



CITY OF HOBART

AGENDA

Finance and Governance Committee Meeting

Open Portion

Tuesday, 26 July 2022

**at 4:30 pm
Council Chamber, Town Hall**

THE MISSION

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

THE VALUES

The Council is:

People	We care about people – our community, our 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.

ORDER OF BUSINESS

Business listed on the agenda is to be conducted in the order in which it is set out, unless the committee by simple majority determines otherwise.

APOLOGIES AND LEAVE OF ABSENCE

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Finance and Governance Committee Meeting (Open Portion) held Tuesday, 26 July 2022 at 4:30 pm in the Council Chamber, Town Hall.

This meeting of the Finance and Governance Committee is held in accordance with a Notice issued by the Premier on 31 March 2022 under section 18 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*.

The title Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant s.61 of the *Local Government Act 1993* (Tas).

COMMITTEE MEMBERS

Alderman M Zucco (Chairman)
Deputy Lord Mayor Councillor H Burnet
Alderman Dr P T Sexton
Alderman D C Thomas
Councillor W Coats

Apologies: Alderman M Zucco.

Leave of Absence: Nil.

NON-MEMBERS

Lord Mayor Councillor A M Reynolds
Alderman J R Briscoe
Councillor W Harvey
Alderman S Behrakis
Councillor M Dutta
Councillor J Fox
Councillor Dr Z Sherlock

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

2. CONFIRMATION OF MINUTES

The minutes of the Open Portion of the Finance and Governance Committee meeting held on [Tuesday, 21 June 2022](#), are submitted for confirming as an accurate record.

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 Chief Executive Officer.

4. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST

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

Members of the Committee 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 Committee has resolved to deal with.

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?

6. REPORTS

6.1 Response to Notice of Motion - Differential Rating Strategy File Ref: F22/48699

Report of the Acting Director City Enablers of 12 July 2022 and attachments.

Delegation: Council

REPORT TITLE: RESPONSE TO NOTICE OF MOTION - DIFFERENTIAL RATING STRATEGY**REPORT PROVIDED BY:** Acting Director City Enablers**1. Report Purpose and Community Benefit**

- 1.1. The purpose of this report is to respond to a notice of motion requesting a report on differential rating options for short stay visitor accommodation and vacant residential land, and other rates and State Government incentives designed to address some of the chronic housing shortage the City is facing recognising both the social and economic implications of the current housing affordability crisis in Hobart.

2. Report Summary

- 2.1. During the period 2013 - 2018 Council considered a number of discussion papers and reports on the matter of introducing a differential rate for vacant or unused residential housing accommodation and derelict or dilapidated buildings.
- 2.2. At its meeting on 15 March 2022, the Council approved a Notice of Motion from the Deputy Lord Mayor, that:
 1. *An urgent report be prepared to provide Council with advice it can use to determine if it is appropriate to seek approval to apply variable (differential) rates for the following:*
 - a. *Properties listed as whole house visitor accommodation that currently have rates based on the Assessed Annual Value as a residential property; and*
 - b. *Vacant land zoned as Residential*
 2. *The report also provide advice on rates rebates and possible State Government incentives for (new) residential properties approved and built as either the principle place of residence for the applicant, or that are tenanted through long-term rental or affordable housing rentals.*
- 2.3. Differentially rating is an option open to Council pursuant to Section 107 of the *Local Government Act 1993 (Tas)* (the Act) and given recent changes to land use codes, the Council could apply a differential rate to properties that have a land use of vacant – residential and / or short stay visitor accommodation.
- 2.4. Differential rates allow councils to address strategic objectives for funding and service delivery and provide flexibility for local rating issues, as well as property value fluctuations between different categories of land. A differential rate is generally levied where a council

determines it would be inequitable and unfair to levy a single general rate on all land in a council's area.

- 2.5. Through rate rebates the Council could also introduce incentives to encourage vacant land owners to develop land.
- 2.6. The introduction of differential rating for the purposes of stimulating housing development and disincentivising the conversion of residential property into short stay visitor accommodation is a policy decision for Council and the decision requires an absolute majority of Council.
- 2.7. It is suggested that Council consider differential rating for properties used for short stay visitor accommodation and vacant – residential land during its broader review of the City of Hobart rating and valuation strategy in 2022-23.

3. Recommendations

That:

1. ***The report 'Differential Rating Strategy' be received and noted.***
2. ***Council consider differential rating for properties used for short stay visitor accommodation and vacant – residential land during its broader review of the City of Hobart Rating and Valuation Strategy in 2022-23.***

4. Background

- 4.1. During the period 2013 - 2018 Council considered a number of discussion papers and reports on the matter of introducing a differential rate for vacant or unused residential housing accommodation and derelict or dilapidated buildings.
- 4.2. Council last considered a similar matter at its meeting on 18 June 2018, title 'Tax for Vacant or Unused Residential Housing Accommodation' whereat Council considered a possible tax for vacant or unused residential housing accommodation designed to address the shortage of rental accommodation and resolved that:
 - 4.2.1. The Council write to the Local Government Association of Tasmania to raise the issue more broadly with the sector.
 - 4.2.2. The Council write to the State Government requesting consideration be given to a vacant residential land tax similar to the Victoria model.
- 4.3. At its meeting on 15 March 2022, the Council approved a Notice of Motion from the Deputy Lord Mayor, that:
 1. *An urgent report be prepared to provide Council with advice it can use to determine if it is appropriate to seek approval to apply variable (differential) rates for the following:*
 - a. *Properties listed as whole house visitor accommodation that currently have rates based on the Assessed Annual Value as a residential property; and*
 - b. *Vacant land zoned as Residential*
 2. *The report also provide advice on rates rebates and possible State Government incentives for (new) residential properties approved and built as either the principle place of residence for the applicant, or that are tenanted through long-term rental or affordable housing rentals.*
- 4.4. Differential rating is a rating tool, available under Section 107 of the *Local Government Act 1993*, which allows a council to charge a different rate in the dollar depending on land use and/or location, planning zone or other prescribed factor.
- 4.5. The application of a differential rate means that one class of property is treated differently from another – either paying a higher or lower rate in the dollar. For each effect a differential has, it will have the opposite effect for other property classes. A rate discount given to one class of property can only be covered by higher rates paid by other classes and vice-a-versa.
- 4.6. Council's rating strategy has been to use a single rate, that is, the same rate in the dollar applied to all properties no matter what the land is

being used for or where it is located. However, for 2022-23 the Council adopted a differential rating and limiting rate increases through maximum percentage increase caps to help mitigate the disparity in the distribution of rate collections resulting from the municipal property revaluation.

- 4.7. Using differential rates is a policy decision of Council. In Tasmania, approximately half of the 29 councils use differential rating as a rating strategy tool.
- 4.8. Differential rates allow councils to address strategic objectives for funding and service delivery and provide flexibility for local rating issues, as well as property value fluctuations between different categories of land. A differential rate is generally levied where a council determines it would be inequitable and unfair to levy a single general rate on all land in a council's area.

Short Stay Visitor Accommodation

- 4.9. In early 2014, the then *Local Government (General) Regulations 2005* were amended to also allow councils to vary the general rate by the Valuer-General land use code i.e. property type. This amendment increased the categories of land use that a council could differentially rate by providing more detailed land use categories.
- 4.10. While the Office of the Valuer-General (OVG) has had a land use of Vacant – Residential, it did not historically have a land use for Short Stay Visitor Accommodation and therefore differential rating could not occur on these types of properties.
- 4.11. However, following the introduction of the *Short Stay Accommodation Act 2019*, on 4 June 2019 the OVG reviewed the Land Use Codes applied to this type of property and created a new Property Valuation Classification Code - R7 – Short Stay Visitor Accommodation. This is a subset of the 'Residential' land use group. The OVG has determined that a residential primary classification is considered appropriate due to the basis of valuation and application of Adjustment Factors.
- 4.12. The legislation requires new and existing short stay premises providers to have a planning permit or evidence of existing use rights, which are protected under the *Land Use Planning and Approvals Act 1993* and this must be provided to the booking platform provider who is required to display it for each property.
- 4.13. Short stay visitor accommodation refers to premises that are let out to paying guests for overnight accommodation. This may be for a very short period (one or two nights) or for extended periods (a number of weeks). The term "*Short Stay*" describes accommodation as being on a temporary basis, rather than longer-term residential use.

- 4.14. This does not apply to hotels, motels, guest houses, bed and breakfast; there is a separate commercial land use code for these types of properties.
- 4.15. It should be noted that to qualify as short stay visitor accommodation the property must have a planning permit to operate the whole of the property as short stay accommodation. The entire premises must be permanently available for visitor letting; not simply a room within a dwelling where the owner or occupier also resides and not let out on a temporary basis while the owner or occupier is on vacation or temporarily absent. Those properties with only a room within a house would not be classified as R7.
- 4.16. The approval of short stay visitor accommodation in private dwellings is a matter for a council. The OVG has no involvement in making determinations regarding use of these types of properties. The OVG will code properties as short stay visitor accommodation only on written notification from council that a permit has been approved by council and/or there is a change of use.
- 4.17. Since 2015 the City has approved change of use to visitor accommodation, partial change of use to visitor accommodation or new works including visitor accommodation as an approved use for 488 properties. The City has approved the conversion of visitor accommodation to something else for 16 properties.
- 4.18. The current Valuation Roll for Hobart has 14 R7 properties. The OVG will be undertaking a review of the properties that council has issued a permit for to determine whether they should also have the R7 land use code. This would allow the City to differentially rate these types of properties should it wish to.
- 4.19. It is noted that in its budget 2022-23 Brisbane City Council introduced a new rating category for 'transitory accommodation', which means that owners who lease their property on the short-term market will pay 50% higher rates than equivalent non-owner-occupied residential properties. For a property on the minimum rating level, that's almost \$600 extra a year.
- 4.20. Brisbane City Council has taken this step for a number of reasons including to address the removal of homes from the long-term rental market contributing to supply shortages and increasing housing costs in the municipal area.

Vacant Land

- 4.21. Differentially rating vacant or unoccupied land is an option open to Council under the Act.
- 4.22. Hobart has 634 properties with a land use category of vacant according to the Office of the Valuer-General (OVG), classified as follows:

- 4.22.1. Vacant – Residential - 541 properties.
- 4.22.2. Vacant - Commercial – 15 properties.
- 4.22.3. Vacant - Industrial – 2 properties.
- 4.22.4. Vacant – Broad Hectares – 40 properties.
- 4.22.5. Vacant – Rural Residential – 36 properties.
- 4.23. Of the 541 properties classified as Vacant – Residential, 500 of those are rateable.
- 4.24. Vacant properties represent 3% of all properties in the Hobart municipal area but contribute only 1% of the rate burden due to paying lower rates.
- 4.25. Properties classified as Vacant enjoy lower rates due to having lower valuations. The AAV of the property is always 4% of the Land Value because there are no capital improvements on the land and due to the 4% Minimum Rule. Vacant properties do not pay the Waste Management Service Charge, the FOGO collection service charge or contribute to the Landfill Rehabilitation Levy. There is, therefore, from a rating perspective, little incentive for the land to be developed or improved.
- 4.26. It should be noted that the quantum of vacant land is reducing in the municipal area. In 2009 there were 790 vacant land properties, in 2015 there were 655 vacant land properties and currently there are 634. Conversely subdivisions appear to be increasing.
- 4.27. Many councils in Australia apply a strategy of differentially rating vacant land. That is, applying a different rate in the dollar for land classified as vacant from other land categories. From a review of those councils the reasoning behind a vacant land differential is:
 - 4.27.1. To encourage development of vacant land for housing and other purposes.
 - 4.27.2. To promote the development of all properties to their full potential thereby stimulating economic growth and development in all areas of the municipality.
 - 4.27.3. To discourage the holding of land.
 - 4.27.4. To ensure vacant land owners contribute an equitable share of the rate burden compared to other types of land owners.
- 4.28. While it should be recognised that not all land in the Hobart municipal area can be equally developed due to different requirements of applicable zones and codes, along with the current challenges with the sharp increase to costs of development.

- 4.29. Furthermore, in bushland and rural areas there may be little benefit to Council in encouraging development. These areas are usually environmentally sensitive with landscape value, high bushfire risk and limited services.
- 4.30. However, under most circumstances vacant land can have at least one dwelling constructed.
- 4.31. In terms of how this could be implemented, should council wish to consider differentially rating vacant land, it would be proposed that the differential would apply without exceptions except where there is a legal entitlement to a General Rate exemption under section 87 of the Act. In this case, the General Rate, differential or otherwise, would not be applicable to the property.
- 4.32. Council could, as an example, introduce a policy whereby if it can be established that land is being held purely while sufficient funds are being raised to build a dwelling Council would consider providing relief from the higher differential general rate for a certain period or, for instance, where an owner has a planning or building permit. This could be implemented through the application of a rate rebate, which is considered further from section 4.34 below.
- 4.33. Conversely having an exceptions policy may be complex and difficult to administer. Also, a planning or building permit is no guarantee that land will be developed. It is also considered unnecessary because:
- 4.33.1. under the Act a ratepayer can object to a differential rate and
- 4.33.2. if land is developed it will be revalued by the OVG as non-vacant, the rates will be adjusted accordingly and any credit applied to the property.
- 4.34. Pursuant to section 109 of the Act, a ratepayer may object to a differential rate only on the grounds that the use of the ratepayer's land is not the use on which the variation is based.
- 4.35. For example, Council may have applied the differential rate to land with a land use of Vacant Residential but a house has been built on the land meaning that the land use is no longer 'vacant' and the vacant land differential should not apply.

Rate Rebates

- 4.36. In some jurisdictions rates rebates are used by councils as incentives to stimulate residential development.
- 4.37. City of Charles Sturt offers a rate rebate for owners building a new family home on land classed as 'vacant land' on their 2021-22 rates notice, called the Residential Construction Rebate. Details are available from the City of Charles Sturt website and are summarised at **Attachment A**.

- 4.38. There are no application fees and to apply you need to complete an application form and provide supporting documentation.
- 4.39. As part of their rating strategy the City of Adelaide applies a differential rate to all vacant land holdings that is 100% higher (i.e. double) than the residential rate. The purpose is to:
 - 4.39.1. Provide a disincentive to withholding land from development
 - 4.39.2. Discourage land banking
 - 4.39.3. Recognise the cost of surrounding infrastructure and services.
- 4.40. The City of Adelaide also provide a rebate for any vacant land that is not within the definition of 'long term' e.g. is in the process of being developed. The effect of which is to reduce the differential rate back to the applicable residential rate.
- 4.41. In considering the definition of long term vacant land, the City of Adelaide have considered development time frames including planning, pre-sales and construction.
- 4.42. The City of Adelaide also rebate (so effectively don't apply the vacant land differential rate) small parcels of vacant land on separate titles that may form part of a rear garden, side gate entrance of other small pieces of adjacent land that may not be able to be developed in their own right.
- 4.43. Section 129 of the Act allows council to provide a rates rebate or remission. Therefore, Council could adopt a similar program should it wish to.
- 4.44. Murrindindi Shire Council introduced a differential rate to land identified as vacant and developable in 2015. The differential is 150% of the general residential rate (or three times more).
- 4.45. Murrindindi Shire Council provide a rebate of the differential to vacant land that is subject to a subdivision. The rebate recognises the investment committed to a subdivision by a developing land holders and the holding cost of the subdivided lots prior to transfer or sale.
- 4.46. The rebate is designed to remove a potential disincentive to subdividing development of vacant developable land that a vacant land differential on multiple lots within a subdivision may cause.
- 4.47. To apply a ratepayer must complete an application form and provide appropriate evidence.

State Government Incentives

- 4.48. There are a number of State Government incentives designed to address Tasmania's current chronic housing shortage.

- 4.49. Funded under the State Government's Tasmania's Affordable Housing Action Plan 2019-2023, Communities Tasmania has a Private Rental Incentives Program, which encourages property owners to make their homes available for affordable rent to low income households with low or no support needs.
- 4.50. More information is available on the Communities Tasmania website and is summarised at **Attachment B**.
- 4.51. The Department of State Growth has a \$5 million Ancillary Dwelling Grants Program designed to help boost housing supply, support home ownership and put downward pressure on rents.
- 4.52. To be eligible for the grant applicants must construct a new ancillary dwelling and make it available for long-term rent for at least two years. There is eligibility criteria and an application process.
- 4.53. The State Government also offers a HomeBuilder grant and a First Home Owner Grant.
- 4.54. The State Government also provides a range of concessions for housing, including
 - 4.54.1. Aboriginal housing service – providing assistance to Aboriginal people to access housing.
 - 4.54.2. HomeShare – purchasers can buy a Communities Tasmania property for sale, a property they currently rent from Housing Tasmania (if available for sale), a newly built home or a house and land package. The cost is shared with the Director of Housing 30% and the owner 70%.
 - 4.54.3. Private Rental Assistance – to assist low to moderate income owners who are having difficulty accessing or staying in the private rental market.
 - 4.54.4. Public Housing Rent assistance – to assist low income earners access housing.
 - 4.54.5. Council rates remission – a 30% reduction on rates capped at a maximum amount each year for eligible pensioners.
 - 4.54.6. Streets Ahead Incentive Program – assists low to moderate income earners to buy a home from Housing Tasmania through the provision of financial and other assistance.
- 4.55. The Tasmanian Government has committed to developing a Tasmanian Housing Strategy that will underpin a more sustainable housing system, due for completion in late 2022. The Tasmanian Housing Strategy will be developed in collaboration with key stakeholders and the Tasmanian community and a discussion paper will be available for public consultation from mid-2022.

5. Proposal and Implementation

- 5.1. The City has recently undergone a municipal property revaluation, which occurs once every seven years. It last occurred in 2015 and since then property values have increased considerably throughout the municipal area but not uniformly causing a shift in the rate burden from commercial to residential.
- 5.2. As a result, for 2022-23 the City has introduced a temporary rating strategy to help mitigate the disparity in the distribution of rate collections resulting from the municipal property revaluation.
- 5.3. A comprehensive review of the City's Rating and Valuation Strategy (the Review) will be undertaken during the 2022-23 year to review how rates are levied and applied. The Review will give consideration to quarantining the additional revenue derived from the rate base growth and applying this to growth initiatives in the municipal area.
- 5.4. Introducing a differential rate for short stay visitor accommodation and / or vacant land is a rating policy and strategy decision for Council and it is proposed that this be considered as part of the Review.
- 5.5. The Review will also consider how rates should be raised from properties in the municipal area, including pensioners and consider a range of social and economic factors in doing so.
- 5.6. With a land use of residential, short stay visitor accommodation properties would pay lower rates than if the property was classified as commercial. It is proposed that as part of the City's rating and valuation strategy review consideration be given to:
 - 5.6.1. whether short stay visitor accommodation is a commercial enterprise and so should be contributing more of the rate burden than a residential property; and
 - 5.6.2. whether introducing a differential would have the effect of discouraging the conversion of residential properties to short stay visitor accommodation.
- 5.7. In terms of vacant land, the Review will consider whether it is inequitable and unfair that vacant land contribute 1% of the total rate burden but constitute 3% of all properties. Council also may wish to promote the development of land to its full potential via the rating system thereby stimulating economic growth and development in all areas of the municipality.

6. Strategic Planning and Policy Considerations

- 6.1. This matter is consistent with pillar 4, 7 and 8 in the City of Hobart Capital City Strategic Plan 2019-2029 and outcome 7.1 Hobart has a diverse supply of housing and affordable homes, and strategies as follows:

4.5.5 – Prepare for the impacts of long-term trends, such as climate change, transport modes, and tourism and housing demand cycles on the Hobart economy.

7.1.1 – Work in collaboration with government bodies and the not-for-profit sector to identify and address issues of homelessness and housing affordability, diversity and supply.

7.1.2 – Advocate for people at risk of housing stress and homelessness.

7.1.3 – Encourage recognition and understanding of the issues that contribute to homelessness and develop effective partnerships to enhance interactions with homeless people.

7.1.4 – Advocate for the increased supply of social housing to be delivered through a range of supported accommodation models.

7.1.5 – Advocate for legislative and other tools that support social and affordable housing.

7.2.4 – Support existing housing stock to meet changing needs, while recognising and enhancing Hobart's aesthetic and character.

8.5.8 – Maintain a rating system that supports fairness, capacity to pay and effectiveness.

7. Financial Implications

- 7.1. Applying a differential rate will not affect the total amount of revenue Council collects in rates. However, applying a higher general rate differential will have a redistributive effect on the rate burden i.e. those land owners will pay more and all other ratepayers will pay less, albeit slightly less.
- 7.2. As an example, applying a higher rate-in-the-dollar to vacant land or properties used for short-stay visitor accommodation in comparison to all other land use categories would mean that these owners would pay higher general rates in comparison to all other types of land owners (on a per \$ of AAV basis).
- 7.3. In terms of what quantum of differential rate would be effective, I note that other councils have a differential at least 100% of the residential rate (2 x) and some have more.
- 7.4. It is proposed that as part of the Review, extensive rates modelling is undertaken to determine options for the appropriate distribution of the rates burden.
- 7.5. Impact on Future Years' Financial Result

- 7.5.1. Differential rating doesn't impact the amount of rates revenue required in the budget to be collected each year. Differential rating impacts the portion of the rates to be paid by different types of properties.
- 7.5.2. The City's rating strategy does not influence the amount of money to be raised by Council, which is considered in the City's Long-term Financial Management Plan and annual budget. It instead determines how rates and charge will be equitably distributed amongst the City's ratepayers.

7.6. Asset Related Implications

- 7.6.1. There are no asset related implications.

8. Legal, Risk and Legislative Considerations

- 8.1. These have been considered elsewhere in this report.

9. Social and Customer Considerations

- 9.1. Any change to Council's current system of rating would have an impact on all ratepayers in the municipality. It will be important that the community and other stakeholder groups are engaged on any changes and understand how any new measures will impact and importantly benefit them.

10. Marketing and Media

- 10.1. Should Council wish to introduce any of the matters considered in this report a plan to communicate council's decision would be prepared and implemented in advance of the change taking effect.

11. Community and Stakeholder Engagement

- 11.1. The proposed review of the City's Rating and Valuation Strategy is proposed to be undertaken in stages and there will be a number of opportunities for the community to provide feedback and support Council's decision making. A community engagement strategy will be developed.

12. Delegation



- 12.1. Pursuant to s107 of the Act, a decision to introduce a differential rate requires an absolute majority of Council.

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.



Lara MacDonell
ACTING DIRECTOR CITY ENABLERS

Date: 12 July 2022
File Reference: F22/48699

Attachment A: City of Charles Sturt Residential Construction Rebate ↓ 
Attachment B: Communities Tasmania - Private Rental Incentives Program ↓


City of Charles Sturt – Residential Construction Rebate – Summary Information

A rebate of 100% of the difference between the vacant and residential rate for your property may be made if the footings have been poured prior to 31 December 2021.

A rebate of 50% of the difference between the vacant and residential rate for your property may be made if the footings are poured after 31 December 2021.

It is the intention of this rebate to only apply to one dwelling and to the ratepayer who will reside in Charles Sturt and consequently where multiple dwellings are proposed on Land (with or without division of the land occurring) the rate rebate will apply to only one of the dwellings, on a pro-rata basis.

For example, if four dwellings are being constructed on the Land, provided the above criteria is met, the owner will be entitled to 25% of the applicable rebate (being the rebate determined according to when the footings are poured).

If the principal ratepayer is a body corporate the rebate will only be applied if one of the directors or office holders will reside in the dwelling for at least 1 year.

The eligibility criteria is:

- 2021/22 land use must be "vacant".
- You will reside in the property upon completion for a period of at least 12 months and will notify Council when/if your change address.
- Provide supporting documentation such as a copy of the footings certificate or progress payment statement with your application.
- Rebate is not intended for developers, companies or individuals developing vacant land for investment purposes but to assist individual rate payers over the transitional period when they are building their home to reside in.

Please note, this rebate is NOT intended for developers, companies or individuals developing vacant land for investment purposes but to alleviate rate hardship for individual Ratepayers over the transitional period when they are building their new home (that they will live in) on land that has been assessed as vacant at the time of the Annual Rates Notice. Ratepayers building houses on vacant land for investment purposes need NOT apply as they will NOT meet the conditions of the rebate. **Applications must be received before 30 June 2022.**

- **Principal place of residence** is defined as land that is owned by a natural person (that is not a company or other organisation) and that it is used as their principal place of residence.

It is the intention of this rebate to only apply to one dwelling and to the ratepayer who will reside in Charles Sturt and consequently where multiple dwellings are proposed on Land (with or without division of the land occurring) the rate rebate will apply to only

one of the dwellings, on a pro-rata basis. For example, if four dwellings are being constructed on the Land, provided the above criteria is met, the owner will be entitled to 25% of the applicable rebate (being the rebate determined according to when the footings are poured).

If the principal ratepayer is a body corporate the rebate will only be applied if one of the directors or office holders will reside in the dwelling for at least 1 year.

Communities Tasmania - The Private Rental Incentives Program

Information available from the Communities Tasmania website at:
[https://www.communities.tas.gov.au/housing/tasmanian_affordable_housing_strategy/key-projects/private-rental-incentive#:~:text=The%20Private%20Rental%20Incentives%20Program,2023%20\(Action%20Plan%202\).](https://www.communities.tas.gov.au/housing/tasmanian_affordable_housing_strategy/key-projects/private-rental-incentive#:~:text=The%20Private%20Rental%20Incentives%20Program,2023%20(Action%20Plan%202).)

The Private Rental Incentives Program encourages property owners to make their homes available for affordable rent to low income households with low or no support needs.

The Program is funded under Tasmania's Affordable Housing Action Plan 2019-2023 (Action Plan 2).

The Tasmanian Government expanded the capacity of the existing Private Rental Incentives (PRI) Program as part of the Commonwealth Government's Debt Waiver Agreement. This will provide access for a further 50 eligible low income households by 2023 under Action Plan 2. A further 75 properties with 24 month leases have been made available under the Tasmanian Government's COVID-19 Stimulus Package.

The Program assists low income households into secure private rental accommodation at an affordable rent in partnership with Centacare Evolve Housing, a registered and experienced community housing provider.

Key features of the Program are:

- a single community housing provider (Centacare Evolve Housing) provides tenancy management services (statewide)
- lease terms of two years and guaranteed rent to the property owner
- rents are capped at between 25 to 30 per cent below median rates
- incentive payment to owners is between \$6,600 and \$9,900 per annum
- preference for one and two-bedroom properties close to major urban centres

Property owners are paid an incentive to head lease suitable properties to Centacare Evolve Housing to manage the tenancy at an affordable rent. Interested property owners can submit an Application Form for Property Owners and Agents.

Housing Connect can help you apply to be a tenant under the Program. You must be able to show that you:

- live in Tasmania, not another state or territory
- are an Australian Citizen or Permanent Resident

- are 18 years or older
- are a low income earner who is eligible to keep a Low Income Health Care Card
- do not have assets that could be used to meet your housing needs
- are able to afford the rent and meet income thresholds
- are able to live independently (with little to no support)
- are able to look after the property

A total of 325 tenancies will be assisted under this Program by 30 June 2023. Tenants under the former Pilot are eligible.

Please contact Communities Tasmania at housing.privaterentals@communities.tas.gov.au or (03) 6166 3625 for further information or refer to the fact sheets below:

- [Application Form for Property Owners and Agents](#)
- [Private Rental Incentives Fact Sheet for Owners/Agents](#)
- [Private Rental Incentives Fact Sheet for Applicants/Tenants](#)

National Rental Affordability Scheme - Property Owners and Tenants

With the Commonwealth Government's National Rental Affordability Scheme (NRAS) coming to an end, the Tasmanian Government has amended the eligibility criteria for properties under the Private Rental Incentives Program.

Communities Tasmania will apply discretion for properties that are not new to the rental market and currently tenanted at the time of application (only this criteria) for properties exiting NRAS.

Where an NRAS property owner is considering applying for the Private Rental Incentives Program their current tenant may contact Housing Connect to be assessed for the Private Rental Incentives Program. If eligible, they will be placed on the Housing Register.

If the NRAS property is approved by Communities Tasmania for the Private Rental Incentives Program, the tenant will then sign a lease with Centacare Evolve Housing; a registered and experienced community housing provider.

NRAS properties will **only** have discretion applied to their application when current tenants are assessed as eligible.

6.2 Petition Seeking Elector Poll - Save UTas Campus Inc
File Ref: F22/66866; 16/119-0009

Memorandum of the Manager Legal and Governance of 15 July 2022.

Delegation: Council



City of **HOBART**

MEMORANDUM: FINANCE AND GOVERNANCE COMMITTEE

Petition Seeking Elector Poll - Save UTas Campus Inc

The purpose of this report is to provide advice to the Council in relation to outcome of the petition submitted by Professor Pamela Sharpe on behalf of Save UTas Campus Inc seeking an elector poll regarding the University's relocation from its Sandy Bay Campus into the CBD.

The Council held a public meeting on 11 May 2022 pursuant to a petition requesting same. Following that public meeting a further petition was submitted on 10 June 2022 seeking the Council conduct and elector poll asking the following question:

Do you support the University of Tasmania's proposal to relocate the Sandy Bay campus into Hobart's central business district?

Threshold

The Council must hold an elector poll if three pre-conditions are met.

1. A petition requesting the elector poll is received within 30 days after a public meeting is held under section 59 of the *Local Government Act 1993* ("the Act") in relation to the same subject matter as that contained in the petition requesting that public meeting. The petition was received on 10 June 2022 which is within 30 days after the public meeting held on 11 May 2022. The subject matter of the petition seeking the elector poll is also the same subject matter as contained in the petition seeking the public meeting.
2. The petition is signed by at least 5% of the electors in the municipal area or 1,000 of those electors, whichever is the lesser. The relevant figure for the City of Hobart is 1,000 of the electors in the municipal area.

In order to determine the number of signature in the petition, assistance from the Tasmanian Electoral Commission ("the TEC") was required. This was due to a number of the signatures not including sufficient detail to determine whether the individual was included on the electoral roll. The Council initially determined that 975 signatures were electors and the TEC determined that an additional 42 were confirmed and 28 were likely.

Following this advice from the TEC, the petition was confirmed as being signed by 1,017 electors and possibly 1,045. In any event it has achieved the requisite number under the Act.

3. The petition complies with s57(2) of the Act. These are the administrative requirements in relation to submitting any petition to Council and these were confirmed prior to it being tabled at the Council meeting of 14 June 2022.

The Council must therefore hold an elector poll as requested.

Timing

If the person who lodged the petition agrees to an elector poll being held in conjunction with the next ordinary election, the elector poll may be held in conjunction with that next ordinary election. The Chief Executive Officer wrote to Prof Sharpe on 16 June 2022 seeking that agreement. Prof Sharpe has agreed that the elector poll can be conducted in conjunction with the next ordinary election, which is in October this year.

Elector Poll Process

Section 60D of the Act provides that an elector poll held in conjunction with an election is to be conducted as determined by the Electoral Commissioner. Early engagement has occurred with the Commissioner in relation to the logistics around conducting the poll.

The commissioner has stated that as part of the process a preamble, a “no” case and a “yes” case would be required. The Commissioner’s suggestion is that as the question proposed relates to the actions of the University of Tasmania that:

- A draft preamble would be written by the Council (written in easy English and including background information around the issue and the process undertaken to trigger the elector poll);
- a draft “no case” would be written by the person(s) who lodged the petition; and
- a draft “yes case” would be written by a University of Tasmania representative.

Following consideration of this matter by Council, the relevant parties would be written to seeking the relevant content. Ultimately though, final approval of the content will rest with the Commissioner before being printed.

In terms of the preamble prepared by the Council the following is proposed:

The City of Hobart held a public meeting on Wednesday 11 May 2022 in response to a petition regarding the relocation of the University of Tasmania (UTAS) from its Sandy Bay campus into the Hobart central business district. Following the public meeting, a petition was submitted to the Council seeking an elector poll asking:

Do you support the University of Tasmania’s proposal to relocate the Sandy Bay campus into Hobart’s central business district?

As the petition had over 1,000 signatures from electors in the Hobart municipal area the Council is required to conduct an elector poll. In accordance with the Local Government Act 1993 (“the Act”), the person that submitted the petition, Professor Pam Sharpe, agreed that the elector poll could occur in conjunction

with the ordinary local government election in October 2022. The Act provides that an elector poll held in conjunction with an election is to be conducted by the Electoral Commissioner. The Commissioner is therefore conducting this elector poll. The result of an elector poll is not binding on a council.

Material relating to the elector poll would be included with ballot papers relating to the local government election in October 2022 and will follow the election timeline. A matter which is the subject of an elector poll is decided by a simple majority of the formal votes cast. The CEO has an obligation to publish the result of an elector poll in a newspaper circulating in the municipal area and the Council is to discuss the result of an elector poll at its next ordinary meeting, however the result of the elector poll is not binding on the Council.

Proposal

It is proposed that in accordance with the Act, the Electoral Commissioner be engaged to conduct the elector poll on the Council's behalf in conjunction with the local government election in October 2022.

Save UTas Campus Inc and the University of Tasmania will be written to requesting their contribution to the respective 'cases' to be provided to the Electoral Commissioner.

Recommendation

That:

- 1. The Council note that the petition tabled at the Council meeting of 14 June 2022 submitted by Professor Pam Sharpe contained the signatures of over 1,000 electors from the Hobart municipal area and that it is required to conduct an elector poll in relation to the University of Tasmania's proposed relocation of its campus from Sandy Bay to the central business district of Hobart.***
- 2. The elector poll be conducted in conjunction with the next ordinary local government election in October 2022.***
- 3. The Tasmanian Electoral Commission be engaged to undertake the elector poll on the Council's behalf and the Council notes that in accordance with s60D of the Local Government Act 1993 that an elector poll held in conjunction with an election is to be conducted as determined by the Electoral Commissioner which includes the determination of the question to be asked.***
- 4. The University of Tasmania and Save UTas Campus Inc be requested to provide the "yes case" and "no case" respectively with these to be provided to the Electoral Commissioner.***

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.

A handwritten signature in black ink, appearing to read 'Paul Jackson', with a stylized, flowing script.

Paul Jackson
**MANAGER LEGAL AND
GOVERNANCE**

Date: 15 July 2022
File Reference: F22/66866; 16/119-0009

6.3 Legislative Council Select Committee
Inquiry into the provisions of the University of Tasmania Act 1992
File Ref: F22/69324; 15/153-652

Memorandum of the Chief Executive Officer of 20 July 2022 and attachments.

Delegation: Council



City of **HOBART**

MEMORANDUM: FINANCE AND GOVERNANCE COMMITTEE

Legislative Council Select Committee Inquiry into the provisions of the University of Tasmania Act 1992

The Legislative Council established a select committee on Tuesday May 24 2022 with the following terms of reference:

That a Select Committee be appointed, with power to send for persons and papers, with leave to sit during any adjournment of the Council, and with leave to adjourn from place to place, to inquire into and report upon the provisions of the University of Tasmania Act 1992 with particular reference to —

- (1) The constitution, functions and powers of the University;*
- (2) The constitution, role, powers and obligations of the Council and Academic Senate;*
- (3) The appropriateness of the Act to ensure accountable executive, fiscal and academic decision making;*
- (4) The appropriateness of the Act to protect and promote academic freedom, independence and autonomy; and*
- (5) Any other matters incidental.*

The Committee Chair, Hon Rob Valentine MLC, has written to the Chief Executive Officer inviting written submissions from interested individuals or organisations which specifically address the relevant terms of reference. A copy of the correspondence is included as **Attachment A** to this report. Submissions should be received before close of business on Monday 29 August 2022.

As part of the Council's decision of 27 June 2022 regarding the Notice of Motion in relation to UTas, it resolved that:

Council notes that a parliamentary inquiry into UTAS is being considered. Should the Council make a submission, then the report marked as Item 6.5 and attachments of Item 6.4, of the Open Finance and Governance Committee agenda of 21 June 2022, be considered to form the basis of that submission;

These two documents are the comprehensive report regarding UTas in response to the Notice of Motion and the other is the resolutions and questions from the public meeting held on 11 May 2022.

It is therefore proposed that the Council make a submission to the Committee in accordance with the Council's resolution of 27 June. It remains open to the Council to consider whether it wishes to provide any further material as part of its written submission, noting that submissions are to specifically address the relevant terms of reference.

To that end, and recognising the role of the Council and its relationship to the University, it would seem that the main concern with the *University of Tasmania Act 1992* ("the UTas Act") is in relation to the lack of accountability of the University and the University Council for its actions and decisions. A full copy of the UTas Act is included as **Attachment B** to this report.

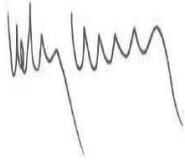
It appears that the UTas Act is set-up for the University Council to be the overarching 'check and balance' mechanism for the University itself as they are separately constituted and have separate powers and functions. These powers, however, are very broad and have no public accountability or community or stakeholder consultation requirement built into the legislation. Additionally, the obligations of the University Council is to act in all matters concerning the University in the way it considers will best advance the interests of the University (s9(2) of the UTas Act). The UTas Act fails to provide any recognition that the University is a member of the broader community and also has an obligation to consider the views and impact of their decisions on the broader community.

RECOMMENDATION

That:



1. ***The Council make a submission to the Legislative Council Select Committee Inquiry into the provisions of the University of Tasmania Act 1992 including the following positions:***
 - (i) ***In accordance with the Council's resolution of 27 June 2022 the report marked as Item 6.5 and attachments of Item 6.4 of the Open Finance and Governance Committee agenda of 21 June 2022 form the basis of the submission.***
 - (ii) ***The Council's main concern is with respect to the lack of accountability of the University of Tasmania and the University Council for its actions and decision.***
2. ***The Chief Executive Officer be authorised to finalise the form of a submission on behalf of the City of Hobart.***

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.



Kelly Grigsby
CHIEF EXECUTIVE OFFICER

Date: 20 July 2022
File Reference: F22/69324; 15/153-652

Attachment A: Correspondence LegCo Select Committee - UTas ↓ 
Attachment B: University of Tasmania Act 1992 ↓ 



Parliament of Tasmania, Hobart, TAS. 7000
www.parliament.tas.gov.au

**Legislative Council Select Committee
INQUIRY INTO THE PROVISIONS OF THE
UNIVERSITY OF TASMANIA ACT 1992**

4 July 2022

Ms Kelly Grigsby
Chief Executive Officer
Hobart City Council

E: hcc@hobartcity.co.au

Dear Ms Grigsby,

Invitation to make a Written Submission

On behalf of the Legislative Council Select Committee inquiring into the provisions of the *University of Tasmania Act 1992*, I would like to invite you to participate in its inquiry. As you may be aware, the Committee was established on Tuesday, 24 May 2022, with the following terms of reference:

That a Select Committee be appointed, with power to send for persons and papers, with leave to sit during any adjournment of the Council, and with leave to adjourn from place to place, to inquire into and report upon the provisions of the University of Tasmania Act 1992 with particular reference to —

- (1) The constitution, functions and powers of the University;*
- (2) The constitution, role, powers and obligations of the Council and Academic Senate;*
- (3) The appropriateness of the Act to ensure accountable executive, fiscal and academic decision making;*
- (4) The appropriateness of the Act to protect and promote academic freedom, independence and autonomy; and*
- (5) Any other matters incidental.*

The Inquiry was advertised on Saturday 2 July 2022. The text of the public advertisement for this inquiry is attached. You are invited to forward this invitation to any other interested parties you may be aware of.

The Committee invites written submissions from interested individuals or organisations which specifically address the relevant terms of reference. Electronic submissions are preferred and can be forwarded to the Inquiry Secretary at utas@parliament.tas.gov.au. Alternatively, written submissions can be forwarded to:

Jenny Mannering
Committee Secretary
Legislative Council Select Committee – Provisions of the *University of Tasmania Act 1992*
Legislative Council
Parliament House, HOBART TAS 7000
Tel: (03) 6212 2249

Further information in relation to the inquiry, including information about making written submissions is available at the inquiry website –

[Legislative Council Select Committee - Provisions of the University of Tasmania Act 1992](#)

Submissions should be received no later than close of business, Monday 29 August 2022.

Yours sincerely,



Hon Rob Valentine MLC
Chair

w. 03 6212 2249 e. utas@parliament.tas.gov.au

Encl. Copy of Public Advertisement

INQUIRY INTO THE PROVISIONS OF THE UNIVERSITY OF TASMANIA ACT 1992

On Tuesday 24 May 2022, the Legislative Council resolved that a Select Committee be appointed, with power to send for persons and papers, with leave to sit during any adjournment of the Council, and with leave to adjourn from place to place, to inquire into the provisions of the *University of Tasmania Act 1992*.

The Committee invites written submissions, specifically addressing the terms of reference of the Inquiry, from interested individuals or organisations. **Electronic submissions are encouraged** and all submissions can be provided to:

Inquiry Secretary, Parliament House, Hobart 7000 (E: utas@parliament.tas.gov.au)

The Committee's Terms of Reference and other relevant information are also available on the Inquiry webpage: <https://www.parliament.tas.gov.au/ctee/council/LC%20Select%20-%20University%20of%20Tasmania.html> or by contacting the Inquiry Secretary.

Submissions become the property of the Committee and are generally made publicly available via the Inquiry webpage prior to the Committee releasing its Final Report. However, authors of submissions should not publish their submission elsewhere until after the Committee has either published or reported.

Submissions should be received by no later than close of business on **Monday, 29 August 2022**.

Members of the Committee Inquiry:

Hon Nick Duigan MLC

Hon Mike Gaffney MLC

Hon Jo Siejka MLC

Hon Rob Valentine MLC - Chair

Hon Meg Webb MLC



LEGISLATIVE COUNCIL SELECT COMMITTEE
PROVISIONS OF THE *UNIVERSITY OF TASMANIA ACT 1992*

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4. Continuance and incorporation of University

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5. Constitution of the University
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Part 3 - Early elections and appointments

Results: Document Types="Acts, Amending Acts, SRs, Amending SRs", Search In="Title", All Words="university of tasmania",
Point In Time="20/07/2022" match 54 of 54 provisions

University of Tasmania Act 1992

Version current from 1 January 2013 to date (accessed 20 July 2022 at 12:03)



University of Tasmania Act 1992

An Act to consolidate and amend the law relating to the University of Tasmania

[Royal Assent 10 December 1992]

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

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PART 1 - Preliminary**1. Short title**

This Act may be cited as the University of Tasmania Act 1992 .

2. Commencement

(1) This Act commences on 1 January 1993.

(2)

3. Interpretation

In this Act, unless the contrary intention appears –

Academic Senate means the Academic Senate of the University;

academic staff means the Vice-Chancellor, Provost, any Deputy Vice-Chancellor, any Pro Vice-Chancellor and members of the staff of the University engaged, either full-time or for fractional time, in teaching and research, research only or teaching only but not including casual employees;

Alumni means an association of graduates of the University as established by Ordinance;

Amalgamation Act means the Higher Education (Amalgamation) Act 1990 ;

body includes committee;

by-law means a by-law of the University made by the Council under section 20 and in force under this Act;

Chancellor means the Chancellor of the University elected under section 14 ;

commencement day means 1 January 1993;

Council means the Council of the University;

Deputy-Chancellor means a Deputy-Chancellor of the University elected under section 15 ;

financial year means a period of 12 months ending on 31 December in any year;

graduate means –

(a) a person upon whom the University, or one of the University's predecessors in law, has conferred a degree, diploma or certificate; or

(b) any other person who holds an award specified, by Ordinance, for the purposes of this definition;

intellectual property means all copyright including future copyright, trademarks, designs, patents registered and unregistered, plant breeders' rights, trade secrets and know-how, semiconductor or circuit layouts and all other intellectual property as defined in the convention of 1967 establishing the World Intellectual Property Organisation;

Ordinance means an Ordinance of the University made by the Council under section 18 and in force under this Act;

professional staff means the staff of the University, engaged full-time or for fractional time, but not including casual employees or the academic staff;

rule means a rule made, and in force, under an Ordinance;

student means a person who is for the time being enrolled as a student of the University;

University means the University of Tasmania;

University land means –

(a) the land vested in the University specified in Schedule 3 ; and

(b) any other land occupied by the University;

Vice-Chancellor means the Vice-Chancellor of the University appointed under section 16 .

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PART 2 - The University***Division 1 - Continuance and incorporation*****4. Continuance and incorporation of University**

- (1) Notwithstanding the repeal by this Act of the Amalgamation Act, the University continues in existence under and subject to the provisions of this Act under the name "University of Tasmania".
- (2) The University –
 - (a) has perpetual succession and a seal; and
 - (b) may sue and be sued in its corporate name.
- (3) The seal is to be kept and used only as authorized by the Council.
- (4) All courts and persons acting judicially must take judicial notice of the imprint of the seal on a document and presume that it was duly sealed by the University.
- (5) For the avoidance of doubt, the University is taken to have continued in existence under the name "University of Tasmania" since its establishment in 1890.

Division 2 - Constitution, functions and powers**5. Constitution of the University**

- (1) The University consists of –
 - (a) the members of the Council; and
 - (b) the members of the academic staff; and
 - (c)
 - (d) the members of the professional staff; and
 - (e) the graduates; and
 - (f) the students.
- (2) Notwithstanding subsection (1), a person referred to in that subsection may make a statutory declaration that he or she has a conscientious objection to being a member of the University and, on giving the declaration to the Vice-Chancellor, he or she ceases to be a member of the University.
- (3) A person who makes a declaration under subsection (2) does not, by that declaration, prejudice any other position or status which that person holds or enjoys –
 - (a) by virtue of his or her employment at, or participation in the affairs of, the University; or
 - (b) as a student or graduate of the University.

6. Functions of the University

The University has the following functions:

- (a) to advance, transmit and preserve knowledge and learning;
- (b) to encourage and undertake research;
- (c) to promote and sustain teaching and research to international standards of excellence;
- (d) to encourage and provide opportunities for students and staff to develop and apply their knowledge and skills;
- (e) to provide educational and research facilities appropriate to its other functions;
- (f) to promote access to higher education having regard to principles of merit and equity;
- (fa) to foster or promote the commercialisation of any intellectual property;

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(g) to engage in activities which promote the social, cultural and economic welfare of the community and to make available for those purposes the resources of the University.

7. Powers of the University

(1) The University has power to do, both in Tasmania and elsewhere, all things necessary or convenient to be done for or in connection with the performance of its functions and, in particular, has power –

- (a) to acquire, hold and dispose of real and personal property; and
- (b) to form, and participate in the formation of, companies; and
- (c) to subscribe for and purchase shares in, and debentures and other securities of, companies; and
- (d) to enter into partnerships; and
- (e) to participate in joint ventures and arrangements for the sharing of profits; and
- (f) to borrow money; and
- (g) to do anything incidental to any of its powers.

(2) Notwithstanding subsection (1) (f), the University is not to exercise its power to borrow money unless it has first obtained the written approval of the Treasurer.

Division 3 - The Council of the University

8. Constitution of the Council

(1) The University has a Council consisting of not less than 10 and not more than 14 members, comprising the following:

- (a) the Chancellor;
- (b) the Vice-Chancellor;
- (c) the Chairperson of the Academic Senate or, if the Vice-Chancellor occupies that office, the Deputy Chairperson of the Academic Senate;
- (d) 2 persons appointed by the Minister, each of whom must not be a student or member of the academic staff or professional staff and of whom at least one must be a graduate of the University;
- (e) one member of the academic staff elected by the academic staff;
- (f)
- (g)
- (h) one member of the professional staff elected by the professional staff;
- (i) a minimum of one student appointed by the Council, after consultation with any relevant student associations;
- (j) up to 6 persons appointed by the Council, each of whom must not be a member of the academic staff or professional staff or a student and of whom at least one must be a graduate of the University.
- (k)

(2)

(3) A member of the Council is responsible and accountable to the Council rather than to any constituent body by which he or she was appointed or elected.

(4) Schedule 1 has effect with regard to the members, proceedings and activities of the Council.

(5) Before making an appointment to the Council, the Minister and the Council must –

- (a) give public notification of the vacancy; and
- (b) consult with each other about any intended appointment; and
- (c) have regard to the balance of skills and experience, regional representation and an appropriate gender balance.

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(6) In respect of the constitution of the Council on 1 January 2013, this section has effect subject to Schedule 4.

(7) For the purposes of subsection (1)(e),

academic staff does not include the Vice-Chancellor, Provost, any Deputy Vice-Chancellor or any Pro Vice-Chancellor.

9. Role and powers of the Council

(1) The Council is the governing authority of the University.

(2) The Council is to act in all matters concerning the University in the way it considers will best advance the interests of the University.

(3) The Council has power to do all things necessary or convenient to be done for or in connection with the performance of its function as the University's governing authority and, in particular, has power –

(a) to appoint persons to positions of responsibility within the University; and

(b) to allocate funds and otherwise determine the best use of the resources of the University.

(4) The Council must establish an audit committee and may establish other committees to perform or exercise any of its functions or powers.

(5) A committee may include persons who are not members of the Council.

10. Power of delegation

(1) The Council may in writing –

(a) delegate to any person or body any of its functions or powers other than this power of delegation or the power to make Ordinances and by-laws; and

(b) revoke wholly or partly a delegation.

(2) A delegation –

(a) may be made either generally or as otherwise provided by the instrument of delegation; and

(b) does not prevent the performance or exercise of a function or power by the Council.

(3) A function or power performed or exercised by a delegate has the same effect as if performed or exercised by the Council.

11. Power to confer degrees

(1) The Council may confer –

(a) degrees, diplomas and certificates after examination or other assessment; and

(b) honorary degrees on people who, in the opinion of the Council, are distinguished visitors or outstanding scholars or who have given outstanding service to the Commonwealth, the State or the University.

(2) The power of the Council under subsection (1) (a) includes the power to revoke a degree, diploma or certificate –

(a) for which the recipient was not qualified; or

(b) that has been conferred by reason of fraud or dishonesty.

11A. Obligation for care and diligence

(1) In this section,

business judgment means any decision to take or not to take action in respect of a matter relevant to the functions of the Council.

(2) A member of the Council is to exercise his or her powers and discharge his or her duties with the degree of care and diligence that a reasonable person would exercise if he or she –

(a) were a member of the Council in the Council's circumstances; and

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(b) occupied the office held by, and had the same responsibilities within the Council as, the member.

(3) A member of the Council who makes a business judgment is taken to meet the requirements of subsection (2), and his or her equivalent duties at common law and in equity, in respect of the judgment if he or she –

- (a) makes the judgment in good faith for a proper purpose; and
- (b) does not have a material personal interest in the subject matter of the judgment; and
- (c) informs himself or herself about the subject matter of the judgment to the extent he or she reasonably believes to be appropriate; and
- (d) rationally believes that the judgment is in the best interests of the University.

(4) The member's belief that the judgment is in the best interests of the University is taken to be a rational one unless the belief is one that no reasonable person in his or her position would hold.

11B. Obligations to act in good faith

A member of the Council is to exercise his or her powers and discharge his or her duties –

- (a) in good faith in the best interests of the University; and
- (b) for a proper purpose.

12. Annual report of the Council

- (1) The Council is, within 6 months after the end of each financial year, to –
 - (a) present to the Governor an annual report of the proceedings of the University during that financial year; and
 - (b) furnish a copy of the report to the Minister.
- (2) The report is to contain a full account of the income and expenditure of the University for the financial year to which it relates.
- (3) The Minister is to cause a copy of the report to be laid before both Houses of Parliament within the first 10 sitting days of each House after the report is received by the Minister.

Division 4 - Academic Senate, Officers and Visitor

13. Academic Senate

- (1) The University has an Academic Senate.
- (2) The function of the Academic Senate is to advise the Council on all academic matters relating to the University.
- (3) Subject to subsection (4), the constitution, functions, powers and proceedings of the Academic Senate are as prescribed by Ordinance.
- (4) The Academic Senate has a Chairperson and a Deputy-Chairperson.

14. Chancellor

- (1) The University has a Chancellor elected by the Council.
- (2) Subject to subsection (3), the terms and conditions subject to which a person holds the office of Chancellor are as determined by the Council.
- (3) The Council may elect a person to the office of Chancellor for a term not exceeding 4 years and may re-elect a person to that office.

15. Deputy-Chancellor

- (1) The Council may elect one or more of its members as Deputy-Chancellors of the University.
- (2) Subject to subsections (3) and (4), the terms and conditions subject to which a person holds the office of Deputy-Chancellor are as determined by the Council.

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(3) The Council may elect a person to the office of Deputy-Chancellor for a term not exceeding 4 years and may re-elect a person to that office.

(4) A person who has been elected as a Deputy-Chancellor ceases to be a Deputy-Chancellor if he or she ceases to be a member of the Council.

16. Vice-Chancellor

(1) The University has a Vice-Chancellor appointed by the Council.

(2) The Vice-Chancellor is the chief academic and executive officer of the University.

(3) The terms and conditions subject to which a person is appointed to the office of Vice-Chancellor are as determined by the Council.

17. Visitor

(1) In this section, *Governor* means the Governor of the State and not the Governor acting with the advice of the Executive Council.

(2) The Governor is the Visitor of the University but has ceremonial functions only.

(3) The Visitor has no functions or jurisdiction with respect to the resolution of disputes or any other matter concerning the affairs of the University other than a matter involving the exercise of ceremonial functions only.

(4)

17A. Dismissal of Chancellor, &c.

(1) If a two-thirds majority of the Council is of the opinion that the Chancellor or a Deputy-Chancellor has breached the terms of conditions of his or her appointment under section 14 or 15 , respectively, the Council may dismiss the Chancellor or Deputy-Chancellor from office.

(2) For the purposes of determining a two-thirds majority, the vote of the Chancellor or Deputy-Chancellor who is the subject of the motion for dismissal is not to be counted.

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PART 3 - Ordinances and By-Laws**18. Ordinances and rules**

- (1) The Council may make Ordinances, not inconsistent with this Act, prescribing or regulating matters –
 - (a) required or permitted by this Act to be prescribed or regulated by Ordinance; or
 - (b) necessary or convenient to be prescribed or regulated by Ordinance for giving effect to this Act.
- (2) Subsection (1) does not authorize the making of an Ordinance for or in relation to a matter referred to in Part 1 of Schedule 2 .
- (3) An Ordinance may confer a power on any person or body, including the Council, to make rules, not inconsistent with any Ordinance or this Act –
 - (a) prescribing or regulating any specified matter on which Ordinances may be made; or
 - (b) for carrying out or giving effect to Ordinances.
- (4) A rule made under an Ordinance has the same force and effect as an Ordinance.
- (5) An Ordinance or rule has no force or effect to the extent to which it is inconsistent with a law of the State, but a provision of an Ordinance or rule is not to be taken to be inconsistent with a law of the State if the provision can be complied with without contravening that law.
- (6) An Ordinance or rule may be made subject to such conditions, or so as to apply differently according to such factors, as may be specified in the Ordinance or rule or according to such limitations or restrictions, whether as to time or circumstance or otherwise, as may be so specified.
- (7) An Ordinance or rule may authorize any matter or thing to be from time to time determined, applied or regulated by any person or body specified in the Ordinance or rule.
- (8) An Ordinance may provide for any person or body specified in the Ordinance to –
 - (a) delegate any of that person's or body's functions or powers, other than the power of delegation or a power to make rules, to any other person or body; and
 - (b) revoke wholly or partly a delegation.
- (9) A delegation under subsection (8) –
 - (a) may be made either generally or as otherwise provided in the Ordinance; and
 - (b) does not prevent the performance or exercise of a function or power by the person or body authorized by the Ordinance to delegate that function or power.
- (10) A function or power performed or exercised by a delegate has the same effect as if performed or exercised by the person or body authorized by the Ordinance to delegate that power or function.
- (11) An Ordinance or rule is not a statutory rule within the meaning of the Rules Publication Act 1953 .
- (12) An Ordinance or rule is to be taken to be a regulation within the meaning of the Acts Interpretation Act 1931 except that section 47 of that Act does not apply to such an Ordinance or rule.

19. Specific Ordinance-making powers

- (1) Without limiting the generality of section 18 (1) , Ordinances may be made for or in relation to any of the following matters:
 - (a) the discipline of the University;
 - (b) the method of any of the elections referred to in section 8(1) and the determination of any questions raised in relation to the conduct or result of such elections;
 - (c)
 - (d) the establishment of student associations and graduate associations;
 - (e) the affiliation of student associations and graduate associations, whether incorporated or unincorporated;

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- (f) the organization, management and membership of –
 - (i) student associations and graduate associations established by Ordinance; and
 - (ii) affiliated student associations and graduate associations;
 - (g) the merger and dissolution of –
 - (i) student associations and graduate associations established by Ordinance; and
 - (ii) affiliated student associations and graduate associations;
 - (h) the defining of categories of the academic staff for any purpose specified in the Ordinance;
 - (i) a determination that specified members or categories of members of the academic staff are taken not to be members of the academic staff for any industrial or other specified purpose.
- (2) Notwithstanding section 8(1)(i), the Council may by Ordinance determine that for the purposes of that section a student who holds a specified elective office in a specified student association is to be taken to have been elected as a member of the Council under that section.
- (3) An Ordinance made under subsection (1) (a), or a rule made under any such Ordinance, may provide for the enforcement of the Ordinance or rule and, in particular, may provide for the imposition and payment to the University of a penalty not exceeding 5 penalty units for a specified breach of the Ordinance or rule.
- (4) If a penalty imposed on a person for a specified breach of a provision of an Ordinance or rule referred to in subsection (1) (a) remains unpaid at the expiration of the period of time specified in the Ordinance or rule for its payment, the amount of the penalty may be recovered by the University, as a debt due to the University, in a court of competent jurisdiction.
- (5) A provision of an Ordinance made under subsection (1) (f) or (g), or a provision of a rule made under any such Ordinance, prevails, to the extent of any inconsistency, over a provision of any rule of the student association or graduate association to which the Ordinance applies.
- (6) The Council's power under subsection (1) (f) includes the power to make an Ordinance modifying or restricting the power of a student association or graduate association to make, amend or repeal the rules of the association.
- (7) In its application to a student association or graduate association that is incorporated under the Associations Incorporation Act 1964, this section has effect notwithstanding the provisions of that Act.

20. By-laws

- (1) The Council may make by-laws, not inconsistent with this Act, for or in relation to the management and control of University land.
- (2) Without limiting the generality of subsection (1), by-laws may be made as provided by Schedule 2.
- (3) A by-law has no force or effect to the extent to which it is inconsistent with a law of the State, but a provision of a by-law is not to be taken to be inconsistent with a law of the State if the provision can be complied with without contravening that law.
- (4) A by-law may incorporate or adopt, either specifically or by reference and with or without modification, a provision of a law of the State relating to vehicles or traffic, including a law relating to the parking or standing of vehicles.
- (5) A by-law is, except to the extent that it may provide otherwise, to be taken to apply to persons whether or not those persons have any connection with the University.
- (6) A by-law may be made subject to such conditions, or so as to apply differently according to such factors, as may be specified in the by-law or according to such limitations or restrictions, whether as to time or circumstance or otherwise, as may be so specified.
- (7) A by-law may authorize any matter or thing to be from time to time determined, applied or regulated by any person or body specified in the by-law.
- (8) Any fees paid to or recovered by the University under a by-law are to be applied for the general purposes of this Act.
- (9) A by-law is not a statutory rule within the meaning of the Rules Publication Act 1953.

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21. Promulgation of Ordinances, rules and by-laws

The Council is to –

- (a) publish the Ordinances, rules and by-laws, in consolidated form, at least once in each calendar year; and
- (b) ensure that the Ordinances, rules and by-laws are made known to, and may be readily inspected free of charge at reasonable times and places by, the staff and students of the University; and
- (c) ensure that the Ordinances, rules and by-laws may be inspected, free of charge at reasonable times and places, by members of the public; and
- (d) ensure that the published Ordinances, rules and by-laws may be purchased, at reasonable cost, by any person.

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PART 4 - Miscellaneous**22. Indemnification**

The University is to indemnify each person who does or purports to do, or omits or purports to omit to do, any act or thing in good faith under the direction of the University or the Council or otherwise for the purpose of administering or executing this Act against any action, liability, claim or demand in respect of that act or omission.

22AA. Protection for person conducting inquiry

A person authorised by the University to conduct an inquiry into a matter has, in conducting that inquiry, the same protection and immunity as a judge of the Supreme Court.

22A. Service of documents

A document that is addressed to the University may be served on the Vice-Chancellor or any member of the academic staff or professional staff authorised in writing by the Vice-Chancellor for the purpose.

23. Determinations of status

If a question arises as to whether a person is –

- (a) a member of the academic staff, a member of the professional staff, a student or a graduate; or
- (b) engaged in a full-time capacity, for fractional time or in a casual capacity –

that question is to be determined by the Council.

24. Savings and transitional provisions

The savings and transitional provisions set out in Schedule 4 have effect.

25. Savings and transitional regulations

(1) The Governor may, on the recommendation of the Council, make regulations containing provisions of a savings or transitional nature consequent upon the enactment of this Act or the University of Tasmania Amendment Act 2001 .

(2) A provision referred to in subsection (1) may, if the regulations so provide, take effect from the commencement day or a later day.

26. Certain land to remain vested in University

Notwithstanding the repeal by this Act of the Amalgamation Act , the land specified in Schedule 3 remains vested in the University but free from any restrictions as to the power of the University to sell, mortgage or otherwise dispose of that land that may, but for this clause, restrict the power of the University in respect of that land.

27. Repeal

The Amalgamation Act is repealed.

28. Administration of Act

Until provision is made in relation to this Act by order under section 4 of the Administrative Arrangements Act 1990 –

- (a) the administration of this Act is assigned to the Minister for Education and the Arts; and
- (b) the Department responsible to the Minister for Education and the Arts is the Department of Education and the Arts.

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SCHEDULE 1 - Provisions in respect of the Council

Section 8 (2)

1. Terms of office

(1) Subject to clauses 2 and 3, a person who is elected or appointed as a member of the Council holds office for a term of –

- (a) up to 3 years in the case of a member referred to in section 8(1)(d), (j) or (k); or
- (b) 2 years in the case of a member referred to in section 8(1)(e) or (h); or
- (c) one year in the case of a member referred to in section 8(1)(i).

(2) A person is, if otherwise qualified, eligible to be elected or appointed as a member of the Council for any subsequent term of office provided that a person is not to hold office for a total of more than 12 years, unless the Council otherwise determines in a specific case.

(3) If –

- (a) an elected or appointed member of the Council ceases to hold the qualification by virtue of which he or she was elected or appointed; or
- (b) the office of an elected or appointed member of the Council becomes vacant other than by effluxion of time –

a person may be elected or appointed to that office for the remainder of the term of office of that member and in the same manner as the member was elected or appointed.

2. Vacation and termination of office

(1) A member of the Council is taken to have vacated office –

- (a) when the member dies; or
- (b) if the member is absent, except on leave of absence granted by the Council, from 3 consecutive meetings of the Council; or
- (c) if the member resigns office by giving the Vice-Chancellor written notice of resignation; or
- (ca) if the member is disqualified from acting as a director under Part 2D.6 of the *Corporations Act 2001* of the Commonwealth; or
- (d) if the member is dismissed from office by the Council under subclause (2).

(2) If a two-thirds majority of the Council is of the opinion that an elected or appointed member of the Council –

- (a) has failed to discharge his or her obligations under section 11A or 11B; or
- (b) is incapable of discharging the obligations of a member of the Council –

the Council may dismiss the member from office.

(3) For the purposes of determining a two-thirds majority, the vote of the member of the Council who is the subject of the motion for dismissal is not to be counted.

3. Certain members ineligible on loss of status

A member of the Council who is elected under section 8(1)(e), (h) or (i) is taken to have vacated office if –

- (a) in the case of a member elected under section 8(1)(e), he or she ceases to be a member of the academic staff; or
- (b) in the case of a member elected under section 8(1)(h), he or she ceases to be a member of the professional staff; or
- (c) in the case of a member appointed under section 8(1)(i), he or she ceases to be a student.

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3A.**4. Disclosure of interest**

- (1) A member of the Council who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Council must, as soon as possible after the relevant facts come to the knowledge of the member, disclose the nature of that interest at a meeting of the Council.
- (2) A disclosure under subclause (1) is to be recorded in the minutes of the meeting of the Council and the member must not, unless the Council otherwise determines –
- (a) be present during any deliberation of the Council in relation to that matter; or
 - (b) take part in any decision of the Council in relation to that matter.

5. Meetings of the Council

The Council is to determine the procedure for calling and conducting its meetings.

6. Validity of acts and proceedings of Council

- (1) An act or proceeding of the Council, or of any person acting pursuant to a direction of the Council, is not invalidated or prejudiced by reason only of the fact that, at the time when the act or proceeding was done, taken or commenced, there was a vacancy in the membership of the Council.
- (2) All acts and proceedings of the Council, or of any person acting pursuant to a direction of the Council, are, notwithstanding the subsequent discovery of any defect in the appointment or election of a member of the Council or that a person was disqualified from acting as, or incapable of being, a member of the Council, as valid as if the member had been duly elected or appointed and was qualified to act, or capable of being, a member, and as if the Council had been fully constituted.

7. Presumptions

In any proceedings –

- (a) unless evidence is given to the contrary, no proof is to be required of –
- (i) the constitution of the Council; or
 - (ii) the election or appointment of any member of the Council; or
 - (iii) the presence of a quorum at any meeting of the Council; and
- (b) the production of a certificate purporting to be signed by the Vice-Chancellor stating that a matter specified in the certificate was resolved or determined by the Council on the day specified in the certificate is evidence that the matter so specified was resolved or determined by the Council on the day so specified.

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SCHEDULE 2 - Matters in respect of which by-laws may be made

Section 20

PART 1 - Traffic By-laws**1. By-laws made under section 20 may –**

- (a) regulate access by vehicles to University land or to any part of University land; and
- (b) regulate vehicular traffic on University land and, in particular, authorize and provide for the effect of signs, traffic lights, markings, roundabouts, traffic islands, speed humps, gates, posts and other traffic control devices; and
- (c) regulate the parking and standing of vehicles on University land and, in particular, authorize and provide for the effect of signs, markings, parking permits, reserved and restricted parking spaces and other parking control matters; and
- (d) provide for the imposition and collection by the University of charges for the parking or standing of vehicles on University land and for the erection, management and protection of parking meters and voucher machines for the purposes of those charges; and
- (e) regulate pedestrian traffic on University land; and
- (f) authorize the removal from University land or from places on University land of vehicles that –
 - (i) have been parked or left standing in contravention of a by-law; or
 - (ii) appear to have been abandoned; and
- (g) in respect of vehicles the removal of which is authorized by a by-law made under paragraph (f) –
 - (i) authorize the impounding of a vehicle so removed; and
 - (ii) set out the conditions to be observed before a vehicle so impounded is released, including a condition for payment of a specified amount to the University to secure the release of the vehicle; and
 - (iii) authorize the disposal or destruction of a vehicle so impounded if the owner fails, after being given a reasonable opportunity to do so, to claim the vehicle and to pay any amount payable to secure the release of the vehicle; and
- (h) provide, in relation to an alleged offence against a by-law relating to the parking or standing of vehicles, that in the absence of proof as to the identity of the person who in fact committed the alleged offence the owner of the vehicle at the relevant time may be taken to have committed the alleged offence whether or not the owner of the vehicle in fact committed the alleged offence; and
- (i) determine, in relation to an alleged offence against a by-law relating to vehicles, the person who is to be taken to be the owner of the vehicle at the time of the alleged offence; and
- (j) enable a person who is alleged to have committed an offence against a by-law relating to the parking or standing of vehicles to pay to the University a specified penalty, not exceeding 2 penalty units, as an alternative to undergoing prosecution; and
- (k) provide for the punishment, on summary conviction, by a fine not exceeding 5 penalty units, of offences against a by-law dealing with a matter referred to in this Part; and
- (l) prescribe the duties and powers of persons appointed by the Council to administer by-laws dealing with matters referred to in this Part; and
- (m) prescribe matters ancillary or incidental to matters referred to in this Part.

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PART 2 - General by-laws**2. By-laws made under section 20 may also –**

- (a) provide for the safety and preservation of property, including public property, on University land; and
- (b) provide for the removal from University land of any person or thing causing any danger, annoyance or inconvenience to persons lawfully on University land; and
- (c) prohibit the bringing onto University land of any prescribed matter or thing; and
- (d) provide for the removal from University land of animals; and
- (e) prohibit prescribed persons entering or remaining on any part of University land; and
- (f) enable a person who is alleged to have committed an offence against a by-law to pay to the University a specified penalty, not exceeding 2 penalty units, as an alternative to undergoing prosecution; and
- (g) provide for the punishment, on summary conviction, by a fine not exceeding 5 penalty units, of offences against a by-law dealing with a matter referred to in this Part; and
- (h) prescribe the duties and powers of persons appointed by the Council to administer by-laws dealing with matters referred to in this Part; and
- (i) prescribe matters ancillary or incidental to matters referred to in this Part.

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SCHEDULE 3 - Land vested in University

Sections 3 and 26

PART 1 - City of Hobart

251a. 2r. 18 2/10p. excluding an area reserved for high level road and an area reserved for widening of Earl Street.

Commencing at the intersection of Sandy Bay Road and Earl Street and bounded on the south-east by 21 chains 14 4/10 links south-westerly in two bearings along Earl Street aforesaid on the south-west by 1 5/10 links north-westerly along portion of 52a. 2r. 0p. grant to David Lord again on the south-east by 59 chains 35 1/10 links south-westerly in two bearings again along portion of 52a. 2r. 0p. aforesaid along portion of 167a. 2r. 0p. granted to David Lord along portion of 66a. 1r. 10p. granted to Octavius Lord along a reserved road and again along portion of 66a. 1r. 10p. aforesaid again on the south-west by 2 chains 56 8/10 links north-westerly along 507a. 0r. 0p. granted to Robert L. Murray again on the south-east by 42 chains 14 5/10 links south-westerly in several bearings again along 507a. 0r. 0p. aforesaid to Proctors Road on the west and again on the south-west by 4 chains 40 8/10 links northerly and north-westerly in two bearings along that road on the north-west by 13 chains 90 7/10 links north-easterly along portion of 633a. 0r. 0p. granted to Robert L. Murray again on the south-west by 21 chains 42 links north-westerly again along portion of that land again on the north-west by 18 chains 15 9/10 links north-easterly again along portion of that land again on the south-west by 4 chains 98 2/10 links north-westerly again along portion of that land to Proctors Road aforesaid again on the west by 4 chains 40 2/10 links northerly along that road on the north-east by 8 chains 47 6/10 links south-easterly again along portion of 633a. 0r. 0p. aforesaid again on the north-west by 18 chains 44 links north-easterly again along portion of that land again on the south-west by 9 chains 45 8/10 links north-westerly in two bearings along 633a. 0r. 0p. aforesaid along Bain Avenue and again along 633a. 0r. 0p. aforesaid to Proctors Road aforesaid again on the north-west by 3 chains 11 links north-easterly along that road again on the north-west by 31 chains 37 7/10 links north-easterly in two bearings again along portion of 167a. 2r. 0p. aforesaid and along portion of 65a. 2r. 0p. granted to David Lord again on the south-west by 56 4/10 links north-westerly again along portion of that land to Alexander Street again on the north-west by 25 chains 54 4/10 links north-easterly in two bearings along that street again along portion of 65a. 2r. 0p. aforesaid along Grace Street and again along portion of 65a. 2r. 0p. aforesaid to Sandy Bay Road aforesaid and thence again on the north-east by 8 chains 9 7/10 links south-easterly in several bearings along that road to the point of commencement as the same is shown on plan 151 Hobart and volume 186 Roads, folio 4, filed and registered in the office of the Surveyor-General and Secretary for Lands, at Hobart. Subject to the Sewerage Easements in favour of the Lord Mayor Aldermen and Citizens of the City of Hobart as more particularly described in proclamations in the gazettes of the Commonwealth of Australia dated the 8th day of May 1919 and the 15th day of July 1920 respectively and as shown on the said plan 151 Hobart.

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PART 2 - City of Hobart

1R. 7 3/10P.

All that area of land containing 1 rood 7 3/10 perches more particularly described in Certificate of Title Volume 1050 Folio 82 in the name of Her Majesty, together with and subject to such rights of carriageway as are described in that Certificate of Title.

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SCHEDULE 4 - Savings and Transitional

Section 24

PART 1 - General Provisions

1.

2.

3.

4. Ordinances, rules and by-laws

(1) In this clause –

Ordinances includes the regulations and statutes that were continued in force by sections 17 and 25 of the Amalgamation Act respectively, as if they were Ordinances made under section 43 of that Act ;

rules includes the rules, made under statutes, that were continued in force by section 25 of the Amalgamation Act as if they were rules made under section 43 of that Act .

(2) Notwithstanding the repeal by this Act of the Amalgamation Act but subject to subclauses (3) and (4) , Ordinances, rules and by-laws in force under that Act immediately before the commencement of this Act continue in force as if they were Ordinances, rules and by-laws made under Part 3 , and may be amended or repealed accordingly.

(3) The Ordinances, rules and by-laws referred to in subclause (2) are to be read as if references in them to the University or the Council were references to the University or the Council within the meaning of this Act.

(4) The Ordinances, rules and by-laws referred to in subclause (2) apply only in relation to those persons, lands and matters in respect of which the University could have made Ordinances, rules and by-laws if this Act had not been enacted.

(5) Nothing in this clause restricts the right of the Council to make Ordinances, rules or by-laws under Part 3 that apply to the persons, lands or matters referred to in subclause (4) .

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PART 2 - Transitional provisions in respect of the Council**5. Certain members to continue in office**

On 1 September 2001 –

- (a) the Chancellor continues to hold office as a member of the Council for the balance of his or her term of office and is eligible for re-election; and
- (b) the Vice-Chancellor and the Chairperson of the Academic Senate continue to hold office as members of the Council; and
- (c) the members of the Council formerly elected as students continue to hold office as such for the balance of their term of office; and
- (d) the remaining members of the Council cease to hold office as such but are eligible for re-election or reappointment.

6. Terms of office for certain members

In respect of the Council constituted on 1 January 2013, the members referred to in section 8(1)(d) and (j) are to hold office for such period not exceeding 3 years as is specified in their instruments of appointment.

6A. Certain members to continue in office notwithstanding *University of Tasmania Amendment Act 2012*

Notwithstanding the amendments to the constitution of the Council as a result of the commencement of the *University of Tasmania Amendment Act 2012*, a member of the council who was a member immediately before that commencement and whose term of office expires after 31 December 2012 continues as such a member until the term of office expires or the office is otherwise vacated or terminated.

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PART 3 - Early elections and appointments**7. Early elections and appointments**

(1) For the purposes of constituting the Council, an election may be held and an appointment may be made during the period of 2 months immediately before the position on the Council is to be filled.

(2) For the purposes of constituting the Council on 1 January 2013, a member of the Council referred to in section 8(1)(j) , as substituted by the University of Tasmania Amendment Act 2001 , may be appointed at any time before that date by the Council as constituted at that time.

6.4 Lease of Mariners Cottage, Battery Point Slipyards
File Ref: F22/45752

Report of the Principal Advisor Legal & Property and the Manager Legal and Governance of 7 July 2022 and attachments.

Delegation: Committee

REPORT TITLE: LEASE OF MARINERS COTTAGE, BATTERY POINT SLIPYARDS**REPORT PROVIDED BY:** Principal Advisor Legal & Property
Manager Legal and Governance**1. Report Purpose and Community Benefit**

- 1.1. The purpose of this report is to consider a proposal from the Wooden Boat Guild of Tasmania Inc (the "Guild") to renew their lease of the Mariners Cottage within the Battery Point Slipyards ("Mariners Cottage")(**Attachment A**).
- 1.2. The Guild has leased the Mariners Cottage since 1 August 2016 and used it as its base of operations for undertaking boat building within the precinct. This has included using the Mariners Cottage for board meetings, performing research, undertaking guided tours and for storage of some equipment and reading materials related to its activities.
- 1.3. The Guild currently leases the space on a monthly basis following the recent expiry of their old lease and has made an application for a new lease for a term of five (5) years (**Attachment B**).
- 1.4. It is considered the proposal represents a good use of this property and aligns with the Council's Policy: Leases to Non-profit Organisations. It also represents a good opportunity to use the space for a purpose that aligns with the objectives of the Battery Point Slipyards Master Plan by maintaining the character of the site as a working maritime precinct.

2. Recommendation***That:***

1. ***The Council grant a lease of the Mariners Cottage, situated at 18-44 Napoleon Street, Battery Point in Tasmania to the Wooden Boat Guild of Tasmania Inc for a period of five (5) years at \$50.00 per annum (plus GST) in accordance with the Council's Policy: Leases to Non-Profit Organisations.***
2. ***The benefit provided by Council be reported in the Council's Annual Report in accordance with the Council's Policy: Leases to Non-Profit Organisations.***
3. ***The Chief Executive Officer be delegated the authority to negotiate and agree to the final lease terms.***

3. Background

- 3.1. The Council owns a building known as the Mariners Cottage which is situated within the Battery Point Slipyards ("Slipyards") at 18-44 Napoleon Street, Battery Point in Tasmania.
- 3.2. The Mariners Cottage has been leased from time-to-time, with the most recent tenant being the Guild.
- 3.3. Council approached the Guild in anticipation of their lease expiring seeking confirmation on whether they would be seeking to apply for a renewal. Council officers also used this opportunity to renegotiate the terms of their occupation to align it closer with the recommendations of the Battery Point Slipyards Master Plan.
- 3.4. The attached proposal (**Attachment B**) outlines the Guild's intent in respect to the property.
- 3.5. It is considered this proposal represents a good use of the property given the boat making activities and general purpose of the Guild aligns with the character and heritage values of the site.
- 3.6. Whilst it is open to Council to call for expressions of interest for the use of this property, recognising the unique nature of the precinct and the suitability of the Guild's use of the property, the direct approach is considered a sensible outcome.
- 3.7. The Council's Leases to Non-Profit Organisations policy sets out a number of criteria against which any proposals seeking a reduced rental are to be assessed. The table below provides commentary regarding the proposal by the Guild against the criteria in that policy:

Criteria	Comments
Use, or proposed use of the property	The Mariner's Cottage will be used by the Guild to support its operations within the Slipyards and will be accessible to the public for inspection (subject to the availability of the Guild's volunteers) to showcase the memorabilia displayed within the property.
Alignment with the Council's Strategic Plan and other relevant Council strategic documents	Aligns strongly with Pillars 1, 2, and 3 of the Capital City Strategic Plan 2019-29. The Guild has particularised these synergies in greater detail on pages 9-10 of their application (Annexure B)
Level of community benefit – proposed or provided	The Guild's mission can be generally summarised as preserving the skills, processes, tools and materials associated with wooden boatbuilding in all its forms

Criteria	Comments
	<p>through education.</p> <p>The Guild furthers this purpose through its activities and in undertaking open day sessions at the Mariners Cottage, preparing pamphlets and website materials documenting the history of the site and the craft, undertaking guided tours and offering support for the annual wooden boat festival.</p>
Value of land and buildings	The property has been appraised as having a market rental of \$13,500.00 per annum (excluding GST)
Potential for alternative use	The use of the site is guided by the Battery Point Slipyards Master Plan which would favour proposals that protect the heritage of the precinct by continuing its use as a working maritime precinct and provide opportunities to tell the maritime history of the site, both of which are demonstrated by the Guild's use of the Mariner's Cottage
Viability and capability of the organisation	The Guild was established in November 1994 and is a Incorporated Association regulated by Consumer Building and Occupational Services
Capacity to pay, after all income and expenditure is taken into account	The Guild has limited funds raised from annual membership fees and fundraising BBQs and therefore has limited capacity to pay rent.
Capacity to invest in and maintain the asset, or degree of capital investment undertaken	The Guild will have internal maintenance obligations imposed as part of the lease.
Type of facility	Caretakers Cottage
Capacity to invest in the community, or level of community investment provided, through disbursement of surplus funds to local community groups, organisations or activities	Not applicable.

Criteria	Comments
Length of tenure sought	Five (5) year term.
For lease renewals only, the level of compliance with existing lease terms and conditions	The Guild has been a good tenant and responsive to the requests made by the Council (noting in particular its active participation in the consultation process undertaken in preparing the Battery Point Slipyards Masterplan) and officers are not aware of any breach of the terms of the lease.

- 3.8. In accordance with the desire for improved due diligence relating to leasing to not for profit organisations, and in line with external accounting advice, additional information relating to the operations of COMA has been obtained and assessed. This information is included as part of **Attachment B** and includes:
- (a) evidence of CBOS registration;
 - (b) a list of all past and present committee members;
 - (c) disclosure of existing relationships, transactions and arrangements in place (noting the Guild was not required to provide these and appears to have mistaken these to be “related party transactions”);
 - (d) confirmation that there are no conflicts of interest within the governance of the organisation (including the provision of services); and
 - (e) a written undertaking from the committee members of the organisation warranting they are a not-for-profit organisation, they comply with the policy, the completeness of the information provided and the accuracy of that information.
- 3.9. Based on the consideration of the proposal as against the requirements of the Policy it is considered appropriate to grant a lease of the property to the Guild.

4. Proposal and Implementation

- 4.1. It is proposed that the Council grant a lease of the Mariners Cottage to the Wooden Boat Guild of Tasmania Inc for a period of five (5) years at a nominal rent in accordance with the Council’s Policy: Leases to Non-Profit Organisations.
- 4.2. It is also proposed that the benefit provided by Council be reported in the Council’s Annual Report in accordance with the Council’s Policy: Leases to Non-Profit Organisations.

- 4.3. Should Council endorse the approach, a draft lease will be prepared and finalised with the Guild.

5. Strategic Planning and Policy Considerations

- 5.1. Strategy 3.4.1 of the Capital City Strategic Plan is to support the activation of City-owned spaces for creative, cultural and commercial initiatives. Given the current proposal is to have a publically accessible space (subject to volunteer availability) within a Council building it is considered that there is strong alignment with this strategy.
- 5.2. Strategy 7.2.1 is to promote contemporary heritage conservation practices and support adaptive reuse of heritage assets. The Mariners Cottage is a pair of mid-Victorian brick built cottages situated within an identified Heritage Listed Place as set out in the Hobart Interim Planning Scheme 2015 whilst also forming part of the Battery Point Heritage Precinct. The Guild's proposal to engage with the public through the availability of educational materials and guided tours detailing the history of the Mariner's Cottage and the Battery Point Slipyards strongly aligns with this strategy.

6. Financial Implications

- 6.1. Funding Source and Impact on Current Year Operating Result
- 6.1.1. The property is currently leased for a nominal rent, so while no additional income will be generated from the proposal, there is no cost for Council in approving this request.
- 6.2. Impact on Future Years' Financial Result
- 6.2.1. There is no impact on future year's financial result.
- 6.3. Asset Related Implications
- 6.3.1. This proposal will seek the continued activation of a Council asset. This is a positive outcome.

7. Legal, Risk and Legislative Considerations

- 7.1. No significant legal or risk considerations have been identified.

8. Delegation

- 8.1. This report is delegated to the Committee.

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.



Adrian Hutchinson
**PRINCIPAL ADVISOR LEGAL &
PROPERTY**

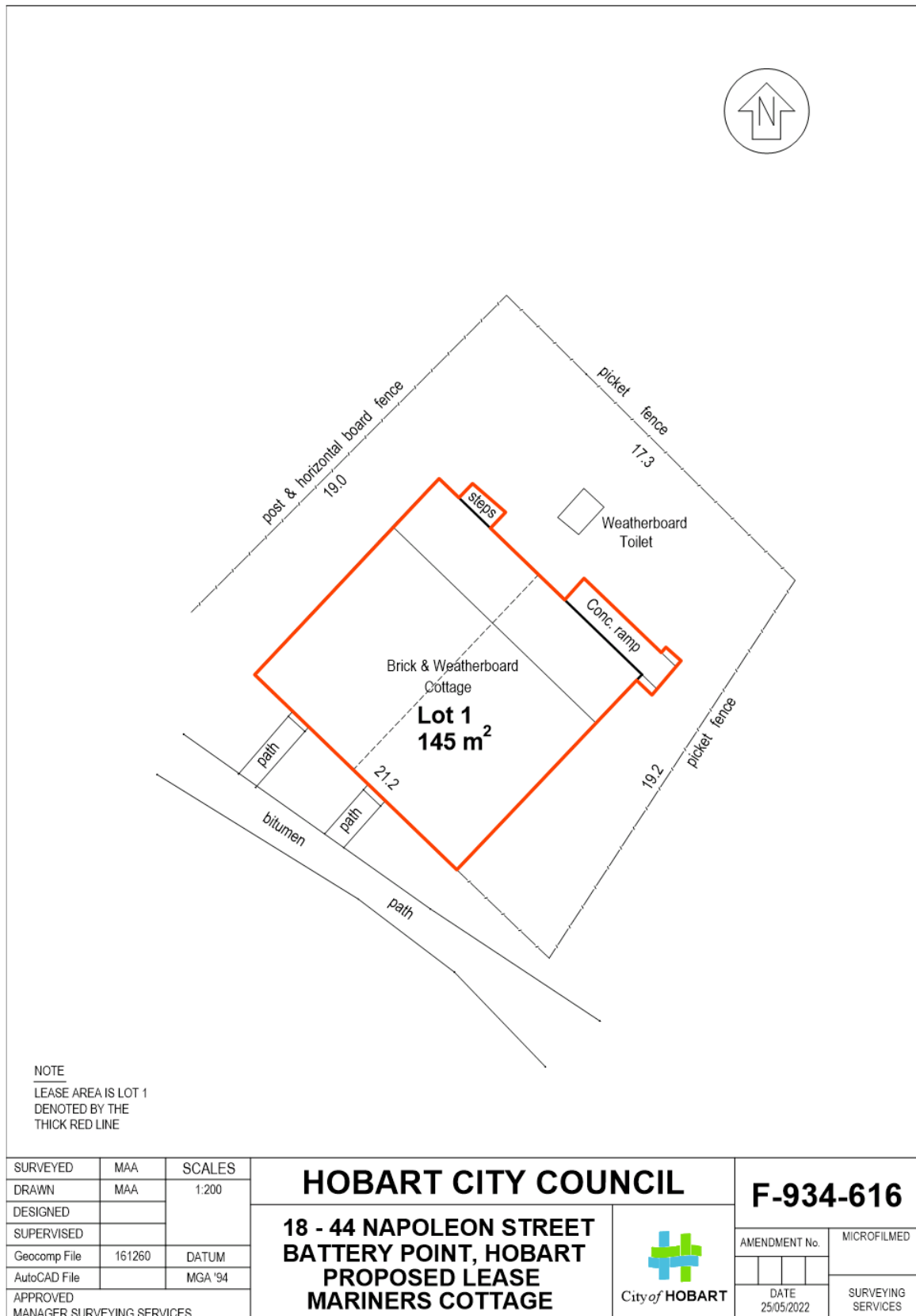


Paul Jackson
**MANAGER LEGAL AND
GOVERNANCE**

Date: 7 July 2022
File Reference: F22/45752

Attachment A: Lease Plan ↴ 

Attachment B: Letter - Lease Application ↴ 





Wooden Boat Guild of Tasmania Inc.
PO Box 28 Battery Point TAS 7004
secretary@woodenboatguildtas.org.au
woodenboatguildtas.org.au
ABN 86 565 998 371

18 May 2022

Kelly Grigsby
CEO
Hobart City Council
50 Macquarie Street
Hobart TAS 7000

Dear Kelly

Wooden Boat Guild of Tasmania Inc.

Lease of the Mariners Cottages, Battery Point

This representation is provided in connection with the application for a lease arrangement for the Wooden Boat Guild of Tasmania Inc. ('the entity'). We recognise that obtaining representations from us concerning the information contained in this letter is a significant procedure in enabling you to form an opinion as to whether we meet the requirements of the Council's Leases to Non-Profit Organisations Policy ("Policy").

Accordingly, we make the following representations, which are true to the best of our knowledge and belief, having made such inquiries as we considered necessary for the purpose of appropriately informing ourselves:

A. Compliance with Laws, Regulations and Council Policy

We have disclosed to you all known actual or suspected noncompliance with laws and regulations.

We confirm that we are a Not-for-profit Organisation for the purposes of the Policy and that we comply with the terms of the Policy.

The Guild is registered with CBOS as a NFP organisation. To add to this status we are registered with Microsoft for NFP sponsorship. Microsoft registration required completion of the ATO Self Governance Checklist.

As a registered Tasmanian Incorporated Association, Registered No. 03090C, our Officers and Committee are bound by our Articles of Association. As such, good governance practices are in place to ensure we comply with laws and regulations at the Federal, State and Local government levels.

B. Information Provided and Completeness of Information and Transactions

We confirm the completeness of information provided regarding the identification of related parties. We have disclosed to you the identity of the entity's Directors or Committee Members, related parties and all related parties and related party transactions of which we

Wooden Boat Guild of Tasmania Inc
 Submission for the lease of the Mariners Cottages

are aware, including sales, purchases, loans, transfers of assets, liabilities and services, leasing arrangements, guarantees, non-monetary transactions and transactions for no consideration for the period ended, as well as related balances due to, or from such parties at the year end.

C. Not for profit status

We confirm our not-for-profit purpose and intent. We confirm we have obtained CBOS registration. If the purpose of our entity changes we confirm we are under obligation to inform the Council and we understand that this can mean we no longer satisfy the terms of the Council's policy or lease agreement in place.

Capacity to pay rent

The Guild's income is from member subscriptions, and fund raising activities including BBQs at Bunnings Kingston and sales of merchandise at maritime related events, particularly the biennial Australian Wooden Boat Festival (AWBF). Our capacity to pay rent depends on the \$ value and how that value adversely impacts on our fundraising including member subscriptions and the activities offered to members.

Requested Length of tenure

The preferred tenure is for a 5 year lease. This will enable the continuance of the long-term relationship of maritime activities based on the Mariners Cottages. In this context the activities conducted by the Guild align substantially with Council's strategic plan and the Slipyards Master Plan. A renewed lease will ensure continuity of Guild activities of maritime heritage research, boat building and restoration at the Battery Point Slipyards.

D. Enclosures

The Guild provides the following appendices in support of our application for the renewal of the lease on the Mariners Cottages:

1. Evidence of ACNC or CBOS registration.
2. List of all past and present Directors (officers) and Committee Members.
3. List of all related parties, transactions and arrangements in place; and intended use of the cottages.
4. Details of any conflicts of interest within the governance of the Wooden Boat Guild of Tasmania Inc. (including, but not limited to, the provision of services).
5. An assessment of the Guild's past and future capacity to align with Council's strategic plan and our position on and contribution to the Battery Point Slipyards Master Plan.
6. Guild boat construction and restoration at the Battery Point Slipyards.
7. A letter of support for the Guild retaining a lease of the Mariners Cottages from Charles Morgan, President Battery Point Community Association.
8. A letter of support from Heritage Sailing Tasmania.

Yours faithfully,

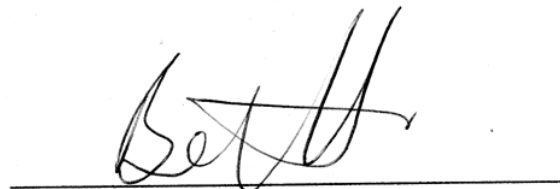


Name: Peter Higgs

19/05/2022

Date:

Role: President Wooden Boat Guild of Tasmania Inc.



Name: Brian Marriott

19 May 2022

Date:

Role: Public Officer Wooden Boat Guild of Tasmania Inc.



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Appendix 1 Evidence of ACNC or CBOS registration;



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Appendix 2 List of all past and present Directors (o cers) and Committee Members;

Office-bearers of the Wooden Boat Guild of Tasmania, 1994 - 2021							
Year	President	Snr Vice-president	Jr Vice-president	Secretary	Treasurer	Committee5	Public Officer
1994-95	Ian Johnston	Bill Foster	Andy Gamlin	Ross Berkman	Cathy Hawkins		(secretary, ex officio)
1995-96	Ian Johnston	Bill Foster	Andy Gamlin	Ross Berkman	Bruce Andrew		(secretary, ex officio)
1996-97	Bill Foster	Ian Johnston	Ainesley Smith	Graeme Dudgeon	Bruce Andrew	Andy Gamlin, Millard Ziegler	(secretary, ex officio)
1997-98	Bill Foster	Ainesley Smith	Bruce Andrew	Graeme Dudgeon	Wendy Andrew	Ian Johnston, Millard Ziegler	(secretary, ex officio)
1998-99	Bill Foster	Ainesley Smith		Graeme Dudgeon	Ainesley Smith	Ian Johnston, Millard Ziegler	(secretary, ex officio)
1999-2000	Andy Gamlin	Ainesley Smith		Lance Burns	Ainesley Smith	John Bishop, Graeme Hunt, David Murphy, Millard Ziegler	(secretary, ex officio)
2000-2001	Ainesley Smith	Andy Gamlin	Graeme Hunt	Lance Burns	Ainesley Smith	John Bishop, David Murphy, Millard Ziegler	(secretary, ex officio)
2001-2002	Ainesley Smith	Graeme Hunt	Millard Ziegler	Lance Burns	Ainesley Smith	Peter Higgs, David Murphy	(secretary, ex officio)
2002-2003	Ainesley Smith	Peter Higgs	John Bishop	Graeme Dudgeon	Graeme Hunt	Andy Gamlin, David Murphy, Robin Singleton	(secretary, ex officio)
2003-2004	Peter Higgs	Millard Ziegler	Robin Singleton	David Murphy	Graeme Hunt	Andy Gamlin, Noel Hall	(secretary, ex officio)
2004-2005	Peter Higgs	Millard Ziegler	Robin Singleton	David Murphy	Graeme Hunt	Ross Barne, Andy Gamlin, Noel Hall, Chris Morton	(secretary, ex officio)
2005-2006	Peter Higgs	Millard Ziegler	Robin Singleton	Millard Ziegler	Graeme Hunt	Ross Barne, Noel Hall	(secretary, ex officio)
2006-2007	Ross Barne	Robin Singleton	Graeme Hunt	Peter Higgs	Brian Marriott	David Barnes, David Gatenby, Jim Tayton	(secretary, ex officio)
2007-2008	Ross Barne	Graeme Hunt	David Barnes	Peter Higgs	Brian Marriott	David Gatenby, Noel Hall, Jim Tayton	(secretary, ex officio)
2008-2009	Ross Barne	Graeme Hunt	David Barnes	Peter Higgs	Brian Marriott	David Gatenby, Noel Hall, Jim Tayton	(secretary, ex officio)
2009-2010	Graeme Hunt	Brian Marriott	Jim Tayton	Ross Barne	David Barnes	David Gatenby, Noel Hall, Peter Higgs	(secretary, ex officio)
2010-2011	Graeme Hunt	Brian Marriott	Jim Tayton	Ross Barne	David Barnes	David Gatenby, Noel Hall, Peter Higgs, David Morton	(secretary, ex officio)
2011-2012	Graeme Hunt	Jim Tayton	David Morton	Ross Barne	David Barnes	Brian Marriott, David Gatenby, Noel Hall, Peter Higgs	(secretary, ex officio)
2012-2013	Ross Barne	Graeme Hunt	Brian Marriott	Graeme Nichols	David Morton	Peter Higgs, David Long, Robin Singleton, Ainesley Smith	(secretary, ex officio)
2013-2014	Brian Marriott	Graeme Hunt	Ross Barne	(vacant)	David Morton	Graeme Broxam, Stephen Conway, Peter Higgs, Ainesley Smith, Rob Virtue	Peter Higgs
2014-2015	Stephen Conway	Graeme Hunt	Ross Barne	Graeme Broxam	Hugo Liu	Peter Higgs, Rob Nolan, Ainesley Smith, Rob Virtue	Peter Higgs
2015-2016	Stephen Conway	Graeme Hunt	Rob Nolan	Graeme Broxam	Hugo Liu	Ross Barne, Peter Higgs, Graeme Nichols, Rob Virtue	Peter Higgs
2016-2017	Rob Nolan	Graeme Hunt	Rob Virtue	Graeme Broxam	Hugo Liu	Stephen Conway, Graeme Nichols, Andrew Perkins, Julie Porter	Peter Higgs
2017-2018	Rob Nolan	Rob Virtue	Julie Porter	Graeme Hunt	Graeme Broxam	Bernard Chenery, Peter Higgs, Andrew Perkins, Wayne Turner	Peter Higgs
2018-2019	Rob Nolan	Julie Porter	Graeme Hunt	David Edwards	Graeme Broxam	Bernard Chenery, David Edwards, Andrew Perkins, Rob Virtue	Peter Higgs
2019-2020	Julie Porter	Peter Higgs	Graeme Hunt	David Edwards	Graeme Broxam	Bernard Chenery, Peter Dempsey, Rob Nolan, Wayne Turner	Brian Marriott
2020-2021	Julie Porter	Peter Higgs	Graeme Hunt	David Edwards	Rob Nolan	Graeme Broxam, Bernard Chenery, Peter Dempsey, Wayne Turner	Brian Marriott

Wooden Boat Guild of Tasmania Inc
 Submission for the lease of the Mariners Cottages

Appendix 3

List of all related parties, transactions and arrangements in place.
Intended use of the Cottages.
Community benefit.

List of all related parties, transactions and arrangements in place

1. Hobart City Council through the lease of the cottages and the provision of a community grant for the development of the Guild's website.
2. Sponsorship through TasPorts for heritage boat display in Constitution Dock.
3. Association with Lenna Hotel for the display of our Piners' Punt *Gordon*.
4. Retained by Lenna Hotel for the construction of a new piners' punt, *Lenna* in the Lenna sub leased shed at 40 Napoleon, St. Battery Point, 7004.
5. Association with Prince of Wales Marina for the berthing of the *Terra Linna* circa 1880, Australian Register of Historic Vessels HV000088 .
6. Guild members retain a significant cross membership with the Australian Wooden Boat Festival Inc. (AWBF). The immediate past AWBF Chair is also a member of the Guild's executive.
7. Associated with the Spring Bay Community Boat Shed.
8. Joint organiser for the biennial Kettering Wooden Boat Rally with the Kettering Yacht Club.
9. Member Battery Point Community Association.
10. As allotted, the conduct of BBQs at Bunnings Kingston as a fund raising opportunity for NFP organisations.
11. Montrose Bay Yacht Club, an arrangement to hold meetings during COVID restrictions that prevent the holding of Guild General Meetings at the Mariners Cottages due to social distancing requirements.
12. Maritime Museum Tasmania's subcommittee; Association of Heritage Boat Organisations (AHBO). AHBO is a peak national body connecting organizations concerned with preserving and using heritage vessels, maintains a register of heritage vessels in Tasmania and monitors historic vessels at risk.
13. Seafarers Festival Bellerive as a participant raising awareness of wooden boats and maritime heritage.
14. Heritage Sailing Tasmania as a WBGT Corporate member.

Intended use of the Cottages

1. Meeting place. The Mariners Cottages provide the base for the Guild's activities, However the capacity for meetings have been severely restricted due to COVID-19 restrictions. COVID aside, the cottages provide for:
 - ☐ Monthly committee meetings.
 - ☐ Monthly general meetings (all members invited, with guest speaker).
 - ☐ Monthly meeting of the Guild's ICT subcommittee and finance subcommittee).
 - ☐ Twice weekly base for Guild members working on boat construction and restoration.
 - ☐ Meetings and working/research groups as required.
2. Public face for the Guild including showroom.
3. Library and maritime heritage research.
4. Storage of Guild's resources, particularly those required for participation at the AWBF.
5. Workshop e.g. for model boat making.
6. Support premises for boat building in one of the Battery Point waterfront sheds.
7. Provides a convenient meeting place for members who reside out of Hobart.

Wooden Boat Guild of Tasmania Inc
Submission for the lease of the Mariners Cottages

8. Can maintain the gardens (Heritage listed) within the cottage fences if those gardens are included in the lease. The Guild's current lease is solely for the footprint of the building, ie does not extend to the grounds within the fenced area.

Community benefit from the Guild's occupancy of the cottages

The Guild provides:

1. Activity and interests consistent with and supportive of the slipyards maritime activities.
2. Open day sessions on the history of the cottages eg Open House Hobart.
3. Pamphlet documenting the history of the Mariners Cottages available on our web site.
4. Taken a lead research role in the continuance and preservation of Tasmanian West Coast Piners' Punts.
5. Welcome BBQs for interstate/international visitors to the AWBF.
6. Links to our web site advising and informing of the maritime heritage of the Mariners Cottages and some aspects of the Battery Point slipyards and boat yards (in preparation). It is our intention to make this more accessible by placing QR codes at relevant locations at the Mariners Cottages and location in the slipyards enabling easier access to our web site.
7. The Guild helps maintain the interest in wooden boats in the intervening period between the biennial AWBFs. The AWBF is largest wooden boat festival in the Southern Hemisphere and one of the largest wooden boat festivals in the world.
8. Occasional use by other NFP organisations as a meeting space.

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Appendix 4 details of any conflicts of interest within the governance of the Wooden Boat Guild of Tasmania Inc. (including, but not limited to, the provision of services)

1. No knowledge of noncompliance or nondisclosure of any actual or perceived noncompliance with laws and regulations.
2. The Guild's use of the premises is subject to planning permit PLN-16-00324-01 of 23 May 2016 and exemption certificate for a sign from the Tasmanian Heritage Council.
3. The WBGT Inc. Directors (Officers) and Committee members affirm that there is no conflict of interest regarding any transactions related to the use of the Mariners Cottages or any of our identified related parties.

Wooden Boat Guild of Tasmania Inc
Submission for the lease of the Mariners Cottages

Appendix 5

Wooden Boat Guild of Tasmania Inc (WBGT) & City of Hobart Capital City Strategic Plan 2019-29 and the Battery Point Slipways Master Plan.

The WBGT continued lease of the Mariners Cottages aligns with and furthers the following elements of the Strategic Plan:

Pillar 2:

2.3 Hobart communities are active, healthy and engaged in lifelong learning.

The Guild conducts an active program of building and restoring wooden boats. The Guild is the only organisation currently building wooden boats in the slipways of Battery Point. In recent time the Guild has substantially rebuilt a piners' punt *Gordon* that was instrumental in the exploration of timber resources of the Gordon River, constructed as a new build project, a piners' punt *Lenna* on commission and has number of small boats awaiting restoration. All the Guild boats have heritage value and represent the finer art of boat building using Tasmanian timbers and wooden boat building skills.

Guild activities encourage inclusiveness and to the degree of active and passive activity that members are able to engage. Opportunities are available across a range of activities; all of which are in accordance with the Guild's objects as detailed in our Articles of Association, briefly:

- Recognising and promoting wooden boatbuilding in all its forms.
- Preserving and recording of the craft of wooden boat building.
- Educating and developing skills for future generations.
- Developing new building and restoration methods for wooden boats.
- Researching and the recording of Tasmanian wooden boats.
- Maintaining a register of boats.
- Ensuring the continual supply of Tasmanian specialty timbers for wooden boats.
- Encouraging the use of wooden boats, particularly to young people.
- Facilitating discussion relating to the Guild objects.
- Supporting and liaising with other organisations with similar objects.

Through the Guild's activities, members are engaged in lifelong learning, skill development and shared experiences in a collegial environment that supports physical and mental health. Guild members are under the tutorage of two of the finest 'old school' boat builders, Bill Foster and Adrian Dean. The Cottages provide the base for the activities we conduct.

2.2.5 Acknowledge and celebrate the value of volunteering and support further development of volunteer programs. And relatedly:

4.2.4 Recognise and celebrate the contribution of volunteers and unpaid workers to the city economy.

The Guild is an entirely volunteer organisation. The members freely contribute and benefit from the activities of the Guild.

Wooden Boat Guild of Tasmania Inc
Submission for the lease of the Mariners Cottages

The Guild's members contribute to like-minded organisations and the lease of the Cottages has enabled joint activities that support the Hobart community and has highlighted the HCC's contribution to the community.

Examples include linkages with the Australian Wooden Boat Festival with shared meeting space, Open Houses event which highlighted the Cottages, a Tasmanian autism group meetings and Heritage Sailing Tasmania (the Not for Profit operators of tall ship SV Rhona H) conducting their radio licence course at the Cottages, benefiting crews and promoting our commitment to maritime safety.

Pillar 3:

3.3 Everyone in Hobart can participate in a diverse and thriving creative community, as professionals and hobbyists.

As noted above the Guild is an organisation entirely based on the contribution of its members. The Guild retains its annual membership subscriptions at a low cost (\$50 and \$30 concessional). Our membership subscriptions include families. The Guild is also open to waiving membership fees on grounds of hardship. Members come from a wide range of occupations and backgrounds whilst many members are retirees with skills in the field and are thus contributing to the activities conducted by the Guild and the community.

3.3.2 Promote Hobart as a hub for creative practitioners to network, collaborate, access services and apply their skills.

In addition to the contribution the Guild makes to its presence as the only boat building activity in the Slipyards maritime precinct, we are associated with a wide network of wooden boat associations in other places. The Guild's presence as a hub for people who appreciate wooden boats adds to the success of the internationally renowned Australian Wooden Boat Festival. The Guild routinely holds welcome BBQs at the Cottages primarily for interstate and overseas visitors attending the festival.

3.4.1 Support the activation of City-owned spaces for creative, cultural and commercial initiatives.

The principal reason for the Guild to request the renewal of the lease of the cottages is that through our occupancy, as Council owned spaces, the Guild has the base to pursue its activities which are creative and represent initiatives not otherwise conducted in the city.

The use of the Cottages by the WBGT is for creative and cultural activities. It supports other commercial interests by their purchases at specialty business including the chandlers and businesses affiliated with timber and timbercraft.

Pillar 4:

4.1 Hobart's economy reflects its unique environment, culture and identity.

4.2 People have a range of opportunities to participate in the economic life of the city.

4.1.1 Identify and support Hobart's niche industries, which reflect the geography, climate, places, or particular skills found in Tasmania.

Wooden Boat Guild of Tasmania Inc
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Activities associated with wooden boats including their restoration, new builds, research and publishing strongly respond and are a creature of the geography, climate, places and particular skills found in Tasmania.

WBG and the Battery Point Slipways Master Plan

The 2018 Battery Point Master Slipways Master Plan espouses a vision to maintain a "*maritime heritage precinct that co-exists with the local community*" enhanced by "*the Mariners Cottage the basis for community use.*" The Wooden Boat Guild of Tasmania is a significant organisation that promotes Tasmania's maritime heritage in its own right, as well as co-operating with other like-minded businesses within the precinct with its links to state and national organisations such as the Maritime Museum of Tasmania, Association of Heritage Boat Organisations (AHBO) and the Australian Wooden Boat Festival. These organisations have at some stage made use of the cottages for meetings and activities over the past five years. Furthermore, the Guild has and continues to promote making the Cottages available to other like-minded and not for profit community organisations for similar use.

The Guild works closely with the Australian National Maritime Museum (ANMM) and has been the recipient of 3 MMAPSS grants (2X *Terra Linna* and 1 for Punt Book) that are made available to organisations to better local Maritime Heritage research and conservation. Although ANMM have not been present in meetings regarding the grants the WBG has always tele-conferenced with ANMM from the Mariners cottages. The ANMM certainly values that the WBG leases the Mariners Cottages and in doing so ensures an important part of Hobart's maritime heritage is put to good use.

The Guild pursues a comprehensive response to its objects for education and promotion of the Mariners Cottages. The Guild:

1. Compiled a pamphlet on the Cottages History.
2. Assisted HCC staff in the preparation of an information sign adjoining the cottages.
3. Participated in Open House Hobart 2021.
4. Taken a lead role in the recognition, continuance and preservation of Tasmanian West Coast Piners' Punts.
5. At Battery Point slipways the restoration of a once derelict piners' punt *Gordon* as a project for boat building skill development and as a significant contribution to the preservation of these iconic Tasmanian watercraft. The *Gordon* is currently on display at the Lenna Hotel.
6. Is constructing a new punt for the Lenna Hotel under the tutorage of Adrian Dean.
7. Published:
 - Tasmanian Piners' Punts, their History and Design* ed G Broxam.
 - Terra Linna the History, Recovery and Reconstruction of Tasmania's Oldest Racing Yacht* Compiled by G Broxam.
 - Research paper on the Ross Patent Slip by Peter Higgs (in a second draft).
 - Bimonthly newsletter *The Skeg* and ad hoc updates *Sema4*.

The Guild participated in the development of the Master Plan and made two written submissions to the Master Plan dated 24 June 2018 and 14 June 2019. The thrust of the Guild's submissions commented inter alia:

1. The Guild has been a willing participant in the preparation of the Master Plan and this comes from the benefits the Guild has gained from holding the lease on the Mariners Cottages.

Wooden Boat Guild of Tasmania Inc
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2. The Guild responded to the draft Master Plan and reiterated in response to the final plan to the claim that our occupancy is one that we are only on the site on limited occasions and therefore we do not *'provide the greatest opportunities for public and community use or understanding of the site'*.
3. The Guild contended that in terms of the size and arrangement of spaces and standard of facilities the scope to providing extended public and community use of the Cottages is not readily apparent.
4. When the consultative process for the preparation of the draft Master Plan required meeting space we made the Cottages available. We also have a working relationship with the Battery Point Community Association and as such have offered the Cottages for their use when needed.
5. When Guild members are present during the day the public are invited in to see the cottages and be told of their history. The Guild is open to other users of the Cottages as a meeting space for compatible activities. Compatible activities would be those that respect the integrity of the Cottages, furthered the desired future character statements for the Particular Purposes zone for the Slipyards and did not disrupt Guild activities.

Wooden Boat Guild of Tasmania Inc
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Appendix 6

Guild boat construction and restoration at the Battery Point Slipyards.

Gordon



Figure 2 working on Gordon

Gordon is a typical example of the piners' punts that were built during the first half of the twentieth century to service the timber and mining industries of Tasmania's West coast. She is thought to have been built in the 1920s, possibly in the Gordon River system itself. She was strongly, though a little roughly, crafted of lightweight King Billy pine with celery top pine ribs. Boats of this type, carrying the piners and their stores,

could be rowed long distances across Macquarie Harbour and up the various river systems running into it. They were light enough to be carried by teams of men over rapids and sometimes even over hills and mountain ranges to reach inaccessible waterways. *Gordon* is currently on display in the Lenna Hotel



Figure 1 Gordon launched.

Lenna



Figure 3 Lenna nearing completion.

Lenna is an Adrian Dean designed 15 ft traditional, 7 plank per side, piners' punt. Adrian has mentored Guild members in the methods of building a piners' punt. That is, she was built upright and without frames. Once all full size lofting was completed, it was possible to take individual plank shapes, measurements and sizes from the lofting boards full size drawings at each station. When fitting the planks because there were no frames, a Viking Plumb Bob

was used to check the plank angles and refine the landing angles at each station. This methodology provided the formation of the shape at each station as per the lofting boards drawing.

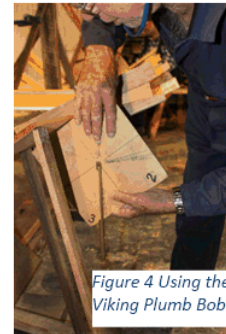


Figure 4 Using the Viking Plumb Bob.

Cornelia



Figure 5 Bernie and Wayne working on Cornelia

Cornelia is an old King William (Billy, timber) net boat, carvel built with the following dimensions 12' long X 5'7" beam X 1' 1" draught. She was rescued from Cornelian Bay by Guild member Bernard Chenery who leads her restoration. She has been fitted with 7 full sister ribs, the keel and stem have been completely replaced. *Cornelia* is intended to be used as a support/chase boat for the Guilds circa 1880 yacht *Terra Lima*.

Wooden Boat Guild of Tasmania Inc
Submission for the lease of the Mariners Cottages

Appendix 7

Letter of support for the Guild retaining a lease of the Mariners Cottages from
Charles Morgan, President Battery Point Community Association.



Julie Porter
President
Wooden Boat Guild Tasmania
PO Box 28
Battery Point 7004

9 June 2021

Dear Julie

Subject: Support for Wooden Boat Guild Tasmania (WBG) lease extension

I am writing on behalf of the Battery Point Community Association (BPCA) to support the application by WBG for a five-year extension of its lease of the Mariners Cottages.

The aims of BPCA strongly align with those of your organisation, specifically to:

- enhance the aesthetic, heritage and cultural values of Battery Point
- foster a strong sense of community
- Encourage and assist in the promotion of Battery Point as a place for visitors and tourists to enjoy.

BPCA's commitment to these aims is evident in our website, which contains information, news and a collection of fascinating stories about the history of Battery Point. Included in these are a number of stories about the maritime heritage of the precinct, which highlight its importance in the life of the community over many decades.

BPCA strongly supports the ongoing use of the Mariners Cottages for committee and monthly meetings, and as a base for its boat restoration activities.

BPCA believes that the continued lease of the Mariners Cottages by WBG supports the aims of the Hobart City Council with respect to the Battery Point Slipways Master Plan. We can think of no better use of the Cottages than that proposed by WBG.

With best wishes

Charles Morgan
President (on behalf of the Committee)

Wooden Boat Guild of Tasmania Inc
Submission for the lease of the Mariners Cottages

Appendix 8

Letter of support from Heritage Sailing Tasmania Ltd.



SV RHONA H

~ HERITAGE SAILING TASMANIA ~

ABN 83 608 416 691

07/06/2021

The Secretary,
Wooden Boat Guild of Tasmania
Hobart, Tasmania, 7000

Dear David,

I am writing to express our thanks for the use of the Mariners CoNages to conduct a Long Range Radio Operators Certificate of Proficiency Course in June.

It was most successful, with six participants able to complete the course with another two observers watching as a refresher.

The course was conducted via Zoom and included the course as well as the AMSA exam. The CoNages were an ideal location, being central with easy access as well as a COVID-safe venue.

We again thank you for your support of Heritage Sailing Tasmania Ltd and Maritime Safety; we hope that Heritage Sailing Tasmania may be able to use the coNages again in the future when another opportunity arises.

Kind regards,



Charles Burns
Director
Skipper SV Rhona H

SV Rhona H ~ Heritage Sailing Tasmania ~

Elizabeth St Pier Hobart 7000
Postal: 25 Oxleys Rd Kettering 7155 | www.rhonah.com.au
p. 0407 169 623 | email admin@rhonah.com.au



**6.5 Lord Mayor and CEO Meetings with Key Stakeholders -
Canberra June 2022
File Ref: F22/67864; 18/17**

Memorandum of the Chief Executive Officer of 8 July 2022.

Delegation: Committee



City of **HOBART**

MEMORANDUM: FINANCE AND GOVERNANCE COMMITTEE

Lord Mayor and CEO Meetings with Key Stakeholders - Canberra June 2022

Purpose

The purpose of this report is to provide the Committee with a summary of the meetings held by the Lord Mayor and CEO with key stakeholders in Canberra between Monday 20 June 2022 and Wednesday 22 June 2022, as per the resolution of Council at its meeting on Monday, 27 June 2022.

Summary of meetings and proposed next steps

Below is a summary of the meetings held, which consisted of:

- engaging with Ministers and senior officials of the incoming Commonwealth Government on the priorities of Greater Hobart and the City of Hobart; and
- liaising with key contacts in the ACT Government on areas of shared priority and interest between the cities of Canberra and Hobart.

In addition to these meetings, the Lord Mayor and CEO also attended key sessions of the Australian Local Government Association's General Assembly, which was held in Canberra on Monday 20 June 2022 to Wednesday 22 June 2022.

Stakeholder	Notes
The Hon Catherine King MP, Minister for Infrastructure, Transport, Regional Development and Local Government	<p><u>Issues discussed</u></p> <ul style="list-style-type: none"> • Proposed approaches to the City and the Commonwealth working together on the Government's election commitment of \$20 million to deliver on-water ferry infrastructure, noting that the project is currently being assessed by the Department of Infrastructure through the standard election commitment merit test process. • Hobart's other strategic priorities, including the Antarctic and Science Precinct, and Northern Suburbs Transit Corridor (including opportunities for in-fill residential development). • The incoming Government's proposed approach to City Deals.

	<p><u>Outcomes and next steps</u></p> <ul style="list-style-type: none"> • CEO and Lord Mayor to remain in touch with the Minister on key issues as they emerge, particularly in the infrastructure and local government portfolios. • CEO and HCC officers to continue to monitor and input into the merit test process for the ferry network expansion, and advocate for this funding to be included in the Commonwealth Budget as soon as possible.
The Hon Kristy McBain MP, Minister for Regional Development, Local Government and Territories	<p><u>Issues discussed</u></p> <ul style="list-style-type: none"> • Hobart's strategic priorities, including the ferry network expansion, Antarctic and Science Precinct, and Northern Suburbs Transit Corridor (including opportunities for in-fill residential development). • the incoming Government's proposed approach to City Deals. • The Minister's likely approach to the Local Roads and Community Infrastructure Program – particularly whether a formula of both road length and population size would be used for calculating funding allocations. • housing affordability and availability, and how the Commonwealth and the City may be able to work together to address housing challenges in Hobart. • issues around building resilience to climate change, including shared experiences of bushfire risk between the Minister's seat of Eden-Monaro and Hobart. • <i>NOTE:</i> Minister McBain was very active at the ALGA Congress and she noted that both housing and climate change resilience were of very broad concern to local governments across the country. <p><u>Outcomes and next steps</u></p> <ul style="list-style-type: none"> • CEO and Lord Mayor to remain in touch with the Minister on key issues as they emerge, particularly in the local government portfolio.
The Hon Chris Steel MLA, ACT Minister for Transport and City Services	<p><u>Issues discussed</u></p> <ul style="list-style-type: none"> • the ACT's approach to constructing and operating public transport on major transit corridors through the effective use of public/private partnerships, particularly in the recent construction of a light rail service between the Canberra CBD and Gunghalin (northern

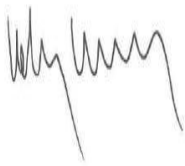
	<p>suburbs).</p> <ul style="list-style-type: none"> • The ACT's e-scooter trial, which is also being undertaken with commercial operators Beam and Neuron, including recent legislative amendments made following the initial phase of the trial. • The ACT's approach to reducing single use plastics, as well as to introducing a FOGO service, and how this compares to Hobart's approaches to these issues. <p><u>Outcomes and next steps</u></p> <ul style="list-style-type: none"> • The City of Hobart and ACT Government to consider appropriate ways of sharing information and learnings regarding each jurisdiction's e-scooter trials. • Via the Greater Hobart Committee, City of Hobart to work with the State Government to consider how public-private partnerships could be utilised effectively to support transport infrastructure projects, including the Northern Suburbs Transit Corridor and ferry network expansion.
Ray Griggs, Secretary of the Department of Social Services	<p><u>Issues discussed</u></p> <ul style="list-style-type: none"> • Housing affordability and availability, and how the Commonwealth and the City may be able to work together to address housing challenges in Hobart. • The proposed activation of the Northern Suburbs Transit Corridor, which offers a specific opportunity for potential partnerships on innovative approaches to urban infill housing development. • The Commonwealth's existing commitments to housing through the Hobart City Deal, including the delivery of new social housing, and how this could be built on in the next three years. <p><u>Outcomes and next steps</u></p> <ul style="list-style-type: none"> • The CEO and HCC officers to remain in contact with counterparts in the housing team of the Department of Social Services, to continue to explore opportunities for future collaborative and innovative partnerships.
Lyn O'Connell, Deputy Secretary of the Department of Agriculture, Water, Environment and Climate Change	<p><u>Issues discussed</u></p> <ul style="list-style-type: none"> • The importance of the proposed Antarctic and Science Precinct and Hobart port upgrade to the future economic development of the city. • The Department and AAD's willingness to work

	<p>with the City on a potential awareness-raising campaign about the importance of the Antarctic and Science sectors to Hobart.</p> <ul style="list-style-type: none"> • The possibility of arranging a visit for Minister Plibersek to Hobart. <p><u>Outcomes and next steps</u></p> <ul style="list-style-type: none"> • CEO and HCC officers to remain in contact with the Department and AAD on the Antarctic and Science Precinct, and other related opportunities.
Hannah Wandle, from the National Resilience and Recovery Agency	<p><u>Issues discussed</u></p> <ul style="list-style-type: none"> • The City of Hobart's successful bid for \$1.7 million in funding from the NRRRA to support the <i>Sparkling Conversation, Igniting Action</i> bushfire resilience program, and how the NRRRA could support collaboration between Hobart and other jurisdictions. • Processes and programs regarding emergency management, recovery and resilience. • Future funding opportunities through the incoming government's \$200 million disaster readiness fund. <p><u>Outcomes and next steps</u></p> <ul style="list-style-type: none"> • CEO and HCC officers to continue to liaise with the NRRRA, including local officers in Hobart, to further develop opportunities for cooperation and pursue future funding.
Chris Minson, Deputy Chief of Staff, Office of the Chief Minister of the ACT; and representatives of the Chief Minister's Directorate	<p><u>Issues discussed</u></p> <ul style="list-style-type: none"> • The ACT and Hobart's ongoing participation in and cooperation through the Council of Capital City Lord Mayors. • Opportunities to refine and improve the CCCLM's approach to key advocacy issues. <p><u>Outcomes and next steps</u></p> <ul style="list-style-type: none"> • The ACT and Hobart officers to continue to work together to progress mutually beneficial issues and opportunities for reform via CCCLM.

RECOMMENDATION

That the report titled 'Lord Mayor and CEO Meetings with Key Stakeholders – Canberra June 2022, 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.



Kelly Grigsby
CHIEF EXECUTIVE OFFICER

Date: 8 July 2022
File Reference: F22/67864; 18/17

7. COMMITTEE ACTION STATUS REPORT

7.1 Committee Actions - Status Report - OPEN

A report indicating the status of current decisions is attached for the information of Elected Members.

RECOMMENDATION

That the information be received and noted.

Delegation: Committee

Attachment A: Committee Status Report - OPEN

FINANCE AND GOVERNANCE COMMITTEE - STATUS REPORT
OPEN PORTION OF THE MEETING
26 July 2022

Ref	Title	Report / Action	Action Officer	Comments
1	SPECIAL REPORT – CEO NORTH HOBART PETITION, DIGITAL SIGNS AND REINVESTMENT Council, 20/9/2021 Item 16	<p>That the Council:</p> <ol style="list-style-type: none"> 1. Approve the preparation of a Precinct Plan for North Hobart to be developed in consultation with key agencies and stakeholders including North Hobart traders, landowners and residents. 2. Facilitate place-making activities across North Hobart that are community driven; and deliver on feedback received during the period of community consultation. <p>.....</p>	CEO	<p>An update to all Your Say North Hobart survey participants, including the provision of the engagement summary report and the key actions arising from the Council's decision (20 September 2021), has been provided.</p>
	NORTH HOBART PARKING OPERATIONAL POLICY CHANGES Council, 23/11/2020 Item 15	<ol style="list-style-type: none"> 5. Explore and implement enhanced mobility options; to encourage visitors into the precinct using alternate modes of transport; including trialling low-cost micro mobility modes. 6. Authorise the CEO to undertake all necessary actions to pursue opportunities to increase off street car parking stock within the coming months to accommodate future growth and install dynamic signage to alter motorists to available on street and off street parking. 		<p>Further:</p> <ol style="list-style-type: none"> 1. The development of a Precinct Plan for North Hobart will be progressed following the development of the draft Central Hobart Precincts Plan in 2022.
	NOTICE OF MOTION CONDELL PLACE CAR PARK – REDEVELOPMENT Council, 23/9/2019 Item 17	<ol style="list-style-type: none"> 7. Engage with North Hobart Traders to design and implement a marketing campaign; as part of Hello Hobart to promote (NoHo) and encourage visitation. 		<ol style="list-style-type: none"> 2. Place-making activities will be developed once the marketing campaign has been established with the North Hobart trader community.
	CONDELL PLACE CAR PARK – DEVELOPMENT			<p>.....</p>

Ref	Title	Report / Action	Action Officer	Comments
	OPPORTUNITIES AND EOI REQUEST Council, 23/7/2018 Item 17			<p>5. Micromobility trial launched December 17 2021 and ongoing.</p> <p>In excess of 367,000 rides to date across the two operators.</p> <p>Throughout the trial, the footpath and road of Elizabeth Street North Hobart have both been off limits to e-scooters, so there has been limited ability for e-scooters to alleviate car use in the precinct.</p> <p>6. Two new off-street locations being prepared for use as car parks in North Hobart, increasing off-street parking stock from 95 to about 140 spaces.</p> <p>Planning associated with the extension of the Lefroy Street car park extension is underway with the application for a planning permit lodged now.</p> <p>Investigations for the public usage of other sites are being progressed.</p>

Ref	Title	Report / Action	Action Officer	Comments
				<p>The digital signs have been procured with officers now working through the DA process, power and communications conduits and integrating with the parking system.</p> <p>7. NH campaign is currently being developed as part of a wider place-based demand-driving promotion. Will draw on diversity & strengths of each locale & include an overlay of existing events, activities, free parking & refreshed marketing approach with The20, & internal comms. Specific parking areas could be switched on/off in the campaign in conjunction with programed events.</p>

Ref	Title	Report / Action	Action Officer	Comments
2	2019-20 FEES AND CHARGES – PARKING OPERATIONS Finance and Governance Committee, 13/08/2019 Item 6.3 Council, 20/05/2019 Item 27	<p>That.</p> <p>2. The Finance and Governance Committee note the following nine topical areas to be reviewed by officers within the City Innovation Division, and report back to Council:</p> <p>(b) Pensioner voucher parking scheme;</p> <p>(g) Peripheral parking (commuter shuttle service);</p> <p>(h) Commuter parking in inner city areas; and</p> <p>(i) Off-street, off-peak parking demand management solutions to encourage the spread of shopping and trade, including late night trading and night-shift worker safety.</p>	<p>Director Connected City and Director City Futures</p>	<p>No changes were applied to the Pensioner Voucher Parking Scheme (Item 2.b) in 2021-22.</p> <p>Item 2 g), h) and i) are part of a broader access parking policy being undertaken by the Manager City Mobility.</p> <p>Further, these items will be addressed as part of the Central Hobart Precincts Plan.</p>
3	REINVESTMENT OF PARKING REVENUE IN THE CBD Council, 7/12/2020 Item 12	<p>1. A report be prepared that a percentage of CBD parking revenue be reinvested in the CBD.</p> <p>i) The report be prepared consistent with the Council's decision of 23 November 2020 requesting a report considering North Hobart parking charges being reinvested into amenity upgrades to the area of North Hobart.</p> <p>ii) The Parking Benefit District Policy be developed in line with the General Manager's advice.</p> <p>2. The report also give consideration for all precinct shopping strips and centres within the City.</p>	<p>Director Connected City and Director City Futures</p>	<p>Officers are actioning the decision and a report will be provided to Committee in 2022.</p>

Ref	Title	Report / Action	Action Officer	Comments
4	PARKING INFRASTRUCTURE Council, 22/02/2021 Item 11	<p>That Council:</p> <ol style="list-style-type: none"> 1. Note the work being undertaken under the Hobart City Deal to improve public transport infrastructure within Greater Hobart, and continue to work with the State Government to expedite the implementation of policies to improve public transport services within the City; 2. Note that the choice to work to improve public transport services and road/parking infrastructure are not mutually exclusive solutions to improving the commute of Hobartians, and that a combination of policies are required; 3. Investigates locations within the municipality which could be utilised as full day park and ride facilities. 	Director City Futures	Officers are investigating the matter and a report will be provided to Committee in 2022
5	PARKING METERS IN THE CITY Council, 11/10/2021 Item 10	<p>That:</p> <ol style="list-style-type: none"> 1. The Hobart City Council re-evaluate on street parking meters in Salamanca & the central business districts as per any impact that the meters may have either in general or the recent parking fee increases on the relevant business areas and a report be forthcoming. 2. The CEO be provided delegated authority to consult with business owners and traders as per the current on street parking requirements and implement their needs as per signage and as part of the re-evaluation in accordance with the Council's engagement/communications policy. 3. The CEO also investigate the possibility of a "Shop and Save" incentive similar to "Victoria Gardens" whereby shoppers swipe their receipt and receive discounts on parking. 4. The CEO also provide a report that evaluates the re-establishment of a "parking fund" similar to previous and prior to changes to the Local Government Act. <ol style="list-style-type: none"> a. This could be that the entire parking or a percentage being used for Parking & Park and Ride purposes rather than consolidated revenue. 	Director Connected City	Officers are investigating the matter and will report back to the Council.

Ref	Title	Report / Action	Action Officer	Comments
6	UTAS Move to the City Council, 15/03/2022 Item 10	That: 1. A report be provided that addresses the following; (i) The consultation, the steps and decisions and reports that both the UTas and the City Council have taken to date from 2015. (ii) Effect on amenity or otherwise on the residents of Sandy Bay and other inner city suburbs. (iii) Effect on the CBD businesses. (iv) Effect on traffic flow and parking in the CBD and in Sandy Bay and other inner city suburbs. (v) The short and long term ramifications to the budget of the City. (vi) The capital expenditure on infrastructure by the City Council that is required and over what period.	Head of Intergovernmental Relations and Partnerships Director City Futures	A report was provided to the Finance and Governance Committee Meeting for consideration on 21 June 2022 thereafter to Council for determination on 27 June 2022 COMPLETE
7	Applying Variable (Differential) Rates to Encourage Better Housing Options in Hobart Council, 15/03/2022 Item 12	That: 1. An urgent report be prepared to determine appropriate variable (differential) rates for the following: a. Properties listed as whole house visitor accommodation that currently have rates based on the Assessed Annual Value as a residential property; and b. Vacant land zoned as Residential 2. The report also provide advice on rates rebates and possible state government incentives for (new) residential properties approved and built as either the principle place of residence for the applicant, or that are tenanted through long-term rental."	Director City Enablers	The report is included on the July 2022 Committee Agenda.

Ref	Title	Report / Action	Action Officer	Comments
8	Response to Petition - Reduction to On-Street Parking Fees Council, 16/05/22 Item 15	<p>That:</p> <ol style="list-style-type: none"> 1. The petition titled Reduction to On-street Parking Fees, be received and noted. 2. The request for permanent price decreases, proposed in the petition titled Reduction to On-Street Parking Fees, be rejected. 3. The request for further and more detailed analysis of the impact of parking costs on businesses and visitor numbers, proposed in the petition titled Reduction to On-Street Parking Fees, be undertaken and the results be published. 4. The City continues to plan for time limited parking campaigns and related promotional activity targeted to support retailers in specific areas and the effect of these campaigns be used as data for more detailed analysis of parking in the City. 5. The detailed analysis also considers provision of affordable parking for those members of the community with mobility issues who visit the CBD. 6. An urgent report be forthcoming on a "shop and save" parking discount system comparable to Victoria Gardens or similar programs for both on and off street metered parking where paid parking is provided. The report consider a phasing in program including best times of day week for use of a "shop and save" discount parking system including which businesses partake in such a program and in particular financial implications. 7. The petitioners be notified of the Council resolution. 	Director Connected City	<p>No further action required for items 1 and 2.</p> <p>Officers are progressing actions 3, 4 and 5 for a future report to Council.</p> <p>Officers are investigating parking discount models as per item 6 for an upcoming report to Committee.</p>

912

Financial Report as at 31 March 2022 Council, 30/05/22 Item 11

That: 1. The financial report for the nine month period ending 31 March 2022, marked as Item 6.1 of the Open Finance and Governance Committee agenda of 24 May 2022, be noted.

2. The changes to the Council's 2021-22 Estimates as detailed in the following tables be approved.

(i) Operational Budget reallocations and amendments:

Budget Increases		Budget Decreases	
Item	Amount	Item	Amount
		Materials & Services	\$0.051M
		Other Expenses	\$0.001M
TOTAL		TOTAL	\$0.052M
NET EXPENDITURE REDUCTION			\$0.052m
Rates and Charges	\$0.857M	Rents	\$0.005M
Other Fees and Charges	\$0.136M		
TOTAL	\$0.993M	TOTAL	\$0.005M
NET REVENUE INCREASE			\$0.988M
CHANGE IN UNDERLYING RESULT			\$1.040M

(ii) Capital works program re-allocations and changes:

Capital Budget Increases		Capital Budget Decreases or Grant Funding	
Item	Amount	Item	Amount
Per tables in report:		Per tables in report:	
Expensed Projects	\$0.342M	Expensed Projects	
New capital works	\$0.367M	New capital works	\$0.870M
Renewal capital works	\$1.658M	Renewal capital works	\$1.571M
Upgrade capital works	\$0.418M	Upgrade capital works	
Capital revenue reduction	\$0.500M	Capital revenue increase	\$0.685M
TOTAL	\$3.285M	TOTAL	\$3.126M
NET EXPENDITURE INCREASE			\$0.159M

3. Capital Works, as detailed in the table included in section 4.9 of item 6.1 of the Open Finance and Governance Committee agenda of 24

Acting Director
City Enablers

Ref	Title	Report / Action	Action Officer	Comments
		May 2022, and totalling \$19.083M, be deferred for completion in the 2022-23 financial year.		
10	2022-2023 Fees and Charges Council 14/06/22 Item	<p>That:</p> <ol style="list-style-type: none"> 1. The schedule of fees and charges for Council services marked as Attachment B (inclusive of Attachment A variations) to the Special Finance and Governance Committee agenda of 14 June 2022, be adopted for the 2022-23 financial year, with the exception of existing fees and charges relating to Food Truck Permits which are to be maintained at the 2021-22 rate. 2. Officers prepare a report considering separate fees for residential planning applications for developments costing between \$200,001 and \$600,000 to recognise affordable housing development. 	<p>Acting Director City Enablers Director City Life</p>	<p>Officers are actioning the decision and a report will be provided to Committee in 2022.</p>

11	Budget Estimates 2022-23 Council 27/06/22	<p>That: 1. The expenses, revenues, capital expenditure, and plant and equipment expenditure detailed in the document 'City of Hobart Budget Estimates 2022-23 Financial Year', marked as Attachment A to item 6.1 of the Open Finance and Governance Committee agenda of 21 June 2022, be approved.</p> <p>2. New borrowings of \$1.5 million to be further considered if required for the Doone Kennedy Hobart Aquatic Centre upgrade.</p> <p>3. The Council delegate to the Chief Executive Officer the power to enter into loan agreements to source the above borrowings if required on the most favourable terms.</p> <p>4. The City of Hobart Rates Resolution 2022-23, marked as Attachment C to item 6.1 of the Open Finance and Governance Committee agenda of 21 June 2022, be adopted as follows:</p> <p>(i) Pursuant to s.90 of the <i>Local Government Act 1993</i>, a General Rate of 10.50471 cents in the dollar of Assessed Annual Value (AAV) be made.</p> <p>(ii) Pursuant to s.88A of the <i>Local Government Act 1993</i> the Council by absolute majority sets a maximum percentage increase cap on the general rate (as previously made) at 2.6% where that increase has occurred as a result of municipal revaluation undertaken in accordance with s.20 of the <i>Valuation of Land Act 2001</i>.</p> <p>(iii) Pursuant to s.88A(1)(b) and s.107 of the <i>Local Government Act 1993</i> the Council by absolute majority declares that the maximum percentage increase cap on the general rate referred to at 4(i) above is varied to 1.6% for all land which is used or predominately used for commercial purposes.</p> <p>(iv) Pursuant to s.88A(2)(b) of the <i>Local Government Act 1993</i> the Council by absolute majority fixes the condition that to qualify for the maximum percentage increase cap (as previously made and varied above) the rateable land must not be subject to a supplementary valuation used by the Valuer-General during the period from 1 July 2022 to 30 June 2023.</p>	Acting Director City Enablers	The Council's decisions have been scheduled for implementation accordingly.
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		<p>(v) Pursuant to s.93A of the <i>Local Government Act 1993</i> and the provisions of the <i>Fire Service Act 1979</i> (as amended) the Council makes the following rates for land within the municipal area:</p> <p>a) A permanent brigade district fire rate of 1.04486 cents in the dollar of AAV subject to a minimum amount of \$44 in respect of all rateable land within the permanent brigade rating district.</p> <p>b) A Fern Tree volunteer brigade district fire rate of 0.28 cents in the dollar of AAV subject to a minimum amount of \$44 in respect of all rateable land within the Fern Tree volunteer brigade rating district.</p> <p>c) A general land fire rate of 0.25 cents in the dollar of AAV subject to a minimum amount of \$44 in respect of all rateable land within the municipal area which is not within the permanent brigade rating district or the Fern Tree volunteer brigade rating district.</p> <p>(vi) Pursuant to s.107 of the <i>Local Government Act 1993</i> Council declares by absolute majority that the permanent brigade district fire rate is varied within the permanent brigade rating district according to the use or predominant use of land, as follows:</p> <p>a) for land used for commercial purposes, vary the permanent brigade district fire rate to 1.30 cents in the dollar of AAV.</p> <p>b) for land used for industrial purposes, vary the permanent brigade district fire rate to 0.99 cents in the dollar of AAV.</p> <p>c) for land used for primary production purposes, vary the permanent brigade district fire rate to 0.94 cents in the dollar of AAV.</p> <p>d) for land used for public enterprise purposes, vary the permanent brigade district fire rate to 1.46 cents in the dollar of AAV.</p> <p>e) for land used for residential purposes, vary the permanent brigade district fire rate to 0.89 cents in the dollar of AAV.</p> <p>f) for land used for sporting or recreation facilities, vary the permanent brigade district fire rate to 0.54 cents in the dollar of AAV.</p> <p>g) for non-use of the land, vary the permanent brigade district fire rate to 0.82 cents in the dollar of AAV.</p> <p>(vii) A Waste Management Service Charge be made and varied according to the use or predominant use of land as follows:</p> <p>a) A Service charge of \$260 to apply to residential properties; and</p> <p>b) A Service charge of \$520 to apply to non-residential properties.</p>		
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		<p>(viii) A Waste Management Service Charge of \$65 be made for kerbside food organics garden organics waste collection for all rateable land within the municipal area to which Council supplies or makes available a food organics garden organics waste collection service fortnightly utilising a food organics garden organics waste collection bin.</p> <p>(ix) Pursuant to s.94 of the <i>Local Government Act 1993</i>, a Waste Management Service Charge for food organics garden organics collection be made in the sum of \$150.00 for all rateable land within the municipal area to which Council supplies or makes available a food organics garden organics waste collection service weekly utilising a food organics garden organics collection bin</p> <p>(x) Pursuant to s.94 of the <i>Local Government Act 1993</i>, a service charge be made for waste management services to offset a levy payable by the Council to the State Government under the Waste and Resource Recovery Act 2022 (a Waste Management Levy Offset Service Charge) and varied according to the use or predominant use of land as follows:</p> <p>a) A Service charge of \$10 to apply to residential properties; and</p> <p>b) A Service charge of \$20 to apply to non-residential properties.</p> <p>5. The penalty on unpaid rates be 3 per cent of the amount.</p> <p>6. The interest rate on unpaid rates be 8.13 per cent per annum, charged monthly.</p> <p>7. Unspent 2021-22 capital funding be carried-forward into 2022-23, with any necessary adjustments to be made in the September 2022 quarter financial report to the Council.</p> <p>8. The 2022-23 Annual Plan, marked as Attachment D to item 6.1 of the Open Finance and Governance Committee agenda of 21 June 2022 be adopted.</p> <p>9. The Long Term Financial Management plan 2023-32, marked as Attachment B to item 6.1 of the Open Finance and Governance Committee agenda of 21 June be adopted.</p> <p>10. The following delegations be approved:</p>		
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Ref	Title	Report / Action	Action Officer	Comments
		<p>(i) Pursuant to Section 22 of the <i>Local Government Act 1993</i>, the Council delegate to the Chief Executive Officer, being the General Manager as appointed by Council pursuant to section 61 of the <i>Local Government Act 1993</i> (Tas) the power to expend monies on the Council's behalf identified as Delegation Classification 1 items in the Council's Annual Plan 2022-23; and, the Council authorise the Chief Executive Officer to delegate, pursuant Section 64 of the <i>Local Government Act 1993</i>, to such employees of the Council as she considers appropriate, the power to expend monies on the Council's behalf identified as Delegation Classification 1 items in the Council's Annual Plan.</p> <p>(ii) Pursuant to Section 22 of the <i>Local Government Act 1993</i>, the Council delegate to all the Council Committees the power to expend monies on the Council's behalf identified as Delegation Classification 2 items in the Council's Annual Plan 2022-23.</p> <p>11. The Council note that a mid-year review of the 2022-23 Budget Estimates and Long Term Financial Management Plan 2022-32 will be undertaken.</p> <p>12. The Council note that a review of the mechanism adopted to determine future rate increases will be undertaken during the 2022-23 financial year.</p> <p>13. The Council adopt the amended City of Hobart Rates and Charges policy, marked as Attachment E to item 6.1 of the Open Finance and Governance Committee agenda of 21 June 2022.</p> <p>14. The Chief Executive Officer be authorised to finalise the City of Hobart Rates and Charges Policy and arrange for it to be made available to the public in a paper format from the Council's Customer Service Centre and in an electronic format from Council's website.</p> <p>15. The Council note the observations of the Risk and Audit Panel as detailed in this report.</p>		

12	<p>Response to Notice of Motion – UTAS Move to the City Council : 27/6/22</p>	<p>PART A That:</p> <ol style="list-style-type: none"> 1. The Council notes the officer report regarding the UTAS public meeting motions and questions; 2. That attendees of the meeting be thanked, and that information and responses to questions contained in this report and Item 6.4 of the Open Finance and Governance Committee agenda of 21 June 2022, be emailed or mailed to those people who registered for the public meeting; 3. The relevant institutions and representatives (including UTAS Council Members, and relevant State government representatives) be sent all public meeting motions and the Council's response to the motions from the public meeting for their information and consideration; 4. In response to concerns raised by the public, and the motions from the UTAS public meeting, the following information be collated under a UTAS tab on Council's website: <ol style="list-style-type: none"> a. the supporting information attachments of Item 6.4 and this report marked as Item 6.5, from the Open Finance and Governance Committee agenda of 21 June 2022; b. a timeline diagram outlining the chronology of dates, meetings, announcements, policies and decisions agreed by Council relating to the UTAS proposals since 2009; c. information to specifically explain the statutory obligations Council has relating to acting as a planning authority, as well as obligations elected members have to consider development applications without apprehended bias, according to the Local Government Act; d. the CEO consider any other communications that might help the public's understanding of the roles of responsibilities of Council in this matter; 5. Council notes that as part of the role as city manager, Council officers engage and discuss plans and city-shaping proposals with all large employers and city stakeholders, including UTAS, in accordance with the City's strategic, social and economic goals, always in accordance with the law; 		
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		<p>6. In relation to the City of Hobart and UTAS Governance forum;</p> <p>a. Council notes that the Governance Forum, established by unanimous resolution of the Council in 2019, has not met since September 2021 and not since the release of the Sandy Bay Master Plan;</p> <p>b. the City of Hobart and UTAS Governance forum be disbanded</p> <p>7. On the matter of declaring interest in regard to matters relating to UTAS, elected members continue with the standard practice as set out in the <i>Local Government Act (1993)</i> as per s48(2) and s54 noting that elected members may voluntarily declare and provide additional information if they wish, as deemed appropriate at any time;</p> <p>8. Council notes that a parliamentary inquiry into UTAS is being considered. Should the Council make a submission, then the report marked as Item 6.5 and attachments of Item 6.4, of the Open Finance and Governance Committee agenda of 21 June 2022, be considered to form the basis of that submission;</p> <p>9. The Council write to the University requesting it provide permission for the public release of the relevant notes taken from the City of Hobart and UTAS Governance Forum meetings .</p> <p>PART B That subject to qualified advice the Council make public the relevant report, with appropriate redactions if required, prior to the City Deal being agreed to which was put before a special closed meeting of the Finance and Governance Committee in December 2018.</p> <p>PART C That the questions asked by Mr Michael Foster at the Finance and Governance Committee meeting of 21 June 2022, be the subject of a further officer report to address them:</p> <p>1. Consequent upon the Council's 6 February 2017 resolution to undertake joint initiatives on the socio-economic impact of relocation, what joint initiatives were undertaken, where are the reports, and if none then what steps will Hobart City Council take to have such</p>		
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Ref	Title	Report / Action	Action Officer	Comments
		<p>studies completed before the Council has to consider any applications relating to relocation?</p> <p>2. At pages 21, 24 and 26 the officers' report it says that all the necessary research and analysis in relation to residential amenity, traffic and impact on the CBD of relocation cannot be undertaken until the university clarifies its plans. What steps does Hobart City Council intend to undertake to ensure that such reports are completed before the Hobart City Council has to consider any applications by the university (including Development Applications and rezoning), noting that the developer may not undertake them and that if it did they would not be independent?</p> <p>3. What research underlies the statement at page 25 that "experience from elsewhere indicates that the move of universities downtown generally have a positive effect on business" or that such a statement has any relevance to the actual relocation proposal in Hobart?</p> <p>4. What research underlies the statement at page 26 that there is the opportunity for relocation to be positive for overall traffic?</p> <p>5. What research underlies the supposition at page 26 that in the context of relocation in Hobart it is likely that travel patterns will not be "business as usual" with many trips taken by car?</p> <p>6. What steps has the university taken to put in place a Community Engagement process, with in-depth material and transparency and an openness to modify plans and the presentation of tangible options for compromise, as requested by the Hobart City Council on 23 March 2022 and is the Hobart City Council satisfied that sufficient steps have been taken and if not then what steps will the Hobart City Council take to request the university to comply with the request?</p> <p>7. What steps will the Hobart City Council take to ensure that the Community Engagement process to be conducted by the university will be completed before the Hobart City Council considers and applications by the university?</p>	<p style="text-align: center;">Head of Intergovernmental Relations and Partnerships</p>	

8. QUESTIONS WITHOUT NOTICE

Section 29 of the *Local Government (Meeting Procedures) Regulations 2015*.
File Ref: 13-1-10

An Elected Member may ask a question without notice of the Chairman, another Elected Member, the Chief Executive Officer or the Chief Executive Officer's representative, in line with the following procedures:

1. The Chairman will refuse to accept a question without notice if it does not relate to the Terms of Reference of the Council committee at which it is asked.
2. In putting a question without notice, an Elected Member must not:
 - (i) offer an argument or opinion; or
 - (ii) draw any inferences or make any imputations – except so far as may be necessary to explain the question.
3. The Chairman must not permit any debate of a question without notice or its answer.
4. The Chairman, Elected Members, Chief Executive Officer or Chief Executive Officer's representative who is asked a question may decline to answer the question, if in the opinion of the respondent it is considered inappropriate due to its being unclear, insulting or improper.
5. The Chairman may require a question to be put in writing.
6. Where a question without notice is asked and answered at a meeting, both the question and the response will be recorded in the minutes of that meeting.
7. Where a response is not able to be provided at the meeting, the question will be taken on notice and
 - (i) the minutes of the meeting at which the question is asked will record the question and the fact that it has been taken on notice.
 - (ii) a written response will be provided to all Elected Members, at the appropriate time.
 - (iii) upon the answer to the question being circulated to Elected Members, both the question and the answer will be listed on the agenda for the next available ordinary meeting of the committee at which it was asked, where it will be listed for noting purposes only.

9. CLOSED PORTION OF THE MEETING

RECOMMENDATION

That the Committee resolve by 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:

- Information of a personal nature provided on the basis that it is kept confidential
- Matters relating to possible litigation involving the Council
- Personal hardship of a municipal resident or ratepayer

The following items are listed for discussion:-

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| Item No. 1 | Minutes of the last meeting of the Closed Portion of the Committee Meeting |
| Item No. 2 | Consideration of supplementary items to the agenda |
| Item No. 3 | Indications of pecuniary and conflicts of interest |
| Item No. 4 | Reports |
| Item No. 4.1 | Outstanding Sundry Debts as at 30 April 2022
LG(MP)R 15(2)(g), (i) and (j) |
| Item No. 4.2 | Write-Off of Debts
LG(MP)R 15(2)(g) and (j) |
| Item No. 5 | Committee Action Status Report |
| Item No. 5.1 | Committee Actions - Status Report - CLOSED
LG(MP)R 15(2)(c)(i), (f), (g) and (i) |
| Item No. 6 | Questions Without Notice |