

**Minutes of the Meeting
of the Glenorchy City Council
held at the Council Chambers
on Monday, 29 August 2016 at 3.00 p.m.**



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. D. Ronaldson (Manager Community and Customer Service), Mr. P. Garnsey (Manager Environment and Development), Mr. S. Mohamed (Manager Waste Services), Mr. R. Frankcombe (Manager Works), Mr. B. Hannan (Senior Internal Compliance Advisor), Ms. E. McGoldrick (Coordinator City Strategy and Economic Development), Dr. A Falaki (Coordinator Community Planning and Inclusion), Ms. J. Sleiters (Community Development Coordinator), Mr. J. Don (Acting Compliance Coordinator), Mr. R. Blackwell (Acting Manager Legal and Property), Mr. M. Whiteley (Finance Project Officer), Mr. C. Grace (Asset Management Coordinator), Mrs. J. King (Mayoral and Executive Support Officer) and Mrs. R. Webster (Customer Service Officer Quality Assurance).

Mr. D. Tilley (Board of Inquiry).

**Workshops held since
last Council Meeting**

Date: Monday, 15 August 2016

Purpose: To discuss:

- DEC Business Plan
- Graffiti Management
- CEO - LGAT

The meeting was opened with a prayer by Rev. Kaye Pace.

1. APOLOGIES

None.

2. CONFIRMATION OF MINUTES

Resolution:

PEARCE/KING

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

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

None.

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.

No declarations of pecuniary interest were declared.

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Mr. Darrell 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)

Mr. Darrell Vincent, Berriedale

1. In relation to Council's response to Mr. Vincent's previous question from 4 July 2016 taken on notice, Mr. Vincent asked for a breakdown showing only the percentage of the residential rates increase as opposed to the total rate increase.

The General Manager advised that the percentage increase in residential and commercial rates is exactly the same, and that Council does not levy differential rates for residential and commercial property. The General Manager explained that rate adjustments are determined as a result of separate valuations for residential and commercial property, and that the rates may rise even if the valuers determine that value of either residential or commercial property has decreased over a particular indexation period. The General Manager, at Mayor Johnston's suggestion, agreed to meet with Mr. Vincent to provide a more detailed explanation.

2. Mr. Vincent asked why the concession rate for the registration of a de-sexed dog was \$34, whereas the rate if payment is made late is \$62, and the non-concessional rate is also \$34 but the late payment amount is \$114. Mr. Vincent asked how Council justified those fees.

The General Manager responded by noting that an answer to this question had been provided in response to a question on notice from Alderman Dunsby at Council's meeting on 4 July 2016. Alderman King advised that the reason was that the rate of \$34 was a discounted rate as an incentive to encourage people to make early payment of dog registration fees, and higher amounts represented the full amount, not a penalty. The General Manager otherwise took the question on notice to provide a written response, which would be the same as the response to Alderman Dunsby's question on notice but with additional detail provided.

Mrs. Kaye Smith, Glenorchy

1. Mrs. Smith spoke to item 17.1 of the agenda – Mrs. Smith asked how the process proposed in the Notice of Motion proposed by Alderman Branch-Allen would be more effective than consultation with the community through the community precincts process that Council voted to end its formal relationship with at its last meeting, and also what the cost to Council would be of advertising that is proposed to be placed in the Glenorchy Gazette each month.

Alderman Branch-Allen advised that Council has an agreement with the publishers of the Glenorchy Gazette that it gets two pages of free advertising each month, and that there would be no additional cost. She further noted that Council holds two public forums each year to consult with the public about various issues (the first of which has already been held in 2016) and that there were many ways that the community wants to engage with their Aldermen, and the process of determining the best ways to consult was currently being undertaken and would be debated further when the Notice of Motion comes forward later in the meeting.

2. Mrs. Smith asked why the copies of the agenda for the Council meetings that are provided to the public do not have any information included in the 'Announcements by the Mayor' section (Item 8 on the current agenda) and whether the full version of the agenda could be included in the hard-copy distributed to the public at future meetings of Council.

Mayor Johnston noted that the agenda currently provided to the public contains only the recommendations made to Council in respect of each report, but does not include the body of the report, whereas the version that is made available to the public on Council's website contains the text of all the reports. The General Manager responded that hard-copies of the full agenda containing the text of reports would be provided to the public at future meetings.

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:

LUCAS/KING

That Council:

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

File Reference: Access 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.

Resolution:

DUNSBY/BRANCH-ALLEN

That Council:

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

The motion was put.

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

AGAINST:

The motion was CARRIED.

GOVERNANCE

10. COUNCIL POLICY - ANNUAL UPDATE ABOUT COUNCIL POLICIES

File Reference: Council Policy

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.

Resolution:

PEARCE/STEVENSON

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.

The motion was put.

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

AGAINST:

The motion was CARRIED.

11. COUNCIL POLICY - DOG MANAGEMENT POLICY

File Reference: Dog Management Policy

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.

Resolution:

QUICK/KING

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.

The motion was put.

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

AGAINST:

The motion was CARRIED.

12. COUNCIL POLICY

File Reference: Council Policies

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.

Resolution:

BRANCH-ALLEN/SLADE

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.

The motion was put.

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

AGAINST: Alderman Stevenson.

The motion was CARRIED.

13. CORPORATE PERFORMANCE INDICATORS - JUNE 2016

File Reference: Traffic Lights

Reporting Brief:

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

Resolution:

STEVENSON/BRANCH-ALLEN

That Council:

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

Alderman Slade left the meeting at 4.21 p.m.

Alderman Slade returned to the meeting at 4.22 p.m.

The motion was put.

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

AGAINST:

The motion was CARRIED.

14. CORPORATE PERFORMANCE INDICATORS - JULY 2016

File Reference: Traffic Lights

Reporting Brief:

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

Resolution:

SLADE/NIELSEN

That Council:

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

The motion was put.

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

AGAINST:

The motion was CARRIED.

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

File Reference: STCA

Reporting Brief:

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

Resolution:

DUNSBY/BRANCH-ALLEN

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.

The motion was put.

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

AGAINST:

The motion was CARRIED.

16. ACTIONS LIST - UPDATE REPORT

File Reference: Actions Register - Council Meetings

Reporting Brief:

Actions List updated following 1 August 2016 Council meeting.

Resolution:

SLADE/PEARCE

That Council:

NOTE the Actions Register, as updated following the 1 August 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.

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

Alderman Pearce

Alderman Pearce asked if Council could write to former Mayor and elected member, Deirdre Flint OAM who has retired due to ill-health passing on Council's thanks for her many years of work and wishing her support for her health and recovery.

Mayor Johnston advised that she would be attending a function in Mrs. Flint's honour next week and that she would take a letter or card thanking her for her contribution.

Alderman Nielsen

Alderman Nielsen asked whether a date had been set for the official opening of the KGV Project, given that the facility had been operational for several months.

The General Manager advised that a date will be set in consultation with the tenants after the last of the three tenants had moved in, which is due to occur in September after the commissioning of the hydrotherapy pool.

Alderman Quick

Alderman Quick noted that the relevant Federal Minister would need to be present at the opening of the KGV project, given the amount of federal funding that was provided and asked that Council liaise with the Federal Government when setting a date for the opening to ensure that it is compatible with the ministerial schedule.

The General Manager advised that liaison with the Federal Government would occur in-line with current protocols.

Alderman Stevenson

Alderman Stevenson asked, in relation to the resolution made at Council's meeting on 4 July 2016 to end Council's formal relationship with the community precincts, whether the General Manager had done any work to understand what the impact of the resolution has had on Council's broader precinct strategy, in terms of guidelines in-place around other consultation methods such as community forums.

The General Manager responded that he and the Mayor had been kept up to date by management on the work being done by Council staff regarding transitional arrangements for the community precincts, and noted that a large amount of work has been done behind the scenes (including writing to all members of community precincts – over 300 people – at Council's cost to advise them of Council's decision). One precinct has agreed to merge with the Citizens of Glenorchy, and two further precinct meetings are scheduled to resolve what will occur going forward. Council staff have worked with precincts in relation to existing programs, all of which have been resolved, save for the Claremont Library program which would likely be brought before Council for a decision.

From a strategic point of view, the General Manager advised that Council has already resolved in favour of a motion to review its entire consultation and community inclusion process which, and that this would be overseen by a new Coordinator, Community Planning and Inclusion who commenced work for Council today, 29 August 2016. In response to a further question from Alderman Lucas, the General Manager advised that Council staff were looking at whether we would receive a refund of insurance premiums already paid in respect of the precincts or whether the precincts would remain insured until the end of the year. Mayor Johnston advised that precincts were taking a cautionary approach and taking out their own public liability insurance policies.

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

File Reference: Notice of Motion

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*.

Resolution:

BRANCH-ALLEN/LUCAS

1. That Aldermen be on a rotating roster system at Council once a month to meet with the community.

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 this be conducted on a 3 month trial.

The motion was put.

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

AGAINST: Alderman Nielsen.

The motion was CARRIED.

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

File Reference: Notice of Motion

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*.

Resolution:

BRANCH-ALLEN/PEARCE

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

Alderman Nielsen left the meeting at 5.10 p.m.

The motion was put.

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

AGAINST: Alderman King.

The motion was CARRIED.

17.3. NOTICE OF MOTION - ALDERMAN M. STEVENSON

File Reference: Notice of Motion

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*.

Resolution:

STEVENSON/BRANCH-ALLEN

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.

The motion was put.

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

AGAINST:

The motion was CARRIED.

Alderman King left the meeting at 5.25 p.m.

17.4. QUESTION ON NOTICE - ALDERMAN M. STEVENSON - 3

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

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

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 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 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.

Alderman Stevenson left the meeting at 5.32 p.m.

Alderman Stevenson returned to the meeting at 5.33 p.m.

17.7. QUESTION ON NOTICE - ALDERMAN K. JOHNSTON - 6

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

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

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

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 by 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

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

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:

The 2015 -16 end year financial statements are still being finalised and will be considered by the Audit Panel at its special meeting on 31 August 2016 after which they will be presented to the General Manager for his signature.

The 2015-16 forecast budget against the actuals is part of this process and will be presented to Council as part of the Annual Report in upcoming Council Meetings.

Alderman Slade left the meeting at 6.08 p.m.

Alderman Slade returned to the meeting at 6.09 p.m.

17.13. QUESTION ON NOTICE - ALDERMAN M. STEVENSON - 7

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:

The matter *Branch-Allen v Easter* [2016] TASSC 29 in the Supreme Court was initiated by an individual Alderman not by Council accordingly there were no claims against the Council in these proceedings.

As part of its functions under the requirements of the *Local Government Act 1993*, the Board of Inquiry, from time to time, requests production of a number of documents from Council by letter. As a process the requested documents are gathered by the Management and have been, and are being, provided to the Board of Inquiry in a timely manner.

Alderman Branch-Allen left the meeting at 6.23 p.m.

Under Regulation 16(1) Alderman Dunsby moved a motion to record the closed session of the 29 August 2016 Council Meeting.

DUNSBY/STEVENSON

That Council record the Closed session of the Council meeting.

The motion was put.

FOR: Aldermen Pearce, Dunsby, Slade, Quick, Johnston, Lucas and Stevenson.

AGAINST:

The motion was CARRIED.

Resolution:

PEARCE/QUICK

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, Dunsby, Slade, Quick, Johnston, Lucas and Stevenson.

AGAINST:

The motion was CARRIED.

CLOSED TO MEMBERS OF THE PUBLIC

18. APPLICATIONS FOR LEAVE OF ABSENCE

None.

ENVIRONMENT

17. 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 2005 Section 15(2)(g).

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 2005 Section 15(2)(g).

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 2005 Section 15(2)(g).

The Chairperson adjourned the Meeting under Regulation 13(1)(b) at 6.56 p.m. to be reconvened on that day at 7.15 p.m. The purpose of the adjournment was to have a break for Council staff and Aldermen.

The meeting reconvened at 7.15 p.m.

All staff except the General Manager and Director Corporate Governance and General Counsel left the meeting at 7.15 p.m. Mr. D. Tilley was also in attendance.

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 2005 Section 15(2)(a) (2)(g).

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

None.

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 2005 Section 15(2)(g).

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 2005 Section 15(2)(g).

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 2005 Section 15(2)(g).

Alderman Pearce left the meeting at 8.31 p.m.

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 2005 Section 15(2)(c).

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 2005 Section 15(2)(g).

Alderman Slade left the meeting at 8.53 p.m.

Alderman Slade returned to the meeting at 8.54 p.m.

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 2005 Section 15(2)(d) (2)(g).

**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 2005 Section 15(2)(g).

The meeting closed at 8.56 p.m.

Confirmed,

CHAIR