



CITY OF HOBART

MINUTES

Governance Committee Meeting

Open Portion

Tuesday, 1 August 2017 at 5.00 pm.

ORDER OF BUSINESS

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Governance Committee Meeting (Open Portion) held on Tuesday, 1 August 2017 at 5.00 pm in the Lady Osborne Room, Town Hall.

COMMITTEE MEMBERS

Ruzicka (Chairman)
Deputy Lord Mayor Christie
Cocker
Thomas
Reynolds

ALDERMEN

Lord Mayor Hickey
Zucco
Briscoe
Sexton
Burnet
Denison
Harvey

PRESENT: Alderman E R Ruzicka (Chairman), the Deputy Lord Mayor Alderman R G Christie, Aldermen P S Cocker, D C Thomas, A M Reynolds and W F Harvey.

APOLOGIES: Nil.

LEAVE OF ABSENCE: Nil.

1. CO-OPTION OF A COMMITTEE MEMBER IN THE EVENT OF A VACANCY

No Aldermen were co-opted to the Committee.

2. CONFIRMATION OF MINUTES

THOMAS

The minutes of the Open Portion of the Governance Committee meeting held on [Tuesday, 4 July 2017](#), the Special Governance Committee meeting held on [Tuesday, 18 July 2017](#) and the Special Governance Committee meeting held on [Monday, 24 July 2017](#), be confirmed as an accurate record.

MOTION CARRIED

VOTING RECORD

AYES

Ruzicka
Deputy Lord Mayor Christie
Cocker
Thomas
Reynolds

NOES

The minutes were signed.

3. CONSIDERATION OF SUPPLEMENTARY ITEMS

Ref: Part 2, Regulation 8(6) of the *Local Government (Meeting Procedures) Regulations 2015*.

Recommendation

That the Committee resolve to deal with any supplementary items not appearing on the agenda, as reported by the General Manager.

No supplementary items were received.

4. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST

Ref: Part 2, Regulation 8(7) of the *Local Government (Meeting Procedures) Regulations 2015*.

Aldermen are requested to indicate where they may have any pecuniary or conflicts of interest in respect to any matter appearing on the agenda, or any supplementary item to the agenda, which the committee has resolved to deal with.

No interest was indicated.

5. TRANSFER OF AGENDA ITEMS

Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015*.

A committee may close a part of a meeting to the public where a matter to be discussed falls within 15(2) of the above regulations.

In the event that the committee transfer an item to the closed portion, the reasons for doing so should be stated.

Are there any items which should be transferred from this agenda to the closed portion of the agenda, or from the closed to the open portion of the agenda?

No items were transferred.

6. REPORTS

6.1 Code of Conduct Review File Ref: F17/89697; 17/118

THOMAS

- That: 1. The recommendation contained in the report of the General Manager of the 27 July 2017 be adopted.
2. The following matters also be included in the review:
- (i) The following timeframes be adopted:
 - Formation of the Code of Conduct Panel within four weeks of the complaint being referred.
 - Hearings by the Code of Conduct Panel to be held within 30 working days of the formation of the Panel.
 - (ii) The Local Government Association of Tasmania seek legal advice on:
 - The potential conflict with section 28 of the Local Government Act 1993 (Function of councillors).
 - The requirement for all candidates to publish candidate statements prior to an election.
 - The lack of clarity in the model code in relation to concepts such as 'public interest', the principles of transparency and the applicability of non-pecuniary conflicts.
 - (iii) The Local Government Association of Tasmania clarify if the model code of conduct has been compared with those in other States.
 - (iv) The Council support the specific areas of concern raised by the Local Government Association of Tasmania in the discussion paper provided at Attachment A of the report on the Open Governance Committee agenda dated 1 August 2017.

MOTION CARRIED

VOTING RECORD

AYES
Ruzicka
Deputy Lord Mayor Christie
Cocker
Thomas
Reynolds

NOES

COMMITTEE RESOLUTION:

- That: 1. The recommendation contained in the report of the General Manager of the 27 July 2017 be adopted.
2. The following matters also be included in the review:
- (i) The following timeframes be adopted:
 - Formation of the Code of Conduct Panel within four weeks of the complaint being referred.
 - Hearings by the Code of Conduct Panel to be held within 30 working days of the formation of the Panel.
 - (ii) The Local Government Association of Tasmania seek legal advice on:
 - The potential conflict with section 28 of the Local Government Act 1993 (Function of councillors).
 - The requirement for all candidates to publish candidate statements prior to an election.
 - The lack of clarity in the model code in relation to concepts such as 'public interest', the principles of transparency and the applicability of non-pecuniary conflicts.
 - (iii) The Local Government Association of Tasmania clarify if the model code of conduct has been compared with those in other States.
 - (iv) The Council support the specific areas of concern raised by the Local Government Association of Tasmania in the discussion paper provided at Attachment A of the report on the Open Governance Committee agenda dated 1 August 2017.

Delegation: Council

6.2 Disclosure of Confidential matters - Notice of Motion File Ref: F17/87759; 13-1-9; 16-21-1

THOMAS

- That: 1. The recommendation contained in the report of the Deputy General Manager of 27 July 2017, be adopted and amended by the word 'requests' in clause 1 being replaced with the word 'approved.'

The following clause 3 be included:

3. All future requests for grants, donations and incentive payments be considered in Open committee and Council meetings and the Council's policy and guidelines be updated accordingly to reflect this.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Ruzicka
Deputy Lord Mayor Christie
Cocker
Thomas
Reynolds

COMMITTEE RESOLUTION:

- That:
1. The Council note that existing Council policies already provides for disclosure of the details of approved grants, donations and incentive payments.
 2. The Council note that any matter included on a closed Council or committee agenda in accordance with regulation 15 of the Local Government (Meeting Procedures) Regulations 2015 can be transferred to the open portion of that meeting by a resolution of the Council or committee.
 3. All future requests for grants, donations and incentive payments be considered in Open committee and Council meetings and the Council's policy and guidelines be updated accordingly to reflect this.

Delegation: Council

**6.3 City of Hobart - Customer Service Charter
File Ref: F17/92545**

PROCEDURAL MOTION

CHRISTIE

That the matter be deferred to enable a re-drafted Charter to be submitted to the Committee.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Ruzicka
Deputy Lord Mayor Christie
Cocker
Thomas
Reynolds

COMMITTEE RESOLUTION:

That the matter be deferred to enable a re-drafted Charter to be submitted to the Committee.

Delegation: Committee

6.4 Conduct of Council Workshops

File Ref: F17/92995; 16/119

THOMAS

- That
1. Following each Council workshop, a copy of any presentation and other material provided be made available on the confidential area of the Hub.
 2. The consideration of recording workshops be deferred until such time as the future direction of committees and workshops has been agreed.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Ruzicka
Deputy Lord Mayor Christie
Cocker
Thomas
Reynolds

COMMITTEE RESOLUTION:

- That: 1. Following each Council workshop, a copy of any presentation and other material provided be made available on the confidential area of the Hub.

2. The consideration of recording workshops be deferred until such time as the future direction of committees and workshops has been agreed.

Delegation: Council

**6.5 State Fire Commission - Local Government Representative - LGAT
Call for Nominations
File Ref: F17/93221; 17/106**

CHRISTIE

That the Council delegate to the General Manager the authority to nominate a suitable officer for the vacant position on the State Fire Commission.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Ruzicka	Cocker
Deputy Lord Mayor Christie	
Thomas	
Reynolds	

COMMITTEE RESOLUTION:

That the Council delegate to the General Manager the authority to nominate a suitable officer for the vacant position on the State Fire Commission.

Delegation: Council

**6.6 State Fire Management Council - Local Government
Representative - LGAT Call for Nominations
File Ref: F17/93233; 17/106**

CHRISTIE

That the recommendation contained in the report of the General Manager of 25 July 2017, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Ruzicka
Deputy Lord Mayor Christie
Cocker
Thomas
Reynolds

COMMITTEE RESOLUTION:

That the Council submit to the Local Government Association of Tasmania, the City's Group Manager Open Space, Mr Rob Mather as the Council's nominee for the vacant position on the State Fire Management Council.

Delegation: Council

6.7 Conference Reporting - 2017 National General Assembly of Local Government - 18 to 21 June 2017
File Ref: F17/88407

CHRISTIE

That the recommendation contained in the report of the General Manager of 27 July 2017, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Ruzicka
Deputy Lord Mayor Christie
Cocker
Thomas
Reynolds

COMMITTEE RESOLUTION:

That the report provided by the Deputy Lord Mayor Alderman Christie on the National General Assembly of Local Government be received and noted.

Delegation: Committee

7. COMMITTEE ACTION STATUS REPORT

7.1 Committee Actions - Status Report **File Ref: F17/94023**

THOMAS

That the information be received and noted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Ruzicka
Deputy Lord Mayor Christie
Cocker
Thomas
Reynolds

Delegation: Committee

8. RESPONSES TO QUESTIONS WITHOUT NOTICE

Regulation 29(3) *Local Government (Meeting Procedures) Regulations 2015.*
File Ref: 13-1-10

8.1 Lady Osborne Room - Audio System **File Ref: F17/91848; 13-1-10**

REYNOLDS

That the information be received and noted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Ruzicka
Deputy Lord Mayor Christie
Cocker
Thomas
Reynolds

Delegation: Committee

9. QUESTIONS WITHOUT NOTICE

Section 29 of the *Local Government (Meeting Procedures) Regulations 2015*.

File Ref: 13-1-10

9.1 Alderman Reynolds – kunanyi / Mount Wellington Landowner Consent File Ref: 13-1-10

Question: If the State take ownership of the land on the summit, can the landowner of the remaining land (Cascade) even provide consent for a DA given that the zoning of that land (Environmental Living) prohibits what is being proposed? Given that the planning scheme prohibits the development that is being proposed, is there a need to re-zone the land before a DA could be lodged?

Answer: The General Manager took the question on notice for referral to the City Planning Committee.

10. CLOSED PORTION OF THE MEETING

The following items were discussed: -

- Item No. 1 Minutes of the last meeting of the Closed Portion of the Council Meeting
- Item No. 2 Consideration of supplementary items to the agenda
- Item No. 3 Indications of pecuniary and conflicts of interest
- Item No. 4 Responses to Questions Without Notice
- Item No. 4.1 Town Hall Reception
LG(MP)R 15(2)e(i) and e(ii)
- Item No. 5 Committee Action Status Report
- Item No. 5.1 Committee Actions - Status Report
LG(MP)R 15(2)(g)
- Item No. 6 Questions Without Notice

CHRISTIE

That the items be noted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Ruzicka	
Deputy Lord Mayor Christie	
Cocker	
Thomas	
Reynolds	

The Chairman adjourned the meeting at 5.58 pm to conduct the closed portion of the meeting.

The meeting reconvened at 5.59 pm.

Item 10 was then taken.

There being no further business the meeting closed at 6.00 pm.

TAKEN AS READ AND SIGNED AS
A CORRECT RECORD THIS
5TH DAY OF SEPTEMBER 2017.

CHAIRMAN