Gazette* over a two (2) week period.

Recommendation:

That Council:

1. NOTE that the revised draft Dog Management Policy 2016 will go out to public consultation with the view of submitting the Policy at a future Council meeting for consideration and adoption.

Attachments/Annexures

- 1 Draft Dog Management Policy 2016
- 2 Current Dog Management Policy 2009

12. COUNCIL POLICY

Author: Senior Internal Compliance Advisor (Bryn Hannan)

Qualified Person: Director, Corporate Governance and General Counsel (Seva Iskandarli)

ECM File Reference: Council Policies

Community Plan Reference:

Under the City of Glenorchy Community Plan 2015 – 2040, the Community has prioritised ‘transparent and accountable government’.

Strategic or Annual Plan Reference:

Annual Plan Reference 4.1.3.04 *Implement the Governance Strategy*.

Reporting Brief:

The purpose of this report is to seek Council’s:

- (a) adoption of the following four updated Council policies:
 - i. ‘Flag Policy’,
 - ii. ‘Charges for Copies of Minutes, Agendas, Reports and By-Laws’ policy,
 - iii. ‘Support and Reimbursement of Expenses to Aldermen’ policy, and
 - iv. ‘Model PID Procedures Manual’, and
- (b) rescission of one Council policy, namely the ‘Fireworks Permits’ policy.

Proposal in Detail:

This Report follows the Aldermanic Workshops (25 May and 12 October 2015) in which management presented to Council the current and proposed actions with respect to the ongoing Council Policy review. The following policies have been reviewed and recommendations made as follows:

Flag Policy

It is recommended that Council adopts a new ‘Flag Policy’ in the form of Attachment 1. Council’s existing Flag Policy (Attachment 2) identifies the flags that are to be flown on Council’s buildings, and when they are to be flown. The key changes made in the revised policy are to:

- make revisions to the layout of the content of the policy for clarity and ease of reference;
- require that the Torres Strait Islander flag is flown alongside the Australian and Aboriginal flags during NAIDOC Week, in line with Commonwealth flag flying protocol;
- provide guidance as to when flags are to be flown at half-mast;
- clarify that flags will not be flown on Council’s chambers on weekends or public holidays;

- delegate duties related to flags to a position within Council to ensure continuity and the observance of protocol and the policy; and
- ensure that protocol is observed by Council at any event that it organises at which a flag is flown (for example, citizenship ceremonies).

The new policy provides clearer guidance on the flying of flags by Council, but does not make any substantive changes to Council's existing flag flying practices.

Charges for Copies of Minutes, Agendas, Reports and By-Laws

It is recommended that Council adopts a new and renamed policy to be called 'Charges for Copies of Minutes, Agendas, Reports and By-Laws' in the form of Attachment 3. The policy would replace the existing 'Charges for copies of Council minutes, by-laws and officer reports/attachments' policy, which identifies the fees that Council charges for copies of documents that it is required to make available for purchase under the *Local Government Act* and associated regulations (Attachment 4). The new policy has been updated to fit it on to the adopted Council policy template and to change the layout and expression of the policy for clarity, consistency and ease of reference. The substance of the policy remains the same as in the existing the policy, namely that Council will charge a flat fee for copies of all documents, based on the cost of 1 'fee unit' (currently \$1.53) for every 5 pages, with no charge where the total amount is less than 3 fee units (currently \$4.59). The policy has been renamed to better align with its content and for ease of identification by end-users.

Support and Reimbursement of Expenses to Aldermen

It is recommended that Council adopts a new Support and Reimbursement of Expenses to Aldermen in the form of Attachment 5. The policy sets out the circumstances under which Aldermen will be reimbursed for expenses incurred in discharging the duties of office, and the amounts that will be reimbursed. The proposed revised policy is effectively the same as the current policy (Attachment 6), however has been adapted to fit on the adopted Council policy template, and also contains minor amendments to give better clarity and to correct minor errors and omissions.

Public Interest Disclosure Procedures (Model PID Procedures Manual)

Under s. 60(1) of the *Public Interest Disclosure Act 2002* (PID Act), Council is required to establish procedures that comply with the Guidelines and Standards as published by the Ombudsman. In accordance with s. 60(3) of the PID Act, Council has submitted its revised procedures to the Ombudsman for approval prior to adoption by Council. The revised procedures essentially replicate the model procedures manual adopted by the Ombudsman in May 2014, and were approved by the Ombudsman on 1 August 2016 (Attachment 7). It is recommended that Council adopt the attached approved PID procedures as set out in the 'Model PID Procedures Manual' (Attachment 8). The new procedures will replace the model procedures previously adopted by Council on 23 May 2011 (Item 18).

Fireworks Permits

It is recommended that Council rescind the existing Fireworks Permits policy (Attachment 9) because it has become redundant. The policy sets out the circumstances in which Council is to lodge a formal objection to the issue of fireworks permits by the State, which was an express power that Council previously had under the now repealed *Dangerous Goods (General) Regulation 1998*. However, since the policy was adopted the legislative regime has changed, and Council no longer has any power or ability to object to the issue of fireworks permits issued by the State.

Consultations:

The Executive Management Team and their respective Departmental Managers were consulted and provided input into the above policies.

Human Resource / Financial and Risk Management Implications:

There are no human resources or financial implications

Risk Identification	Consequence	Probability	Rating	Risk Mitigation Treatment
If the identified policies are not adopted and rescinded as recommended, then governance control effectiveness is less optimal	Minor	Almost Certain	Medium	Council adopt the 'Flags Policy', the 'Charges for Copies of Minutes, Agendas, Reports and By-Laws' and 'Support and Reimbursement of Expenses to Aldermen' policies, and the 'Model PID Procedures Manual'. Council rescind the 'Fireworks Permits' policy.

Community Consultation and Public Relations Implications:

Nil.

Recommendation:

That Council resolves to:

- (a) ADOPT the 'Flag Policy', as attached (with tracked changes accepted), to provide direction on how and when the Australian National Flag and other flags are to be flown by Council;
- (b) ADOPT the 'Charges for Copies of Minutes, Agendas, Reports and By-Laws' policy, as attached, to provide direction as to the fees that Council will charge for copies of documents that it is required to make available to the public for purchase;

- (c) ADOPT the 'Support and Reimbursement of Expenses to Aldermen' policy, as attached (with tracked changes accepted), to set out the circumstances in which Council will reimburse Aldermen for expenses incurred in the course of carrying out the duties of their office, and provide facilities, materials, devices and administrative support to Aldermen to assist them in their duties;
- (d) ADOPT the 'Model PID Procedures Manual', as attached, to establish a system for reporting disclosures of improper conduct or detrimental action by Glenorchy City Council or members, officers or employees of the public body, as required under the relevant legislation; and
- (e) RESCIND the 'Fireworks Permits' policy on the basis that it has become redundant.

Attachments/Annexures

- 1** Proposed 'Flag Policy' (with tracked changes)
- 2** Current 'Flag Policy'
- 3** Proposed 'Charges for Copies of Minutes, Agendas, Reports and By-Laws' policy
- 4** Current 'Charges for copies of Council minutes, by-laws and officer reports/attachments' policy
- 5** Proposed 'Support and Reimbursement of Expenses to Aldermen' policy (with tracked changes)
- 6** Current 'Support and Reimbursement of Expenses to Aldermen' policy
- 7** Letter from Tasmanian Ombudsman to General Manager, 1 August 2016
- 8** Model PID Procedures Manual
- 9** Current 'Fireworks Permits' policy

13. CORPORATE PERFORMANCE INDICATORS - JUNE 2016

Author: Reporting Officer (Len Newton)
Qualified Person: Acting Director Community Economic Development & Business (Tony McMullen)
ECM File Reference: Traffic Lights

Community Plan Reference:

The Communities of Glenorchy will be confident that Council manages the Community's assets soundly for the long term benefit of the Community.

Strategic or Annual Plan Reference:

The Corporate Performance Indicators are provided to Council in accordance with Strategy:

- 4.1.2 Ensure Council is open and transparent in its communication and dealings with our communities; and
- 4.2.1 Deploy the Council's resources in a way that maximises the effectiveness of the organisation and delivers value for money.

Reporting Brief:

To present the Corporate Performance Indicators as at the end of June 2016 for Aldermen's information.

Proposal in Detail:

The Corporate Performance Indicators are attached (Attachment 1) along with Appendix B (Attachment 2). Appendix B outlines expected year-to-date variances within the various Capital Works programs for this financial year.

Please note the June CPI's were based on data as at 18 July, and accordingly will not be consistent with the General Purpose Financial Statements for the year ended June 2016.

Please note the Indicators include the 2014/2015 Budget Carry Forwards as approved in the August 2015 Council Meeting.

For June 2016 we have one red light and seven yellow lights, with the remainder being green lights:

Red light:

Lost Time Injury Frequency Rate (LTIFR): Month (MTD) 63.13 LTIFR for June (page 29). There were two LTI's for June and the rolling 12 month LTIFR is 23.99, marginally up on May (21.39) but significantly lower than for the same time last year which was 52.30. Safety remains a priority for the organisation and all incidents are reviewed to ensure policies and practices are refined to avoid future incidents.

Yellow lights:

Corporate Governance, Revenue (page 15): Corporate Governance revenue streams, particularly water sales, remain behind budget due to system maintenance and faults and low rainfall.

Total Capital Expenditure, (page 17): The capital program for 2015/16 finished under budget by \$5.650M. The total capital program was underspent for the full year, with several projects being deferred or completed next year.

Total Capital Expenditure, Roads (page 18): The Roads capital program for 2015/16 finished under budget by \$2.436M. The Roads capital program was underspent for the full year, with several projects being deferred or completed next year.

Total Capital Expenditure, Property (page 18): The Property capital program for 2015/16 finished under budget by \$1.977M. The Property capital program was underspent for the full year, with several projects being deferred or completed next year.

Total Capital Expenditure, Other (page 19): The Other capital program for 2015/16 finished under budget by \$1.345M. The Other capital program was underspent for the full year, with several projects being deferred or completed next year.

Accounts Receivable (page 22): Overdue debtors are above the target due primarily to secured property debts of \$54k, Derwent Park Reuse Scheme Contractor \$1,597k and DEC debtor \$35k under arrangement.

Capital salaries and wages including on-costs (page 24): Capital salaries for 2015/16 finished considerably under budget due to increased use of external contractors on major projects.

Consultations:

Capital and Operational Expenditure Program Leaders
Relevant Staff

Human Resource / Financial and Risk Management Implications:

As outlined in the Corporate Performance Indicators reports.

Community Consultation and Public Relations Implications:

No public relations implications are known at this point, and no community consultation has been undertaken.

Recommendation:

That Council:

ACCEPT the information provided by the Corporate Performance Indicators for June 2016.

Attachments/Annexures

- 1** Report Indicators - June 2016
- 2** Appendix B - June 2016

14. CORPORATE PERFORMANCE INDICATORS - JULY 2016

Author: Reporting Officer (Len Newton)

Qualified Person: Acting Director Community Economic Development & Business (Tony McMullen)

ECM File Reference: Traffic Lights

Community Plan Reference:

The Communities of Glenorchy will be confident that Council manages the Community's assets soundly for the long term benefit of the Community.

Strategic or Annual Plan Reference:

The Corporate Performance Indicators are provided to Council in accordance with Strategy:

- 4.1.2 Ensure Council is open and transparent in its communication and dealings with our communities; and
- 4.2.1 Deploy the Council's resources in a way that maximises the effectiveness of the organisation and delivers value for money.

Reporting Brief:

To present the Corporate Performance Indicators as at the end of July 2016 for Aldermen's information.

Proposal in Detail:

The Corporate Performance Indicators are attached (Attachment 1) along with Appendix B (Attachment 2). Appendix B outlines expected year-to-date variances within the various Capital Works programs for this financial year.

Please note the Indicators include the 2015/2016 Budget Carry Forwards as approved in the August 2016 Council Meeting.

For July 2016 we have one red light, two yellow lights with the remainder green lights:

Red light:

Lost Time Injury Frequency Rate (LTIFR): Month (MTD) 19.99 LTIFR for July (page 29). There was one LTI for July and the rolling 12 month LTIFR is 23.28, down on June (23.99) and significantly lower than for the same time last year which was 49.95. Safety remains a priority for the organisation and all incidents are reviewed to ensure policies and practices are refined to avoid future incidents.

Yellow lights:

Total Capital Expenditure, (page 18): The capital program for 2016/17 has commenced slowly with various delays impacting projects. While forecasts suggest that the program will be on track for the full year, the shortfall in July requires careful monitoring.

Accounts Receivable (page 22): Overdue debtors are above the target due primarily to secured property debts of \$11k, Derwent Park Reuse Scheme Contractor \$1,597k and DEC debtor \$36k under arrangement.

Consultations:

Capital and Operational Expenditure Program Leaders
Relevant Staff

Human Resource / Financial and Risk Management Implications:

As outlined in the Corporate Performance Indicators reports.

Community Consultation and Public Relations Implications:

No public relations implications are known at this point, and no community consultation has been undertaken.

Recommendation:

That Council:

ACCEPT the information provided by the Corporate Performance Indicators for July 2016.

Attachments/Annexures

- 1 Report Indicators - July 2016
- 2 Appendix B - July 2016

15. SOUTHERN TASMANIAN COUNCILS AUTHORITY - QUARTERLY REPORTS TO MEMBERS - MARCH AND JUNE 2016

Author: General Manager (Peter Brooks)

Qualified Person: General Manager (Peter Brooks)

ECM File Reference: STCA

Community Plan Reference:

This item discusses a corporate management/governance issue. Since the Community Plan is outwardly focussed, there is no applicable reference to this matter.

Strategic or Annual Plan Reference:

The strategic and annual plans are based upon the Community Plan which is outwardly focussed. Since this item discusses a management/governance issue there is no applicable reference to this matter.

Reporting Brief:

To provide Council with the Southern Tasmanian Councils Authority Quarterly Reports to Members – March and June 2016.

Proposal in Detail:

The Southern Tasmanian Councils Authority (STCA) is a “joint authority” formed under Section 30 of the *Local Government Act 1993*. The Local Government Board’s review of the STCA included in its recommendations that the Quarterly Report of the STCA should be provided for consideration at Council meetings. The recommendations specify that the STCA quarterly report should be provided for presentation at either open or closed meetings, whichever is appropriate.

The Quarterly Reports to Members – March and June 2016, of the STCA, has been provided and those matters that can be received at the part of the Council meeting that is open to the public are included as [Attachments](#).

Consultations:

None required.

Human Resource / Financial and Risk Management Implications:

None.

Community Consultation and Public Relations Implications:

None.

Recommendation:

That Council:

RECEIVE the Southern Tasmanian Councils Authority – Quarterly Reports to Members – March and June 2016, that has been provided for the part of the Council meeting that is open to the public.

Attachments/Annexures

- 1 STCA Quarterly Report - March 2016
- 2 STCA - Quarterly Report June 2016

16. ACTIONS LIST - UPDATE REPORT

Author: General Manager (Peter Brooks)
Qualified Person: General Manager (Peter Brooks)
ECM File Reference: Actions Register - Council Meetings

Community Plan Reference:

Under the City of Glenorchy Community Plan 2015 – 2040, the Community has prioritised 'transparent and accountable government'.

Strategic or Annual Plan Reference:

Annual Plan Reference *4.2.4.03 Implement the Governance Strategy*.

Reporting Brief:

Actions List updated following 1 August 2016 Council meeting.

Proposal in Detail:

Key actions arising out of Council resolutions and/or throughout the general business of Council meetings are captured as appropriate and distributed throughout Council operations for completion. The Actions List (Open Council) ([Attachment 1](#)) highlights the progress to date following the 1 August 2016 Council meeting.

Consultations:

Relevant Council officers

Human Resource / Financial and Risk Management Implications:

No cost

Community Consultation and Public Relations Implications:

Nil applicable

Recommendation:

That Council:

NOTE the Actions Register, as updated following the 1 August 2016 Council meeting.

Attachments/Annexures

1 Actions List

17. NOTICES OF MOTIONS – QUESTIONS ON NOTICE / WITHOUT NOTICE

17.1 NOTICE OF MOTION 1 - ALDERMAN J. BRANCH-ALLEN

Author: General Manager (Peter Brooks)

Qualified Person: General Manager (Peter Brooks)

ECM File Reference: Notice of Motion

Community Plan Reference:

Under the City of Glenorchy Community Plan 2015 – 2040, the Community has prioritised ‘transparent and accountable government’.

Strategic or Annual Plan Reference:

The strategic and annual plans are based upon the Community Plan which is outwardly focussed. Since this item discusses a management/governance issue there is no applicable reference to this matter.

Reporting Brief:

To consider a notice of motion by Alderman J. Branch-Allen submitted in accordance with the requirements of Regulation 16(5) of the *Local Government (Meeting Procedures) Regulations 2015*.

Proposal in Detail:

Preamble

Engaging with the community is a high priority for all Aldermen so they can represent their community well and gain information about ideas and issues their community might have. Glenorchy City Council Aldermen need many avenues to do this so they get a broad view from the community. Many people, who work, live and play in our community are keen to engage in such conversation. I would like to see a room in Council be set up once on month on a rotational basis with Alderman to be a meet and greet place where Alderman and the community can engage in conversation. Two or three Alderman at a time could be on duty. I suggest a three month trial to see how it goes.

Recommendation:

1. That two Aldermen be on a rotating roster system at Council once a month, as an "On Duty Alderman"
2. Appointment could be pre arranged for members of the community who wanted to book or a drop-in system
3. Advertising to be put in the Glenorchy Gazette each month of who is on duty and day and time they will be at Council
4. That the office down stairs used by the JP on duty be used with similar signage outside the door, and
5. That 10.00 a.m. - 2.00 p.m. are the times Alderman are available.

Attachments/Annexures

- 1 Notice of Motion - Alderman J. Branch-Allen

17.2 NOTICE OF MOTION 2 - ALDERMAN J. BRANCH-ALLEN

Author: General Manager (Peter Brooks)

Qualified Person: General Manager (Peter Brooks)

ECM File Reference: Notice of Motion

Community Plan Reference:

Under the City of Glenorchy Community Plan 2015 – 2040, the Community has prioritised 'transparent and accountable government'.

Strategic or Annual Plan Reference:

The strategic and annual plans are based upon the Community Plan which is outwardly focussed. Since this item discusses a management/governance issue there is no applicable reference to this matter.

Reporting Brief:

To consider a notice of motion by Alderman J. Branch-Allen submitted in accordance with the requirements of Regulation 16(5) of the *Local Government (Meeting Procedures) Regulations 2015*.

Proposal in Detail:

Preamble

The Community of Glenorchy regularly express their concerns about garbage in general. A recurring comment has been discussed about tip passes or free entry to the waste disposal facility.

I propose we look at the HCC model with a view to introducing a similar program into Glenorchy.

City of Hobart residents get free entry to the McRobies Gully Waste Management Centre for a standard ute or box trailer load when they show a driver's licence with their current address.

The free entry weekend includes green waste but does not cover tyres, paint, chemicals, asbestos or other hazardous or commercial waste.

HCC advertises as follows:

Free Entry Weekends

*The City provides various waste minimisation and management services to the community. Please find below dates for upcoming **free entry weekends** to the McRobies Gully Waste Management Centre, between 10.00 a.m. and 4.00 p.m.*

Free General Mixed Waste (includes Green Waste)

13 and 14 August 2015

5 and 6 November 2016

21 and 22 January 2017

Free Green Waste Only

10 and 11 December 2016

25 and 26 February 2017

This is for City of Hobart residents only. Only domestic quantities of waste materials will be accepted, such as a standard ute or box trailer. To gain free entry, simply show your driver's licence to the Tollbooth Operator to verify that you are a resident of the City of Hobart municipal area. Please note that this free entry period does not apply to wastes such as tyres, paints, chemicals, asbestos, other hazardous wastes or any other commercial wastes.

Recommendation:

- (a) The Glenorchy City Council investigates establishing a similar program for free weekend entry to Tolosa Street Waste Management site as has Hobart City Council.
- (b) That a report be brought back to Council at the December meeting.

Attachments/Annexures

- 1** Notice of Motion - Alderman J. Branch-Allen

17.3 NOTICE OF MOTION - ALDERMAN M. STEVENSON

Author: General Manager (Peter Brooks)

Qualified Person: General Manager (Peter Brooks)

ECM File Reference: Notice of Motion

Community Plan Reference:

Under the City of Glenorchy Community Plan 2015 – 2040, the Community has prioritised 'transparent and accountable government'.

Strategic or Annual Plan Reference:

The strategic and annual plans are based upon the Community Plan which is outwardly focussed. Since this item discusses a management/governance issue there is no applicable reference to this matter.

Reporting Brief:

To consider a notice of motion by Alderman M. Stevenson submitted in accordance with the requirements of Regulation 16(5) of the *Local Government (Meeting Procedures) Regulations 2015*.

Proposal in Detail:

Over the last few years Glenorchy City Council has improved its management and removal of graffiti on Council owned assets. Unfortunately, much of the graffiti throughout the city is on assets owned and managed by State owned utilities and departments and they are not as efficient at removing it as Council. Their failure to remove the graffiti in a timely manner reflects poorly on our city and Council should encourage them to lift their game in this respect.

Officer's Response:

The Glenorchy City Council is committed to providing a clean, vibrant, safe and welcoming atmosphere for all city residents, workers and visitors. As part of this commitment, the Council maintains a network of roads, footpaths, laneways and infrastructure in the municipal area to ensure it is in good repair and condition. This infrastructure is regularly subjected to vandalism in the form of graffiti, which can diminish perceptions of the City's cleanliness and safety. There are many infrastructure providers in Glenorchy which range from NBN cabinets, Tas Networks power poles and sub stations, state road bridges, state public buildings, bus stops/shelters and Tas Rail, just to name a few. Council will write to State owned utilities and departments requesting that they adequately resource prompt graffiti removal within the Glenorchy municipal area. Council can offer a fee for service to remove graffiti from State owned assets within Glenorchy and will include this offer in its letter.

Recommendation:

That Council writes to all State owned utilities and departments requesting they adequately resource graffiti management in our municipality and ensure that graffiti is removed promptly to improve the amenity of our city.

17.4 QUESTION ON NOTICE - ALDERMAN M. STEVENSON - 3

Author: General Manager (Peter Brooks)

Qualified Person: General Manager (Peter Brooks)

ECM File Reference: Question on Notice

Question on Notice:

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

Question on Notice:

There are a considerable number of policies that were due to be reviewed by 30th June 2016, however haven't been presented to council.

Why hasn't council been provided an update on the cause of this delay?

What steps are being taken to rectify the situation?

Answer:

On 12 May 2015, 17 August 2015 and 12 October 2015, Management held three Aldermanic Workshops in relation to the extensive review that Management started in the review and development of Council's policies and procedures in line with legislative requirements, where applicable, and from the principles of good governance.

The strategy and process for the review and development of Council's Policies have been presented to Glenorchy City Council's Audit Panel in line with clause 4.1(f) of the Audit Panel Charter.

Since the Council and Audit Panel Workshops, Management has provided, and is continuing to provide, to Council monthly (in general) a report with the recommendations:

- either to adopt the reviewed policy or policies;
- to adopt the newly developed policy or policies; or
- rescind a policy or policies with the reasons for such recommendation.

Since 12 May 2015 Management's workshop for the Aldermen, Management has undertaken the following actions:

- 1) 48 policies have been reviewed and adopted by Council;

- 2) 5 policies are being presented to Council at the 29 August 2016 Meeting for adoption;
- 3) 30 policies have been rescinded by Council;
- 4) a new template for policies has been developed and adopted by Council;
- 5) a new policy framework has been developed and adopted by Council;
- 6) a Policy Master Register has been developed and presented to Council;
- 7) a departmental Policy Register has been developed;
- 8) a new website for Council's policies has been developed and the website has been updated with the information and adopted policies;
- 9) recording of the Council Meetings has been established and Council has been recording its meetings since the 4 July 2016 Council Meeting; and
- 10) recorded Council Meetings have been placed on Council's website to make them available to everybody, especially for our community members, from the transparency and accountability of Council point of view.

As referred to above, 30 Policies have been rescinded on the grounds that they had been identified as being irrelevant, superseded, not actually a policy or otherwise no longer required to support Council business or support Council's strategic or policy decisions.

The review of the remaining Council's policies is progressing positively by the Management with the view of the most policies being dealt with by December 2016 as appropriate.

An updated Master Policy Register as at 23 August 2016 is attached and marked as **Attachment A**.

It also needs to be noted that policies which have passed their review date remain valid and the policy will be legally binding unless otherwise stated by the applicable Acts or its Regulations.

The above information clearly indicates that since 12 May 2015 Management has undertaken extensive work and has made considerable positive progress on the review and development of Council's policies.

The above information has been communicated to Aldermen at all times, either at the Council Meetings or by emails. Council also received a Master Register from Management by email on 22 May 2016.

17.5 QUESTION ON NOTICE - ALDERMAN M. STEVENSON - 4

Author: General Manager (Peter Brooks)

Qualified Person: General Manager (Peter Brooks)

ECM File Reference: Question on Notice

Question on Notice:

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

Question on Notice:

Has the General Manager completed his review of the committee structures that he has previously stipulated was being undertaking?

Answer:

The review of the Council Committees is joint work, namely it must be done in collaboration with the Aldermen and Management.

This review of the Council Committees is still progressing by the Management. Nevertheless Management has undertaken the following actions:

1. Council has already received an update about the review of some committees;
2. revised terms of reference for some committees have been presented to those committees with the expectation that they will be presented to Council; and
3. Council has received revised terms of reference or information about some committees.

Progress concerning management actions will be presented to Council at the Workshop for joint discussion and for direction as most of the Committees are chaired by Aldermen and have Aldermanic members.

17.6 QUESTION ON NOTICE - ALDERMAN K. JOHNSTON - 2

Author: General Manager (Peter Brooks)

Qualified Person: General Manager (Peter Brooks)

ECM 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 (Sunday, 21 August 2016), the General Manager has failed to circulate to the draft minutes of the 1 August 2016 Council meeting. May the General Manager please advise Council why they haven't been circulated in a timely manner and what steps he is taking to ensure that next time they are?

Answer:

The General Manager is fully complying with the requirements of the *Local Government (Meeting Procedures) Regulations 2015* in relation to the circulation of the draft minutes of the 1 August 2016 Council Meeting and any other Council Meetings.

Regulation 35(1) states that the minutes of a meeting, other than a closed meeting, are to be circulated to all Aldermen as soon as practicable, but at least at the next ordinary Council Meeting.

Regulation 34(5) states that a copy of the minutes of a closed meeting are to be provided to each Alderman by the General Manager.

The draft confidential minutes of every Council Meeting have always been circulated to all Aldermen by email well before the Council Meetings, even though this is not a requirement of the Regulations. The draft confidential minutes of the 1 August 2016 Council Meeting have been circulated to all Aldermen well before the Council Meeting on 29 August 2016.

The General Manager has, at all times, complied, and is in compliance with, the requirements of Regulation 34(5) and Regulation 35(1) as stated above.

It appears that the author of the question on notice misinterpreted the requirements of the *Local Government (Meeting Procedures) Regulations 2015*, and specifically Regulations 34 and 35.

17.7 QUESTION ON NOTICE - ALDERMAN K. JOHNSTON - 6

Author: General Manager (Peter Brooks)

Qualified Person: General Manager (Peter Brooks)

ECM 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:

Why hasn't the Waste Management Strategy, adopted in 2014, been released publicly as yet?

Answer:

A public version draft of the Waste Management Strategy has recently been completed. This draft is currently with relevant staff who are in the process of ensuring that the content is correct, up to date and that the text meets accessibility standards. The draft will be workshopped with Council at the next available Council workshop. Once the draft has been workshopped, it will be presented at the first Council meeting following the workshop for formal adoption and publication.

17.8 QUESTION ON NOTICE - ALDERMAN K. JOHNSTON - 7

Author: General Manager (Peter Brooks)

Qualified Person: General Manager (Peter Brooks)

ECM 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:

What is the progress of the relocation of the KGV Skate Park project?

Answer:

A presentation made to Council Workshop on 26 April 2016. Presentations are also made to Council Special Committees as the opportunity arises. Targeted information session for stakeholders was held on 15 June 2016 and interested residents were met with in the weeks following. Feedback from the information display in the foyer of Council's chambers has been gathered and discussions with stakeholders are continuing, with a view to presenting a report to Council later in the year.

Further public consultation under section 178 of the *Local Government Act 1993* will be held in the future, as appropriate.

17.9 QUESTION ON NOTICE - ALDERMAN K. JOHNSTON - 3

Author: General Manager (Peter Brooks)

Qualified Person: General Manager (Peter Brooks)

ECM 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:

Over the past two meetings council has failed to adhere to regulation 30 of the *Local Government (Meeting Procedures) Regulation 2015*. What is the General Manager doing to ensure that when a question on notice is asked, Council is adhering to regulation 30 and providing a timely and fulsome response?

Answer:

In both circumstances, the relevant party to the question on notice was absent due to illness.

The question on notice that was to be addressed in the closed part of the Council meeting on 4 July 2016 was subsequently responded to by the General Manager at the 1 August 2016 Council meeting.

Similarly, the matter that was to be addressed in the closed part of the Council meeting on 1 August 2016 is expected to be responded to by the Chair of the General Manager's Performance Review Committee at the 29 August 2016 meeting.

Whilst it is recognised that not all questions on notice responses require further clarification, many do and thus it is considered appropriate practice to ensure wherever practicable that the responder is available to answer such queries. This is especially of import if the response is to be tabled at the Council meeting in question.

17.10 QUESTION ON NOTICE - ALDERMAN M. STEVENSON - 5

Author: General Manager (Peter Brooks)

Qualified Person: General Manager (Peter Brooks)

ECM File Reference: Question on Notice

Question on Notice:

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

Question on Notice:

In relation to Question on Notice 13.8 and 13.9 at the 1st August Council meeting, the General Manager provided an answer that included the following statement:

“The question on notice does not fall under the provisions of section 27 function of mayors and deputy mayors and section 28 functions of councillors of the *Local Government Act 1993* (Tas) and is of a personal nature. It is not the role of the Management to advise Council on personal nature questions.”

May the General Manager please explain what this means in relation to both of the questions it referred to?

Answer:

The *Local Government Act 1993* (the Act) entitles councillors to two kinds of information:

- information and documents required to perform any councillor functions (section 28A to 28C)
- documents relating to council and committee meeting agendas (section 28D).

Aldermen may request the General Manager make available any information or documents that ‘may be required for the purpose of performing any of the councillor's functions’ (section 28 of the Act sets out the functions of councillors and section 27 sets out the functions of mayors and deputy mayors). Of import as a collective, Aldermen under section 28(2) have the following functions:

- to develop and monitor the implementation of strategic plans and budgets
- to determine and monitor the application of policies, plans and programs for –
 - the efficient and effective provision of services and facilities
 - the efficient and effective management of assets, and

- the fair and equitable treatment of employees of the council
- to facilitate and encourage the planning and development of the municipal area in the best interests of the community
- to appoint and monitor the performance of the general manager
- to determine and review the council's resource allocation and expenditure activities, and
- to monitor the manner in which services are provided by the Council.

Amongst other considerations, the General Manager may refuse a request if he considers the information (or documents) requested are not required for performing any of the aldermen's functions.

A detailed response to the question on notice asked by Alderman Johnston was given to Council (closed session) at its 13 April 2016 meeting (Item 21.1). A subsequent question was asked of the General Manager or Director, Corporate Governance & General Counsel by Alderman Johnston at its 1 August 2016 meeting (closed session) as to whether in the light of the decision in the matter of Branch-Allen v Mason and Easter did either of them wish to review their response.

With due deliberation, the General Manager is of the view that the subsequent question by Alderman Johnston does not relate to the functions of mayors, deputy mayors or councillors, and is a question of a personal nature that he is not prepared to furnish a further response.

Similarly, with respect to the question on notice asked by Alderman Stevenson (Item 17.2 – 13 April 2016 Council meeting) as to the nature of particular emails between the General Manager and the Director, Corporate Governance & General Counsel and the Board of Inquiry, and Aldermen Branch-Allen and Slade, the General Manager responded that the answer to this question **may** be provided after the Supreme Court case has concluded. A subsequent question was asked of the General Manager by Alderman Johnston at its 1 August 2016 meeting as to whether in the light of the Supreme Court case being concluded that whether he could provide an answer to Alderman Stevenson's original question on notice.

The answer to this question has been given to the Director Corporate Governance and General Counsel in full detail at the open council meeting on 1 August 2016. Accordingly the General Manager is not prepared to furnish a further response to this question.

17.11 QUESTION ON NOTICE - ALDERMAN M. STEVENSON - 6

Author: General Manager (Peter Brooks)

Qualified Person: General Manager (Peter Brooks)

ECM File Reference: Question on Notice

Question on Notice:

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

Question on Notice:

In relation to Question on Notice 17.4 at the 1st August Council meeting, the General Manager provided an answer that included the following statement:

“The question on notice does not fall under the provisions of section 27 function of mayors and deputy mayors and section 28 functions of councillors of the Local Government Act 1993 (Tas) and is of a personal nature. It is note the role of the Management to advise Council on personal nature questions.”

May the General Manager please explain what this means in relation to both of the questions it referred to?

Answer:

The *Local Government Act 1993* (the Act) entitles councillors to two kinds of information:

- information and documents required to perform any councillor functions (section 28A to 28C)
- documents relating to council and committee meeting agendas (section 28D).

Aldermen may request the General Manager make available any information or documents that ‘may be required for the purpose of performing any of the councillor's functions’ (section 28 of the Act sets out the functions of councillors and section 27 sets out the functions of mayors and deputy mayors). Of import as a collective, Aldermen under section 28(2) have the following functions:

- to develop and monitor the implementation of strategic plans and budgets
- to determine and monitor the application of policies, plans and programs for –
 - the efficient and effective provision of services and facilities

- the efficient and effective management of assets, and
- the fair and equitable treatment of employees of the council
- to facilitate and encourage the planning and development of the municipal area in the best interests of the community
- to appoint and monitor the performance of the general manager
- to determine and review the council's resource allocation and expenditure activities, and
- to monitor the manner in which services are provided by the Council.

Amongst other considerations, the General Manager may refuse a request if he considers the information (or documents) requested are not required for performing any of the aldermen's functions.

A detailed response to the question on notice asked by Alderman Johnston was given to Council (closed session) at its 13 April 2016 meeting (Item 21.1). A subsequent question was asked of the General Manager or Director, Corporate Governance & General Counsel by Alderman Johnston at its 1 August 2016 meeting (closed session) as to whether in the light of the decision in the matter of Branch-Allen v Mason and Easter did either of them wish to review their response.

With due deliberation, the General Manager is of the view that the subsequent question by Alderman Johnston does not relate to the functions of mayors, deputy mayors or councillors, and is a question of a personal nature that he is not prepared to furnish a further response.

17.12 QUESTION ON NOTICE - ALDERMAN K. JOHNSTON - 1

Author: General Manager (Peter Brooks)

Qualified Person: General Manager (Peter Brooks)

ECM 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:

Following emails on Wednesday 10 August 2016 and Wednesday 17 August 2016 with no acknowledgement or response, may the general manager please provide the 2015/6 budget, against the 2015/6 actual results?

Answer:

Under Regulation 30 of the *Local Government (Meeting Procedures) Regulations 2015* an answer to this question will be tabled at the Council Meeting in writing.

17.13 QUESTION ON NOTICE - ALDERMAN M. STEVENSON - 7

Author: General Manager (Peter Brooks)

Qualified Person: General Manager (Peter Brooks)

ECM File Reference: Question on Notice

Question on Notice:

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

Question on Notice:

May the General Manager provide us with an update on claims made and costs incurred in relation to the Board of Inquiry and the recent Supreme Court matter?

Answer:

Under Regulation 30 of the *Local Government (Meeting Procedures) Regulations 2015* an answer to this question will be tabled at the Council Meeting in writing.

CLOSED TO MEMBERS OF THE PUBLIC

18. APPLICATIONS FOR LEAVE OF ABSENCE

ENVIRONMENT

19. UPDATE ON WILKINSONS POINT AND ELWICK BAY STEERING COMMITTEE

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

20. TASWATER QUARTERLY REGIONAL BRIEFING TO THE OWNERS' REPRESENTATIVES

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)

21. 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)

22. GENERAL MANAGER'S KPIS 3 JANUARY 2016 TO 2 JANUARY 2017

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)(a) (Personnel matters, including complaints against an employee of the Council and industrial relations matters) and (g) (Information of a personal and confidential nature or information provided to the Council on the condition it is kept confidential)

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

23.1. 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)

23.2. QUESTION ON NOTICE - ALDERMAN K. JOHNSTON - 5

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)

23.3. QUESTION ON NOTICE - ALDERMAN K. JOHNSTON - 4

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)

23.4. QUESTION ON NOTICE - ALDERMAN M. STEVENSON - 2

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)

23.5. QUESTION ON NOTICE - ALDERMAN K. JOHNSTON - 8

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)

23.6. QUESTION ON NOTICE - ALDERMAN M. STEVENSON - 8

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)

**23.7. QUESTION ON NOTICE 4 - ALDERMAN M. STEVENSON -
FROM 1 AUGUST 2016 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)