



CITY OF HOBART

AGENDA
OPEN PORTION OF THE COUNCIL MEETING
MONDAY, 24 AUGUST 2020
AT 5:00 PM



THE MISSION

Working together to make Hobart a better place for the community.

OUR VALUES

THE COUNCIL IS:

PEOPLE

We care about people – our community, customers and colleagues

TEAMWORK

We collaborate both within the organisation and with external stakeholders drawing on skills and expertise for the benefit of our community

FOCUS AND DIRECTION

We have clear goals and plans to achieve sustainable social, environmental and economic outcomes for the Hobart community.

CREATIVITY AND INNOVATION

We embrace new approaches and continuously improve to achieve better outcomes for our community.

ACCOUNTABILITY

We are transparent, work to high ethical and professional standards and are accountable for delivering outcomes for our community.

VISION

OUR VISION, MISSION AND VALUES HOBART: A COMMUNITY VISION FOR OUR ISLAND CAPITAL

Hobart breathes.

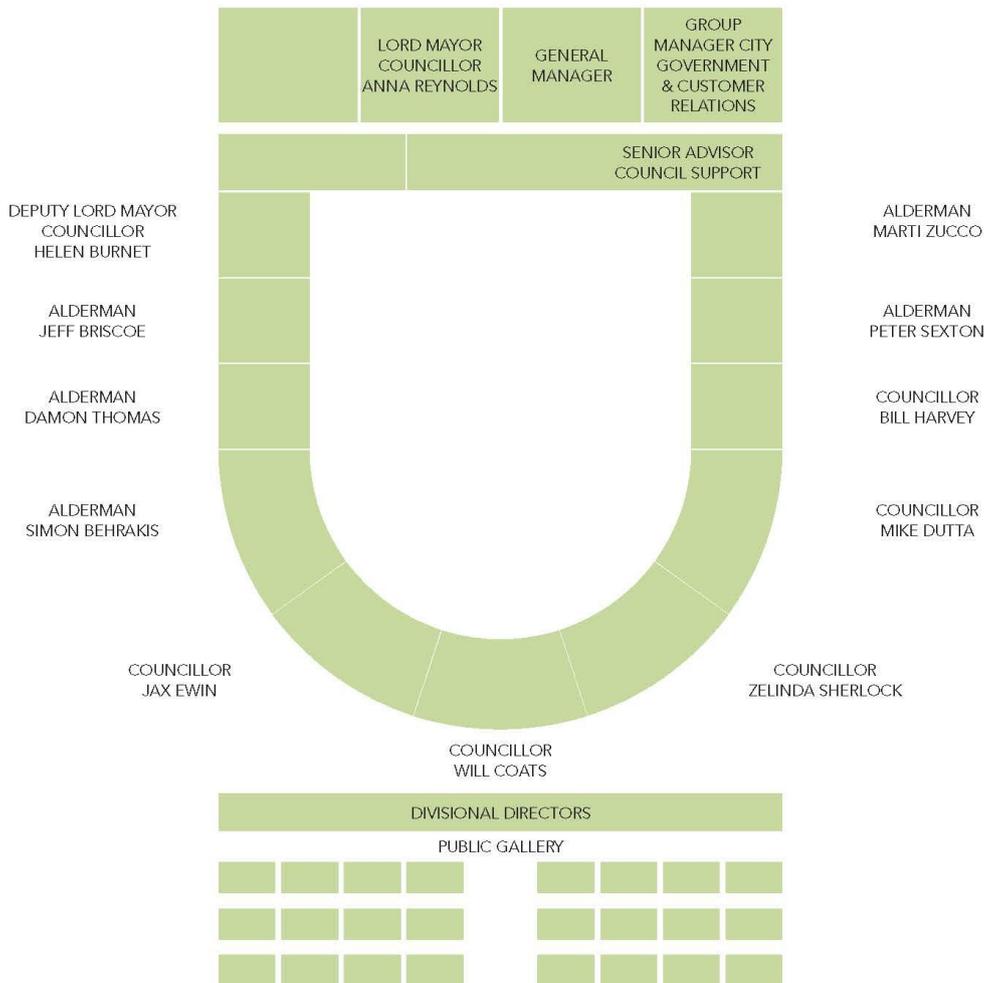
Connections between nature, history, culture, businesses and each other are the heart of our city.

We are brave and caring.

We resist mediocrity and sameness.

As we grow, we remember what makes this place special.

We walk in the fresh air between all the best things in life.



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**A MEETING OF THE OPEN PORTION OF THE COUNCIL WILL BE HELD ON
MONDAY, 24 AUGUST 2020 AT 5:00 PM.**

**N D Heath
General Manager**

This meeting of the Council is held in accordance with a Notice issued by the Premier on 3 April 2020 under section 18 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*

ELECTED MEMBERS:

Lord Mayor A M Reynolds
Deputy Lord Mayor H Burnet
Alderman M Zucco
Alderman J R Briscoe
Alderman Dr P T Sexton
Alderman D C Thomas
Councillor W F Harvey
Alderman S Behrakis
Councillor M S C Dutta
Councillor J Ewin
Councillor Z E Sherlock
Councillor W N S Coats

APOLOGIES:

LEAVE OF ABSENCE: Nil.

1. CONFIRMATION OF MINUTES

The Chairman reports that she has perused the minutes of the meeting of the Open Portion of the Council meeting held on [Monday, 10 August 2020](#), finds them to be a true record and recommends that they be taken as read and signed as a correct record.

2. TRANSFER OF AGENDA ITEMS

Are there any items, which the meeting believes, should be transferred from this agenda to the closed agenda or from the closed agenda to the open agenda, in accordance with the procedures allowed under Section 15 of the *Local Government (Meeting Procedures) Regulations 2015*?

3. COMMUNICATION FROM THE CHAIRMAN

4. NOTIFICATION OF COUNCIL WORKSHOPS

In accordance with the requirements of the *Local Government (Meeting Procedures) Regulations 2015*, the General Manager reports that no Council workshops have been conducted since the last ordinary meeting of the Council.

5. PUBLIC QUESTION TIME

6. PETITIONS

7. CONSIDERATION OF SUPPLEMENTARY ITEMS

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

RECOMMENDATION

That the Council resolve to deal with any supplementary items not appearing on the agenda, as reported by the General Manager in accordance with the provisions of the *Local Government (Meeting Procedures) Regulations 2015*.

8. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST

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

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

REPORTS OF COMMITTEES

CITY PLANNING COMMITTEE

9. COUNCIL ACTING AS PLANNING AUTHORITY

In accordance with the provisions of Part 2 Regulation 25 of the *Local Government (Meeting Procedures) Regulations 2015*, the intention of the Council to act as a planning authority pursuant to the *Land Use Planning and Approvals Act 1993* is to be noted.

In accordance with Regulation 25, the Council will act as a planning authority in respect to those matters appearing under this heading on the agenda, inclusive of any supplementary items.

The Council is reminded that in order to comply with Regulation 25(2), the General Manager is to ensure that the reasons for a decision by a Council or Council Committee acting as a planning authority are recorded in the minutes.

9.1 48-50 New Town Road and 52 New Town Road and 7A Clare Street and 46 New Town Road, New Town and Adjacent Road Reserve - Demolition, New Building for Hospital Services, Business and Professional Services, and General Retail and Hire, Signage, and Associated Infrastructure Works
PLN-20-249 - File Ref: F20/88655

Ref: Open [CPC 7.1.2](#), 17/08/2020
Application Expiry Date: 25 August 2020

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for demolition, new building for hospital services, business and professional services, and general retail and hire, signage, and associated infrastructure works at 48-50 New Town Road and 52 New Town Road and 7A Clare Street and 46 New Town Road, New Town and adjacent road reserve for the following reasons:

1. The proposal does not meet the acceptable solution, the performance criterion or the objective of clause 15.4.1 A1 and P1 of the *Hobart Interim Planning Scheme 2015* because the proposed building height: is not compatible with the scale of nearby buildings; does not offer an appropriate transition in height between adjoining buildings; does not contribute positively to the streetscape; and will result in unreasonable impact on residential amenity of land in the Inner Residential Zone.

2. The proposal does not meet the acceptable solution, the performance criterion or the objective of clause 15.4.1 A2 and P2 of the *Hobart Interim Planning Scheme 2015* because the proposed building height within 10m of the Inner Residential Zone is not compatible with the building height of existing buildings on adjoining lots in the Inner Residential Zone; and will result in unreasonable impact on residential amenity of land in the Inner Residential Zone.

9.2 73 View Street, Sandy Bay - Demolition (Chimney)
PLN-20-403 - File Ref: F20/87609

Ref: Open [CPC 7.1.4](#), 17/08/2020
Application Expiry Date: 28 September 2020

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for demolition (chimney) at 73 View Street, Sandy Bay on the basis that the proposal meets the requirements of the Scheme, in particular clause E13.8.1 P1, and a permit containing the following condition be issued:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-20-403 – 73 View Street, Sandy Bay - Final Planning Documents.

Reason for condition

To clarify the scope of the permit.

10. Monthly Building Statistics - 1 July - 31 July 2020
File Ref: F20/87620

Ref: Open [CPC 8.1](#), 17/08/2020

That the report of the Director City Planning be received and noted:

1. During the period 1 July 2020 to 31 July 2020, 57 permits were issued to the value of \$18,938,311 which included:
 - (i) 17 for Extensions/Alterations to Dwellings to the value of \$3,050,575;
 - (ii) 16 New Dwellings to the value of \$6,565,565; and
 - (iii) 3 Major Projects:

- a) 15 Gourlay Street, West Hobart - Commercial Extension - \$4,000,000;
 - b) 30 Bathurst Street. Hobart - Commercial Internal Alterations - \$2,000,000;
 - c) 6 Midwood Street, New Town - New Commercial Buildings and Associated Civil Works, Stage 1 - \$1,069,160
2. During the period 1 July 2019 to 31 July 2019, 62 permits were issued to the value of \$15,677,986 which included:
- (i) 32 for Extensions/Alterations to Dwellings to the value of \$3,808,860;
 - (ii) 7 New Dwellings to the value of \$1,490,000; and
 - (iii) 2 Major Projects:
 - a) 155-165 Argyle Street, Hobart - Alterations and Additions (Car Storage and Apartments) - \$3,500,000;
 - b) 410 Sandy Bay Road (Wrest Point Casino), Sandy Bay - Alterations (Stage 2 Floors 6-8) - \$2,500,000
3. In the twelve months ending 31 July 2020, 615 permits were issued to the value of \$226,858,115; and
4. In the twelve months ending 31 July 2019, 639 permits were issued to the value of \$370,999,768.

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

**IN ACCORDANCE WITH REGULATION 16(5) OF THE LOCAL GOVERNMENT
(MEETING PROCEDURES) REGULATIONS 2015**

**11. Development of Council Policy and Process for Lobbyists and
Developers
File Ref: F20/89963; 13-1-9**

Councillor Harvey

Motion:

“That Council Officers prepare a report on the development of a council policy and process for the registration of lobbyists and developers and to record interactions with elected representatives of the City of Hobart.”

Rationale:

“Lobbyist registers occur at all three tiers of government with the objective of ensuring a high level of transparency and accountability.

Lobbyists are regularly employed to run media campaigns to promote development applications and lobby elected representatives with regard to various issues. It is important that these actions are transparent to the public. A council policy with regard to this, would provide for such transparency.

The City of Hobart should consider establishing a register of lobbyists and their interactions with elected representatives like other councils have done to ensure that there is a high level of transparency and public accountability.

National Level

“In 2008, the Australian Government introduced the Lobbying Code of Conduct (the Code) and established the Register of Lobbyists - [external site](#) (Register). The intent of the Code is to ensure that contact between lobbyists and Australian Government representatives is conducted in accordance with public expectations of transparency, integrity and honesty.”

<https://www.ag.gov.au/integrity/australian-government-register-lobbyists>

State Level

All State and Territory Governments have a Register of Lobbyists.

In Tasmanian, the Department of Premier and Cabinet maintains the Register of Lobbyists.

http://lobbyists.dpac.tas.gov.au/lobbyist_register?fbclid=IwAR3-w9gbjqz-mvi7uK_IPRmobNHNxY1gJcni2nwWX8HH_x1BR_VuVBLSjig

In Queensland, the *Integrity Act 2009*, also requires that local government lobbyists are included in the Register of Lobbyists.

“Professional lobbyists who wish to lobby State or local government representatives in Queensland (Ministers, Parliamentary Secretaries, Ministerial staff, councillors (including mayors) and senior staff working in State or local government public sector agencies) must be listed on the Register of Lobbyists. This is a requirement of the *Integrity Act 2009*.”
<https://lobbyists.integrity.qld.gov.au/>

Local Government

At a local council level in Australia, a number of councils have implemented policies with regard to contact with lobbyists and developers. An example from the City of Bayswater follows and links to other councils are included below.

COUNCIL POLICY: ELECTED MEMBERS CONTACT WITH DEVELOPERS

POLICY OWNER: Chief Executive Officer

POLICY STATEMENT: To provide the highest standards of transparency and openness in town planning and development decision-making and to avoid perceptions of bias or undue influence.

POLICY DETAILS

All elected members are to record any contact they have with developers and to notify the CEO within 10 days of the contact occurring.

This record should include:

- Developer's name;
- Date and time of contact;
- Type of contact;
- Property or properties within the City of Bayswater (the City) to which the contact related;
- Nature of the issue covered in the contact; and
- Elected member's response.

The CEO is to create and maintain a register of that contact, which will be made available to the public via the City's website and updated on a regular basis.

Planning or Development Proposals with a Residential Design Code of R25 or below are exempt from this policy.

Where contact occurs in the form of a group email or other correspondence to all elected members, then the Office of the Mayor shall provide a copy of the correspondence to the CEO for the purpose of compliance with this policy. The City may develop and maintain a Management Practice to detail the process for managing and publishing the register.

DEFINITIONS

"Contact" means any communication or conversation between a Council Member and a Developer, in relation to a development or planning application in the City, regardless of whether it is foreseen, planned, solicited or reciprocated. Contact does not include any contact in the form of a public statement made at a Council Forum, Council Briefing or Council Meeting or similar, or contact that involves the Council Member engaging in any discussion or communication with the developer on the planning or development proposal at these occasions.

"Developer" means an individual, body corporate or company engaged in a business that:

(a) regularly involves the making of planning or development proposals for land, with the ultimate purpose of the sale or lease of the land for profit; and

(b) includes any consultant, lobbyist, advisor, agent, representative or person closely associated with a developer and who is appointed to promote or advocate for the developer's interests or proposal, except when they are representing someone who is not regularly involved in the making of planning or development proposals for land.

"Planning or Development Proposal" means and includes:

(a) a proposed Local Planning Policy or amendment to a Local Planning Policy under the City's operative Town Planning Scheme;

(b) a proposed amendment to the City's operative Town Planning Scheme;

(c) an application under the City's operative Town Planning Scheme or the Metropolitan Region Scheme for approval of the use or development of land; and

(d) which is currently before or at the time of contact known to require determination by Council or the Joint Development Assessment Panel.

RELATED LEGISLATION AND OTHER REFERENCES

- Elected Members Code of Conduct Code of Conduct 2015

| | |
|---------------------|----------------|
| Adopted by Council: | 27 March 2018 |
| Amended | Nil |
| Strategic Link | Governance and |

Other Examples in Australia include:

<https://www.sutherlandshire.nsw.gov.au/Council/Accessing-Information/Lobbyist-Register>

<http://www.cassowarycoast.qld.gov.au/documents/1422210/3058915/Council%20Contact%20with%20Lobbyists%2C%20Developers%20and%20Submitters.pdf>

<https://www.ararat.vic.gov.au/sites/default/files/document/Agenda%20191210%20Attachment%203.5%20Lobbyingx.pdf>

Examples from the USA include:

<https://www.orlando.gov/Our-Government/Records-and-Documents/Lobbyist-Information/Register-as-a-Lobbyist>

[https://www.orlando.gov/Our-Government/Records-and-Documents/Lobbyist-Information/Register-as-a-Lobbyist.](https://www.orlando.gov/Our-Government/Records-and-Documents/Lobbyist-Information/Register-as-a-Lobbyist)”

The General Manager reports:

“In line with the Council’s policy in relation to Notices of Motion, I advise that the matter is considered to be within the jurisdiction of the Hobart City Council as it relates to a proposed policy for the Council.

While this remains a policy decision for Council, it is recognised that such registers have been implemented in other jurisdictions. Should the Council so resolve, these other jurisdictions would be considered in the development of any policy for the City of Hobart. It should be noted, however, that many of these jurisdictions had experienced systemic governance issues which necessitated the development of such policies.

Consultation would also occur with the Director of Local Government and the Integrity Commission.”

FINANCE AND GOVERNANCE COMMITTEE

**12. 2019-20 Annual Plan - Final Report
Period Ended 30 June 2020
File Ref: F20/81276**

Ref: Open [FGC 6.1](#), 18/08/2020

That the Council endorse the Annual Plan Final Report for the period ending 30 June 2020, marked as Attachment A to item 6.1 of the Open Finance and Governance Committee agenda of 18 August 2020.

**13. City of Hobart - Customer Service Charter - Complaints and Compliments
- Annual Report 2019/20
File Ref: F20/74313; 11-15-9**

Ref: Open [FGC 6.2](#), 18/08/2020

That in accordance with Section 339F (5) of the *Local Government Act 1993* the report marked as item 6.2 of the Open Finance and Governance Committee agenda titled *City of Hobart – Customer Service Charter – Complaints and Compliments – Annual Report 2019/20* be noted.

**14. Council Policy Manual Review July 2020
File Ref: F20/88806; 18/17**

Ref: Open [FGC 6.3](#), 18/08/2020

- That:
1. The Council Policies marked as Appendices 1 to 17 (excluding the policy titled *Leases to Non-profit Organisations (NFPO)* marked as Appendix 18), as shown in Attachment A to item 6.3 of the Open Finance and Governance Committee agenda of 18 August 2020, be endorsed.
 2. The amendments to the Council's Policy titled *Private Works – Charges* marked as Appendix 1, as shown in Attachment A to item 6.3 of the Open Finance and Governance Committee agenda of 18 August 2020 be endorsed, as varied by the deletion of the proposed second paragraph under Section 3, and substituted with the following:

Any request waiving or reducing a charge for private works will be referred to the Council for decision.

PARKS AND RECREATION COMMITTEE

15. Garrington Park, Lenah Valley - Proposed Installation of New Barbeque Facilities - Community Consultation Outcomes
File Ref: F20/46399

Ref: Open [PRC 6.1](#), 13/08/2020

- That:
1. The proposal to develop BBQ and shelter facilities at Garrington Park, Lenah Valley not progress at this time, due to the lack of majority and strong community support for the proposal.
 2. A review of the proposal to install BBQ and shelter facilities at Garrington Park be undertaken in 12 months-time.

16. Australian Government Local Roads and Community Infrastructure Program - Grant Funding - Project Identification - Intercity Cycleway Extension
File Ref: F20/84090

Ref: Open [PRC 6.3](#), 13/08/2020

That the Council utilise the Australian Government's Local Roads and Community Infrastructure Program grant funding allocation of \$685,000 towards the \$1.25M Intercity Cycleway Extension and Regatta Ground Car Park and stormwater upgrade project.

- (i) Balance funding to complete the project, in the order of \$485,000, be considered in the development of the City's 2021-22 CAPEX Program.

SPECIAL REPORT – GENERAL MANAGER

**17. Code of Conduct Determination Report
Ms Tanya Denison v Lord Mayor, Councillor Reynolds
File Ref: F20/90263**

Memorandum of the General Manager of 17 August 2020 and attachment.

Delegation: Council



City of **HOBART**

MEMORANDUM: COUNCIL

**Code of Conduct Determination Report
Ms Tanya Denison v Lord Mayor, Councillor Reynolds**

Pursuant to section 28ZK(2) of the *Local Government Act 1993* I have been provided with a copy of a determination report from the Code of Conduct Panel in respect to a complaint lodged by Ms Tanya Denison against Councillor Reynolds.

The Act requires that I table this at the first meeting of the Council which is practicable to do so and which is open to the public. As such, a copy of the determination report is included as **Attachment A** to this report.

RECOMMENDATION

That the Council receive and note the Code of Conduct Determination Report in respect to a complaint lodged by Ms Tanya Denison against Lord Mayor, Councillor Reynolds, shown as Attachment A to this report.

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.

N D Heath
GENERAL MANAGER

Date: 17 August 2020
File Reference: F20/90263

Attachment A: Code of Conduct Report - 14 August 2020 ↓

Local Government Code of Conduct Panel

Executive Building, 15 Murray Street, HOBART TAS 7000 Australia
GPO Box 123, HOBART TAS 7001 Australia
Ph: (03) 6232 7013 Email: lgconduct@dpac.tas.gov.au

PRIVATE AND CONFIDENTIAL

Mr Nick Heath
General Manager
Hobart City Council
generalmanager@hobartcity.com.au

Dear Mr Heath

**Code of Conduct Panel Determination Report –
Local Government Act 1993 (Section 28ZJ)**

In accordance with section 28ZK of the *Local Government Act 1993* (the Act) the Code of Conduct Panel has made its determination in relation to the complaint lodged by Ms Tanya Denison against Councillor Anna Reynolds. A copy of the Determination Report is enclosed.

As per section 28ZK (2) of the Act, copies have also been provided today to Ms Denison, Councillor Reynolds, and to the Director of Local Government.

Section 28ZK (7) of the *Local Government Act 1993* requires that any person who receives a determination report must keep the determination report confidential until the report is included within an item on the agenda for a meeting of the relevant council. Failure to do so may result in a fine of up to fifty penalty units.

In accordance with section 28ZK (4) of the Act, you are to ensure that the Report is tabled at the first meeting of the Council at which it is practicable to do so and which is open to the public.

As the code of conduct complaint has been upheld in part, Ms Denison is entitled, under section 28ZO of the Act, to a full refund of the lodgement fee. Please arrange a refund of this fee within 28 days of the date of this letter.

I may be contacted on (03) 6232 7013 or by email at lgconduct@dpac.tas.gov.au if you have any queries.

Yours sincerely



Helen Medhurst
Executive Officer
Code of Conduct Panel

14 August 2020

Encl. Determination Report

The Local Government Act 1993
HOBART CITY COUNCIL CODE OF CONDUCT PANEL DETERMINATION REPORT *
 Complaint by Ms Tanya Denison against Councillor (Cr) Anna Reynolds
 Determination made on 13 August 2020

Code of Conduct Panel:

Jill Taylor (Chairperson), Steven Bishop (Legal Member) and Penny Cocker (Member)

Summary of the complaint

On 20 February 2020, Mr Nick Heath, General Manager, Hobart City Council forwarded to the Executive Officer of the Code of Conduct Panel a Code of Conduct Complaint (the complaint) made by Ms Tanya Denison against Cr Anna Reynolds. At the time Ms Denison was a Councillor of the Hobart City Council but has since ceased to be so. Mr Heath confirmed that the complaint met the provisions of Section 28V (3) of the Act.

The complaint alleged that Cr Reynolds had breached Part 4.2, Part 7.1 (a), (b) and (c) and Parts 8.1, 8.2, 8.5 and 8.6 of the City of Hobart Elected Member Code of Conduct (the Code), which was adopted by Council on 18 February 2019. The relevant parts of the Code are outlined below:

Part 4 – USE OF RESOURCES

2. *An Elected Member must not use Council resources for private purposes except as provided by Council policies and procedures.*

Part 7 – RELATIONSHIPS WITH COMMUNITY, ELECTED MEMBERS AND COUNCIL EMPLOYEES

1. *An Elected Member–*
 - (a) *must treat all persons fairly; and*
 - (b) *must not cause any reasonable person offence or embarrassment; and*
 - (c) *must not bully or harass any person*

Part 8 – REPRESENTATION

1. *When giving information to the community, an Elected Member must accurately represent the policies and decisions of the Council.*
2. *An Elected Member must not knowingly misrepresent information that they have obtained in the course of their duties*
5. *An Elected Member's personal views must not be expressed publicly in such a way as to undermine the decisions of the Council or bring the Council into disrepute.*
6. *An Elected Member must show respect when expressing personal views publicly.*

Specifically, Ms Denison alleged that on 29 August 2019 Cr Reynolds sought information on a personal basis from Council staff. She further alleged that because of an article published by Cr Reynolds in her personal newsletter, Hobart News, dated September 2019 and a letter to the Editor of the Mercury Newspaper dated 20 January 2020 she was not treated fairly, was offended or embarrassed and was bullied or harassed.

Additionally, Ms Denison alleges that Cr Reynolds provided incorrect information and knowingly misrepresented information in a letter to the Editor of The Mercury newspaper. Ms Denison alleged that by doing so Cr Reynolds undermined the Council, brought it into disrepute and failed to show respect to her.

* Section 28ZK (7) of the *Local Government Act 1993* requires that any person who receives a determination report must keep the determination report confidential until the report is included within an item on the agenda for a meeting of the relevant council. Failure to do so may result in a fine of up to 50 penalty units.

The Chairperson undertook an initial assessment and on 2 March 2020 advised that further investigation was warranted in relation to the complaint. Ms Denison, Cr Reynolds, and the General Manager, Hobart City Council, were advised of this determination on the same day. Cr Reynolds was also forwarded a copy of the complaint and asked to provide a response to the allegations within 14 days from receipt of the advice.

Investigation

On 2 March 2020, in accordance with Section 28L of the Act, Mr Steven Bishop and Ms Penny Cocker were appointed as Panel members to investigate the complaint.

Cr Reynolds provided a statutory declaration dated 19 March 2020 which included Attachments "A" to "F". Her statutory declaration provided a comprehensive response to Ms Denison's complaint.

The Panel met on 30 March 2020 to consider the complaint and Cr Reynolds' response. Following that meeting a request was sent to Ms Denison on 1 April 2020 to ascertain whether she had made any further efforts to resolve the matter since her meeting with Cr Reynolds on 26 August 2019. The Panel also requested that Mr Nicholas Heath, General Manager, and Mr Neil Noye, Director, City Planning, each provide a statutory declaration regarding their recollection of Cr Reynolds' alleged request for information in August 2019.

On 3 April 2020, Ms Denison responded to the Panel's request regarding any efforts she had taken since August 2020 to resolve the situation with Cr Reynolds. Ms Denison advised that she had not met with Cr Reynolds since their meeting in August 2019 but in an email exchange between the two she was led to believe the "disagreement was over". In fact, Ms Denison included copies of two Facebook posts showing that she and Cr Reynolds were "working constructively together". Ms Denison added that Cr Reynolds' newsletter and letter to the editor came as a "complete surprise" to her. She said that it was only after the letter to the editor was published, which was after she had resigned from Council, that she decided to lodge a formal complaint.

Mr Noye's statutory declaration dated 9 April 2020 stated that the Lord Mayor did not request any information from him or his staff in relation to her voting patterns.

Mr Heath's statutory declaration dated 15 April 2020 provided details of the communication protocols for elected members and advised that he was not aware of any requests the Lord Mayor had made of Mr Noye in relation to her voting patterns.

On 20 April 2020, the Panel met and in accordance with Section 28ZG (2), concluded that a hearing was not required as there was no dispute about the facts alleged in the complaint.

On 21 April 2020 the Panel wrote to Ms Denison and Cr Reynolds advising of the Panel's intention not to hold a hearing and inviting comment on this intention. Ms Denison and Cr Reynolds were also provided with a list of the evidence before the Panel and asked to notify the Panel if they had not received all of the documents listed. Additionally, Ms Denison and Cr Reynolds were given the opportunity to provide any further evidence to the Panel within 14 days. The letter to Cr Reynolds also invited her to comment on any sanctions she considered appropriate if, all or part of, the complaint was upheld.

Ms Denison confirmed on 21 April 2020 she was satisfied that no hearing was required.

On 30 April 2020 a response was received from Cr Reynolds in which she expressed her concern that Ms Denison had not provided an adequate response to the Panel's request of 1 April 2020. Cr Reynolds further stated that she "stood by her response to Ms Denison's complaint". Whilst Cr Reynolds did not specifically state acceptance of the Panel's intention to proceed to resolve the

matter without a hearing, she did not reject this proposition nor provide any reasons not to proceed as planned.

The Panel met on 14 May 2020 to finalise its investigation and determine the complaint without a hearing. The Panel based its considerations on the following documents.

Ms Denison's complaint dated 18 February 2020 with attached statement titled "Summary of Breaches"

- Ms Denison's accompanying statutory declaration dated 19 February 2020
- Cr Reynolds' statutory declaration with attachments "A-F" dated 19 March 2020
- A twelve (12) page statement from Ms Denison dated 3 April 2020
- A statutory declaration from Mr Neil Noye dated 9 April 2020
- A statutory declaration from Mr Nicholas Heath dated 15 April 2020
- Advice from Ms Denison dated 21 April 2020 relating to not holding a hearing
- Advice from Cr Reynolds dated 30 April in response to not holding a hearing
- City of Hobart Elected Member Code of Conduct February 2019

In considering the complaint, the Panel made the following observations.

Alleged breach 29 August 2019

In July 2019, Ms Denison published on her Facebook page a table showing voting results by individual members over the previous three and a half years in relation to individual multi-residential developments. Ms Denison said she made it clear that this table was not a complete record of all planning decisions. Ms Denison alleged that some six weeks after her Facebook post Cr Reynolds requested a meeting with her on 26 August 2019. Ms Denison alleged that at that meeting Cr Reynolds wanted her to delete the post and if she did not, Cr Reynolds "would write a story in her newsletter". At that meeting Cr Reynolds is alleged to have said that she would get "Neil's people to put together" something for her to share.

Cr Reynolds agreed that a meeting took place on 26 August 2020 which she said was of a "friendly nature" but denied that she made any threats. Cr Reynolds added that she had made it clear to Ms Denison that she did not agree with the information Ms Denison presented and would provide a "more complete" record of her voting patterns. Cr Reynolds advised that her information was based on detailed personal notes and that she did not tell Ms Denison she would approach Mr Noye for information.

The Panel notes that the information presented by Ms Denison clearly described the nature of the statistics she presented, which was only a segment of Council development decisions. The information submitted by Cr Reynolds captures a broader range of development application voting. Ms Denison said that on 29 August 2019, Cr Reynolds provided her with three images and requested that she put them up on her Facebook page. Ms Denison declined to do this on the basis that it would require an immense amount of resources which she did not have access to.

The Panel concluded that information presented by Ms Denison was not disputed by Cr Reynolds, but rather Cr Reynolds had stated that the data presented by Ms Denison was incomplete.

The Panel accepts the statutory declaration by Mr Neil Noye that neither he nor his staff were requested to provide information to Cr Reynolds in relation to this matter.

Alleged breach 1 September 2019

Ms Denison's complaint referenced the article published in Cr Reynolds' September 2019 newsletter "Hobart News", where the councillor chose terms such as "shouting invective", "condemning rivals"

and “perform to their own tribes” to describe how politics seem to be developing. Ms Denison claims that as an example of proving this point, Cr Reynolds then used Ms Denison’s July Facebook post. Ms Denison alleged that Cr Reynolds did not treat her fairly and in accordance with Section 7.1(a) of the Code.

Cr Reynolds claimed that the information published by Ms Denison was to damage her politically and she felt she had the right to respond. Cr Reynolds said that the Ms Denison’s July Facebook post had been widely circulated for several months and she needed to address the inaccuracy. Cr Reynolds said that the article in her newsletter was simply “to correct the record”. Cr Reynolds denied that her article was a “hit piece” solely attacking Ms Denison, but rather stated that Ms Denison’s publication was a “hit piece” to damage her reputation. Ms Denison said that she found the article “very offensive” and had no warning, based on her conversations with Ald Reynolds, that it would be “so aggressive and offensive”.

The Panel accepts that from her perspective, Cr Reynolds wanted to “set the record straight” and used her newsletter as a means of achieving that outcome. However, in the Panel’s view Cr Reynolds’ subsequent publication was not correcting the information posted by Ms Denison but rather providing a different set of data. In making general statements about “city politics”, Cr Reynolds singled out Ms Denison’s data as an illustration of “interest groups” using social media to condemn rivals. There was no dispute about the content of Cr Reynolds’ September 2019 newsletter.

Alleged breach 20 January 2020

Ms Denison alleged that Cr Reynolds’ letter to the Editor of the Mercury, stating that the data in Ms Denison’s Facebook post was “nonsense” and “flawed”, was an “attack” on her. Furthermore, Ms Denison alleged that Cr Reynolds made these public comments after she had resigned from Council and was no longer able defend her position within Council. Ms Denison re-iterated that her information was not incorrect, saying that “neither Cr Reynolds nor anyone else has ever claimed any of the data is wrong”. Ms Denison alleged that the content of Cr Reynolds’ newsletter and letter to the editor were attacks on her “credibility and reputation”.

In relation to the Mercury article, Cr Reynolds advised that she was responding to an opinion piece from “one of Ms Denison’s Liberal colleagues, Ms Louise Bloomfield”. She further stated that “the article did nothing more than correct the record” and was in “no way designed to cause offence or embarrassment to Ms Denison”. Cr Reynolds did accept that Ms Denison may have been embarrassed, because she, herself, had published incorrect data.

Cr Reynolds’ letter to the Editor occurred some six months after Ms Denison’s Facebook post and after her resignation from Council. However, the Panel accepts that Cr Reynolds was prompted to write the letter in response to an opinion piece by another person who referenced material relating to Ms Denison’s Facebook post. Cr Reynolds stated her concern was that Ms Denison’s data was being used by another person in a different context and she wanted to point out it was “selective” and “flawed”.

Determination

The Panel’s task is to investigate (Sections 28ZE and 28ZH) and determine (Sections 28ZI) the complaint. In particular, the Panel must consider whether, based on the evidence provided by the complainant, Cr Reynolds breached the Code. That evidence is outlined previously in this document.

Part 4 – USE OF RESOURCES**2 - An Elected Member must not use Council resources for private purposes except as provided by Council policies and procedures.**

The Panel determined that Cr Reynolds did not breach this Part of the Code. Cr Reynolds denied this allegation in her statutory declaration, maintaining that she drew the data from her own personal records. Mr Heath and Mr Noye both provided statutory declarations stating that Cr Reynolds had not requested Mr Noye or his staff to provide development information to her. No evidence to the contrary was produced. This part of the complaint is therefore, dismissed.

Part 7 – RELATIONSHIPS WITH COMMUNITY, ELECTED MEMBERS AND COUNCIL EMPLOYEES**1. An Elected Member–**

- (a) must treat all persons fairly; and**
- (b) must not cause any reasonable person offence or embarrassment; and**
- (c) must not bully or harass any person**

The Panel determined that Cr Reynolds breached Part 7.1 (a) and (b) but did not breach Part 7.1 (c).

“Fairly” is not defined in the Model Code of Conduct. It is therefore left to the Panel as representatives of the community to apply the word in a way the community would expect. Although it will no doubt mean different things to different people in different circumstances, the notion the word conveys is along the lines of what is right, or what is proper, what is reasonable, what is deserved, what is apt. It establishes a standard of behaviour in a conceptual sense, leaving it to the good sense of the Panel members to apply it to the individual facts and circumstances that come before the Panel.

The Panel is acutely conscious of the fact that in politics, those who engage are expected to have a reasonably thick skin and not be oversensitive to fair criticism. There is a constant tension between the dictates of the constitution which the High Court has held contains an implied freedom of political communication as an indispensable part of the system of representative and responsible government, and the requirements of Codes of Conduct. However as the High Court has held in *Comcare v Banerji* [2019] HCA23 (7 August 2019) this is not a personal right of free speech and can be restricted by codes such as the Australian Public Service Code of Conduct (as in that case) or the Hobart City Council Code of Conduct.

So, within the framework of the constitution and the Code of Conduct, the Panel must decide whether what Councillor Reynolds said was “fair” in a local government political context.

What Cr Reynolds did in her newsletter article was criticise the standard of debate in the local government context, characterising some in that debate as “shouting invective”, condemning “their rivals as part of performing to their own tribe” and “slagging off”.

She then went on to say that “a recent example of this was a post on 10 July by my colleague Ald Tanya Denison”,

In so doing she characterised Ms Denison as a person who had acted in those ways in that post.

In that post Ms Denison had said “The real story – Hobart Alderman’s voting history

- This is the voting history for multiple dwellings (two plus) since January 2016.
- To keep it simple I have not included unanimous results or votes where there is only one dissenter (usually me!).

- *-I have not included Hotels or subdivisions but I have got that info together now too if there is much interest in it.*
- *Let's get the real story out –SHARE!"*

There then followed in tabular form the results of voting by each Councillor on various proposals.

Cr Reynolds felt that this portrayed her *"in a particularly negative light and ... had generated some unfair comments"* and felt that *"when the entire record is presented it shows"* a different picture.

Those may be valid criticisms from a contrary point of view. That sort of valid, fact-based engagement is fair political dialogue. However, it was simply incorrect to characterise Ms Denison's post as *"shouting invective Condemning rivalsperforming to their own tribe or slagging off"*

All Ms Denison herself did was present certain facts in a tabular form. It may or may not be a valid criticism that the picture generated by those was incomplete, slanted, or not the full story. Unfortunately, and ironically, Cr Reynolds fell into the very error she had been criticising others for, by in effect saying, Ms Denison was *"slagging off"* etc.

The Panel is of the view that this was unfair of Cr Reynolds to Ms Denison. In effect, she herself condemned Ms Denison rather than challenging the Denison post itself.

In so doing, Cr Reynolds clearly caused Ms Denison offence and embarrassment. Ms Denison had been unfairly (at least when based only on the newsletter) called out as a type of person who engaged in gutter politics, by *"shouting invective"* and *"slagging off"* when she had not done that in her post.

For these reasons, the Panel upholds the complaint insofar as it relates to Part 7.1 (a) and (b).

In relation to Part 7.1 (c), the Panel did not find evidence that Cr Reynolds bullied or harassed Ms Denison, on the basis that the evidence did not identify any systemic or long-term negative treatment of Ms Denison.

Accordingly, Part 7.1 (c) is dismissed.

Part 8 – REPRESENTATION

1. *When giving information to the community, an Elected Member must accurately represent the policies and decisions of the Council.*
2. *An Elected Member must not knowingly misrepresent information that they have obtained in the course of their duties*
5. *An Elected Member's personal views must not be expressed publicly in such a way as to undermine the decisions of the Council or bring the Council into disrepute.*
6. *An Elected Member must show respect when expressing personal views publicly.*

The Panel determined that Cr Reynolds did not breach Part 8 of the Code. There was no evidence before the Panel that Cr Reynolds produced incorrect information in the tables she published as a response to Ms Denison's Facebook post. Rather Cr Reynolds produced information showing different sets of data to that of Ms Denison. Consequently, there was no misrepresentation of the information published by Cr Reynolds. Cr Reynolds' claimed that the information published by her was based on records she had kept on her voting patterns and there was no evidence to suggest that this did not accord with Council records. The Panel acknowledges that whilst the letter to the Editor named Ms Denison, the response was in relation to a letter published in the Mercury by Ms Louise Bloomfield quoting Ms Denison's statistics. The Panel concluded that Cr Reynolds was not misrepresenting Council information nor undermining and bringing Council into disrepute.

Furthermore, Cr Reynolds was not being disrespectful to Ms Denison, simply challenging the data she produced.

This part of the complaint is therefore dismissed.

Sanction

On 20 May 2020, the Panel wrote to Cr Reynolds advising that part of Ms Denison's complaint had been upheld and seeking her views on what, if any, sanction should be imposed. In response to this advice, a letter was received from Mr Daniel Zeeman, on Cr Reynold's behalf, making submissions as to sanction.

Essentially, the response by Mr Zeeman, submitted that "no sanction ought to be imposed" but if the Panel did not accept this proposition, it should do no more than issue a reprimand.

The Panel met on 30 July 2020 to consider Cr Reynolds' response and determine an appropriate sanction. In doing this, the Panel acknowledged that this was the first complaint against Cr Reynolds and the breach of the code that was upheld was of a lesser level of seriousness. However, Cr Reynolds has been a councillor for some time and ought to be aware of the provisions of the Code of Conduct. Furthermore, as Mayor she has a leadership role within Council, and it is reasonable to expect her to ensure that her public statements treat people fairly and are not offensive or embarrassing.

The Panel accepts Mr Zeeman's submission that it is not *obliged* to impose any sanction by reason of the discretion inherent in the word "*may*". However, the Panel is of the view that such a course would not sufficiently mark the importance of adherence to the Code of Conduct.

On the other hand, Mr Zeeman submitted that a reprimand would be appropriate.

Reprimand is a greater penalty than a caution. Whilst Cr Reynolds clearly breached the Code, the Panel is of the view that her culpability is of a lesser quantum than would merit a reprimand.

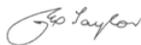
The Panel resolves that in the circumstances set out above, the appropriate sanction is a caution. Accordingly, the Panel cautions Cr Reynolds.

Timing of Determination

In accordance with section 28ZD (1) (a), the Panel is required to investigate and determine a complaint within 90 days of the Chairperson's decision to investigate the complaint. The 90 day period for this complaint expired on 1 June 2020. Investigation of this complaint has been delayed by additional correspondence with the parties and the need to ensure parties were given adequate time to respond to the matters being investigated.

Right to Review

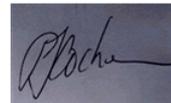
A person aggrieved by the determination of the Code of Conduct Panel is entitled under section 28ZP of the Act to apply to the Magistrates Court (Administrative Appeals Division) for a review of that determination on the grounds that the Code of Conduct Panel has failed to comply with the rules of natural justice.



Jill Taylor
Chairperson



Steven Bishop
Legal Member



Penny Cocker
Member

SPECIAL REPORTS – CHAIRMAN, RISK AND AUDIT PANEL

18. Risk and Audit Panel Revised 2020 Work Plan
File Ref: F20/90685

Memorandum of the Chairman, Risk and Audit Panel of 19 August 2020 and attachment.

Delegation: Council



City of **HOBART**

MEMORANDUM: COUNCIL

Risk and Audit Panel Revised 2020 Work Plan

Background:

The international, national and local circumstances experienced during 2020 have required all organisations to reconsider many aspects of their operations. In particular, this had led to organisations addressing the potential limitations of current risk management policies, practices and activities, the nature and frequency of corporate crises and the critical role that the Risk and Audit Panel (Panel) can provide in the effective governance before, during and after such events.

Council, management and the whole organisation, by necessity, have had to review what they do, how they do it and, in particular, develop their readiness to deal with such future events. This means that, in the future, disaster recovery (or business recovery), crisis management and overall risk resilience must be strong, mature and integrated into operational activities.

It is essential that Council's overall risk resilience is comprised of four steps – anticipate and assess; protect and control; plan and prepare; and when required, respond and recover.

Major changes to work plan:

For the above reasons, the Panel and management have reviewed the Panel's work plan in conjunction with the organisation's recovery and resilience planning, and its overarching business review. This has resulted in the Panel reprioritising activities and projects in its work plan for 2020.

The major changes are:

- A review of the organisation's emergency management (including a review of its Covid response);
- The review of the organisation's essential business activities in order to facilitate future organisational recovery and resilience;
- Ongoing oversight of the business systems projects; and
- An increased oversight of the recommended remedial actions and their implementation.

The above changes have required a reprioritisation of some of the other projects that the internal auditors and/or management were scheduled to undertake over the next 6 to 12 months.

The attached work plan reflects the above changes as they affect the remainder of 2020. Projects which have been deferred are shown italics.

The Panel, in conjunction with management, will provide a Panel work plan for 2021 together with its Annual Report for 2020. At that time, it is expected that the organisation's understanding of and its ability to respond to and recover from major crises will be more developed, enabling an increased robustness of resilience to and recovery from major disruptions and catastrophic risks.

RECOMMENDATION

That the Council approve the attached revised work plan for the Risk and Audit Panel for 2020.

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.



David Hudson
CHAIRMAN, RISK AND AUDIT PANEL

Date: 19 August 2020
File Reference: F20/90685

Attachment A: Risk and Audit Panel 2020 Work Plan ↓



Risk and Audit Panel

2020 Work Plan and Meeting Schedule

Audit Panel Meeting Arrangements

Venue: Dame Mabel Miller Room

Meeting time: 3pm to 3.15pm – Closed session
3.15pm – 5.30pm – Open session

Distribution of Meeting Papers: Agenda – PDF electronically – preferably 5 days before meeting

Minutes – following meeting electronically and then again with the Agenda – PDF electronically– asap after meeting. Minutes provided to Council after electronic approval – with covering letter (eg. findings, recommendations) if necessary.

Audit Panel Functions

The Panel will contribute to the good governance of the City.

The following are matters that the Panel will consider in its review of the Council's performance incorporating all requirements of the *Local Government Act 1993 (Local Government (Audit Panels) Order 2014)*:

- (a) The oversight of management of risk associated with the Council and its activities and services, including the identification, assessment, management and review of those risks.
- (b) Whether and how the Part 7 Plans (the strategic plan, long-term financial management plan, financial management strategies, long-term asset management plans, asset management policies and strategies, annual plan, annual report) are integrated and the processes and assumptions undertaken to prepare the plans;
- (c) The accounting, internal control, anti-fraud, anti-corruption and risk management policies, systems and controls that the Council has in relation to safeguarding its long-term financial position;
- (d) Whether the annual financial statements of the Council accurately represent the state of affairs of the Council;
- (e) Whether the Council is complying with the provisions of the *Local Government Act 1993* and all other relevant legislation;
- (f) Whether the Council has taken any action in relation to previous recommendations provided by the Panel to the Council and, if it has taken action, what that action was and its effectiveness; and
- (g) Any other activities within the Panel's remit which are requested by the Council or as determined by the Panel.

| TERMS OF REFERENCE ROLES AND RESPONSIBILITIES | TASK & FREQUENCY | SCHEDULED 2020 MEETING DATES | | | | | |
|--|--|------------------------------|---|--------------|----------------|-----------------|---|
| | | 5 MARCH 2020 | 7 APRIL 2020 | 23 JUNE 2020 | 11 AUGUST 2020 | 13 OCTOBER 2020 | 1 DECEMBER 2020 |
| 1. Panel | | | | | | | |
| 1.1 Review the Panel's operations and activities: - self-assessment; - summary of work performed; - review of terms of reference; - review of internal and external audit services; and - assessment against the requirements of the LGA. | Annually | | | | | ✓ | RAP Annual Report to Council |
| 1.2 Preparation and adoption of work plan for following year | Annually | | | | | ✓ | Present to Panel & Council |
| 1.3 Communication: - Report to Council - Panel Annual Report | Minutes after every meeting Special report on specific issues as required Annually | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ Panel Annual Report to Council |
| 1.4 Membership: - Appointments and reappointments - Panel induction of new members | Annually (if required) As required | | | | | | Recommendations to Council |
| 2. Risk Management | | | | | | | |
| 2.1 Review and provide any comment on the Strategic Risk and Resilience Register. | Twice Yearly | | (Could be late April if meeting date changed) | ✓ | | ✓ | |

| TERMS OF REFERENCE ROLES AND RESPONSIBILITIES | TASK & FREQUENCY | SCHEDULED 2020 MEETING DATES | | | | | |
|--|--|------------------------------|--------------|--------------|----------------|-----------------|-----------------|
| | | 5 MARCH 2020 | 7 APRIL 2020 | 23 JUNE 2020 | 11 AUGUST 2020 | 13 OCTOBER 2020 | 1 DECEMBER 2020 |
| 2.8 Receive reports from the General Manager on the implementation of findings of special reviews or projects (see 2.4) | Quarterly | ✓ | | ✓ | | ✓ | ✓ |
| 2.9 Receive report on Business Systems Review | | ✓ | ✓ | ✓ | | ✓ | ✓ |
| 3. Internal Governance Audit (Oversee the coordination of the Council's governance audit program) | | | | | | | |
| 3.1 Review the three-year strategic internal audit plan for Council consideration. | Every 3 years (next due June 2022) | | ✓ | | | | |
| 3.2 Review the annual internal audit work plan, in accordance with the Council approved three-year strategic internal audit plan. | Annually IA | | ✓ | | | | |
| 3.3 To receive advice from the internal and external auditors on projects and investigations being planned or undertaken: <ul style="list-style-type: none"> • Business Model Review • <i>Climate Change and Natural Disasters</i> • Compliance (eg rates, payroll etc) <ul style="list-style-type: none"> - Rates – Covid Relief - <i>Others to be determined in line with new Strategic Risk</i> | As per Annual Audit Plan Scope IA, EA and GM To be considered as part of IA Work Programs for 2020 and 2021 | ✓ | ✓ | | ✓ | ✓ | ✓ |

| TERMS OF REFERENCE ROLES AND RESPONSIBILITIES | TASK & FREQUENCY | SCHEDULED 2020 MEETING DATES | | | | | |
|--|--|------------------------------|--------------|--------------|----------------|-----------------|-------------------------------|
| | | 5 MARCH 2020 | 7 APRIL 2020 | 23 JUNE 2020 | 11 AUGUST 2020 | 13 OCTOBER 2020 | 1 DECEMBER 2020 |
| <i>and Resilience Register</i> <ul style="list-style-type: none"> • Special Audit - National Competition Policy | | | | | ✓ | | |
| 3.4 Receive reports from Internal Auditors and/or the General Manager on the implementation of all internal audit findings (see 3.3) | Six monthly As per the Internal Audit Work Plan, findings and implementation. | ✓ | | | | ✓ | |
| 3.5 Annually review the performance of the contracted internal audit service providers, briefing the Council on the outcome of the review. | Annually GM and Panel | | | | | | RAP Annual Report to Council. |
| 4. External Audit (oversee the external audit programs) | | | | | | | |
| 4.1 Receive the annual Tasmanian Audit Office Client Strategy. | Annually Prior to new financial year A-G | ✓ | | | | | |
| 4.2 Provide feedback to the Council on the external audit advice provided: - Annual financial statements - Special Reports | Annually Following completion of financial year As required | | | | | ✓ | RAP Annual Report to Council |
| 4.3 Receive and consider reports and monitor management's implementation of external audit recommendations. (see 4.2). | Twice Yearly | | | ✓ | | ✓ | |
| 5. Financial Management | | | | | | | |
| 5.1 Review information on the following: | Annually | | | | | | |

| TERMS OF REFERENCE ROLES AND RESPONSIBILITIES | TASK & FREQUENCY | SCHEDULED 2020 MEETING DATES | | | | | |
|---|--------------------------|------------------------------|--------------|--------------|----------------|--|-----------------|
| | | 5 MARCH 2020 | 7 APRIL 2020 | 23 JUNE 2020 | 11 AUGUST 2020 | 13 OCTOBER 2020 | 1 DECEMBER 2020 |
| <ul style="list-style-type: none"> - Estimates and judgements including assumptions from a financial statement perspective - Accounting Policy choices that will impact the financials - New Accounting Standards that will impact the financials - Estimates and judgements from a forecast and budget perspective | | ✓ | | ✓ ✓ | | | |
| 5.2 Review the Management Representation letter | Annually | | | | ✓ | | |
| 5.3 To review the financial statements and be satisfied that they are supported by the Management Representation Letter prior to submission to the Tasmanian Audit Office. | Annually | | | | ✓ | | |
| 5.4 To provide advice to the Council on the adoption of the audited financial statements taking into account Tasmanian Audit Office recommendations and adjustments and adherence to the LTFMP. | Annually | | | | | ✓ | |
| 5.5 To review the Tasmanian Audit Office report to Parliament on local government performance and other reports related to local government | As required | | | | | ✓ Part of the Audit findings report and Audit Report from TAO | |
| 6. Integrated Planning Process | | | | | | | |
| 6.1 Consideration of the Council's integrated planning process – how the: – Strategic Plan; | Annually / ongoing GM | ✓ | | | | | |

| TERMS OF REFERENCE ROLES AND RESPONSIBILITIES | TASK & FREQUENCY | SCHEDULED 2020 MEETING DATES | | | | | |
|---|---|------------------------------|--------------|--------------|----------------|-----------------|-----------------|
| | | 5 MARCH 2020 | 7 APRIL 2020 | 23 JUNE 2020 | 11 AUGUST 2020 | 13 OCTOBER 2020 | 1 DECEMBER 2020 |
| <ul style="list-style-type: none"> - Long Term Financial Management Plan; - Long Term Asset Management Plan; - Annual Plan; and - Annual Report are integrated, the assumptions underpinning and processes undertaken to prepare those plans. | | | | | | | |
| 6.2 Long Term Financial Sustainability: | | | | | | | |
| (a) Review annually the Long Term Financial Management Plan. | Annually | ✓ | | | | | |
| (b) To provide advice to the Council in the preparation of the annual budget and its adherence with the Long Term Financial Management Plan). | Annually Part of the budget review process | | | ✓ | | | |
| 6.3 Asset Management: | | | | | | | |
| Review annually the Long Term Strategic Asset Management Plan for major asset classes and whether it is consistent with the 10 year Strategic Plan and the Long Term Financial Management Plan. | Annually | ✓ | | | | | |

19. Risk and Audit Panel Minutes 23rd June 2020
File Ref: F20/90757

Memorandum of the Chairman, Risk and Audit Panel of 19 August 2020 and attachment.

Delegation: Council



City of **HOBART**

MEMORANDUM: COUNCIL

Risk and Audit Panel Minutes 23rd June 2020

In accordance with the Risk and Audit Panel's Term of Reference, and the Council resolution of 19 August 2019, attached for information are the Risk and Audit Panel Minutes of 23 June 2020.

RECOMMENDATION

That the attached Risk and Audit Panel Minutes of 23 June 2020 be received and noted.

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.

N D Heath
GENERAL MANAGER

Date: 19 August 2020

File Reference: F20/90757

Attachment A: Risk and Audit Panel Minutes 23rd June 2020 ↓



CITY OF HOBART

MINUTES

Risk and Audit Panel

Open Portion

Tuesday, 23 June 2020

Minutes
Risk and Audit Panel
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APOLOGIES AND LEAVE OF ABSENCE

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| 2. CONSIDERATION OF SUPPLEMENTARY ITEMS | 3 |
| 3. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST..... | 3 |
| 4. PRESENTATIONS | 4 |
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Risk and Audit Panel held on Tuesday, 23 June 2020 at 3:00 pm in the Dame Mabel Miller Room, Town Hall.

PANEL MEMBERS

David Hudson (Chairman)
Frank Barta
Frances Hall
Bill Harvey

APOLOGIES

Deputy Lord Mayor Burnet

1. CONFIRMATION OF MINUTES

The minutes of the Open Portion of the Risk and Audit Panel meeting held on [Tuesday, 7 April 2020](#) and the Special Risk and Audit Panel meeting held on [Tuesday, 16 June 2020](#), were confirmed as an accurate record.

2. 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.

3. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST

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

The following interest was indicated:

| Date updated | Particulars |
|--------------|--|
| 7/8/2018 | David Hudson Family member is an employee at the City of Hobart. State Grants Commission – Chairman. Integrity Commission Risk & Audit Committee – Chairman Tasmanian Liquor and Gaming Commission – Member |

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RISK AND AUDIT PANEL
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| | |
|----------|--|
| 5/3/2020 | Frank Barta Tasmanian Community Fund – Board Member WLF Accounting and Advisory – son is employee (consulting services) Page Seager – daughter-in-law is employee (commercial dispute resolution) Huon Regional Care – Board Member Huon Valley Council – Consultancy work Circular Head Council – Consultancy work Southern Waste Solutions – Board Member from 18/3/2020 |
| 5/3/2020 | Frances Hall Employee of Department of Health. |

4. PRESENTATIONS

The General Manager presented on new and emerging risks. Revenue is the real risk. Parking revenue is recovering but still we below pre-Covid-19 revenue. As at 23rd June the City was \$1.5M down on rates but many were postponed until 30th June.

WLF met with ELT and are scoping the structural review of the Council business model which will be provided to the Panel for endorsement (out of session if necessary).

5 RISK MANAGEMENT

5.1 Strategic Risk and Resilience
File Ref: F20/60865; 17/51

Lynsey Maher, Principal Advisor Risk & Audit Systems attended the meeting for this item.

The Principal Advisor Risk & Audit Systems holds 6 monthly discussions with ELT and works with strategic experts to regularly update the risk register.

The March report was issued shortly after the initial impact of Covid-19. The report is being further reviewed and in particular the financial sustainability of Council has been elevated to extreme.

The Risk and Audit Panel received and noted the report.

5.2 Breaches to Legislative Requirements
File Ref: F20/61572; 17/51

Lynsey Maher, Principal Advisor Risk & Audit Systems attended the meeting for this item.

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RISK AND AUDIT PANEL
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The Risk and Audit Panel received and noted the report.

6 INTERNAL AUDIT

6.1 Internal Audit File Ref: F20/60457; 13/440-006

Lynsey Maher, Principal Advisor Risk & Audit Systems attended the meeting for this item.

WLF attended the meeting for this item and gave the following status update:

- Rates compliance audit relief - audit completed. Report in progress.
- Payroll compliance.
- Termination payments – will retest when payroll audit is concluded
- National Competition Policy - being finalised
- Infringement go-live data migration pending – scoping document is with management

The RAP will be provided with information to enable it to provide advice on which audits will remain in place when the scoping document and cost of the WLF review of Council business model is determined. The scoping document will be circulated out of session.

The recommended revised audit plan will be provided for review at the next meeting.

1. *The information contained in the two internal audit documents was received and noted by the Panel.*
2. *The draft internal audit plan was endorsed in principle by the Panel, subject to the scoping document and resources required for the business review.*
3. *The Panel noted that a number of reports to be finalised shortly will come to panel out of session.*
4. *The scoping document for the WLF review of Council business model will be circulated out of session.*
5. *The Panel requested that proposed new dates for actions arising from risks with an extreme rating be circulated out of session.*
6. *The Panel asked the City to ensure the capabilities of potential providers are appropriate for specialist audits.*

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7 EXTERNAL AUDIT

7.1 Tasmanian Audit Office - Hobart City Council Audit Strategy for the Year Ending 30 June 2020
File Ref: F20/59544; 16/114

Lara MacDonell, Manager Finance and City Procurement, and Michael Greatbatch, Financial Operations Manager attended the meeting for this item.

The Auditor-General, Rod Whitehead, and staff from the Tasmanian Audit Office attended the meeting online for this item, advising that they will consider the impact of Covid-19 on the City. In terms of the 2019/20 financial statements:

- Information to assist people preparing statements is available on the TAO website.
- A letter about preparing statements will be sent to Council.
- There will not be any extension of time for preparation of the financial statements.

The Risk and Audit Panel received and noted the report.

8 FINANCIAL MANAGEMENT

8.1 Estimates and Judgements
File Ref: F20/58805; 16/114

Lara MacDonell, Manager Finance and City Procurement, Fiona Dixon, Chief Financial Officer and Michael Greatbatch, Financial Operations Manager attended the meeting for this item.

The Risk and Audit Panel received and noted:

1. *The estimates and judgements adopted by Council as part of the financial statements, budget and forecasts;*
2. *The accounting policy choices adopted by Council; and*
3. *The information on new accounting standards that will impact the financial statements.*

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8.2 Final Management Report for the year ended 30 June 2019
File Ref: F20/59057; 16/114

Lara MacDonell, Manager Finance and City Procurement, Fiona Dixon, Chief Financial Officer and Michael Greatbatch, Financial Operations Manager attended the meeting for this item.

The Auditor-General, Rod Whitehead, and staff from the Tasmanian Audit Office attended the meeting online for this item.

The Deputy General Manager identified an error in the report: there are 4 outstanding audits, not 5.

The Panel requested further advice from management concerning the actions being taken to respond to audit findings from prior years' audits.

The Risk and Audit Panel received and noted the report.

9. OTHER BUSINESS AND INFORMATION DISTRIBUTED OUT OF SESSION

9.1 Update on Complaints and Compliments Process
File Ref: F20/59548

The Panel queried how long it takes to close out complaints. It also queried whether complaints directly to business areas of the Council are considered as part of the complaint reporting process. The General Manager took the question on notice and will report back to the next meeting.

The Risk and Audit Panel received and noted the report.

9.2 Cyber Security, Project and Portfolio Management Project and Asset Master Project
File Ref: F20/60482

Peter Carr, Director City Innovation presented the report to the Panel.

The Risk and Audit Panel received and noted the report.

9.3 Mawson's Huts Foundation.
File Ref: F20/60493

The Risk and Audit Panel received and noted the report.

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9.4 Navision Update
File Ref: F20/60501

The Risk and Audit Panel received and noted the report.

9.5 Work Plan 2020
File Ref: F20/60809

Due to the changing circumstances in which Council and the RAP are operating the Chair and Deputy General Manager will review the Plan prior to the next meeting.

The Risk and Audit Panel received and noted the report.

9.6 Action Status Report
File Ref: F20/60850

The Risk and Audit Panel received and noted the report.

There being no further business the meeting closed at 5.28PM.

TAKEN AS READ AND SIGNED AS
A CORRECT RECORD THIS
11TH DAY OF AUGUST.

CHAIRMAN

20. CLOSED PORTION OF THE MEETING

RECOMMENDATION

That the Council resolve by absolute majority that the meeting be closed to the public pursuant to regulation 15(1) of the *Local Government (Meeting Procedures) Regulations 2015* because the items included on the closed agenda contain the following matters:

- Legal action involving the Council
- Proposal for Council land
- Commercial information of a confidential nature
- Personal information
- Contracts and tenders

The following items are listed for discussion:-

- | | |
|--------------|--|
| Item No. 1 | Minutes of the last meeting of the Closed Portion of the Council Meeting |
| Item No. 2 | Communication from the Chairman |
| Item No. 3 | Leave of Absence |
| Item No. 4 | Consideration of supplementary Items to the agenda |
| Item No. 5 | Indications of pecuniary and conflicts of interest |
| Item No. 6.1 | PLN-19-3 - 190 Macquarie Street, Hobart and Adjacent Road Reserve - Demolition and New Building for Four Multiple Dwellings and Works in Road Reserve - Appeal - Mediation LG(MP)R 15(4)(a) |
| Item No. 7 | Giblin Street Ex-Asphalt Plant Site - Future Options for Residential Zones Land - Further Information LG(MP)R 15(2)(f) |
| Item No. 8 | Charitable Rates Exemption - Rates Remission Request LG(MP)R 15(2)(j) |
| Item No. 9 | Request for Remission of Rates Paid LG(MP)R 15(2)(g) |
| Item No. 10 | Outstanding Rates as at 30 June 2020 LG(MP)R 15(2)(g) and (j) |
| Item No. 11 | Contract Variation - P17/114 Security Services LG(MP)R 15(2)(d) |
| Item No. 12 | Financial Hardship - Rates Remission Request LG(MP)R 15(2)(j) |
| Item No. 13 | Request to Waive Requirement to Tender LG(MP)R 15(2)(d) |
| Item No. 14 | Contract Extension – Contract Number P16/54 Panel of Providers for the Supply of Metal Product LG(MP)R 15(2)(d) |
| Item No. 15 | North Hobart Oval - Proposal to Seek a Naming Rights Sponsor - North Hobart Football Club LG(MP)R 15(2)(b) |