



CITY OF HOBART

## AGENDA

OPEN PORTION OF THE COUNCIL MEETING  
MONDAY, 21 NOVEMBER 2022  
AT 5.00PM



City of **HOBART**

## THE MISSION

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

## OUR VALUES

THE COUNCIL IS:

### PEOPLE

We care about people – our community, customers and colleagues

### TEAMWORK

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

### FOCUS AND DIRECTION

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

### CREATIVITY AND INNOVATION

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

### ACCOUNTABILITY

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

## VISION

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

Hobart breathes.

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

We are brave and caring.

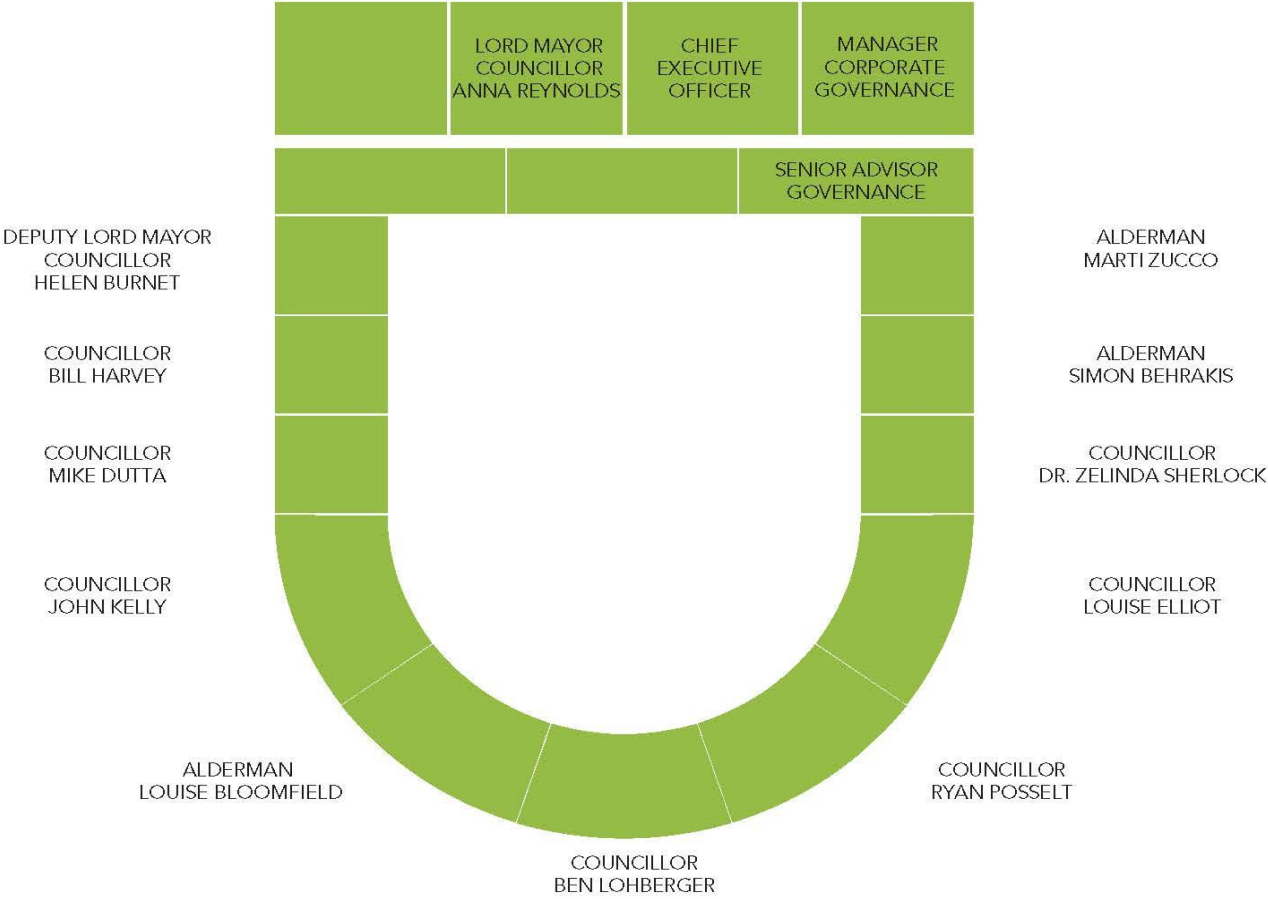
We resist mediocrity and sameness.

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

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



City of **HOBART**



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## ORDER OF BUSINESS

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**A MEETING OF THE OPEN PORTION OF THE COUNCIL WILL BE HELD IN THE  
COUNCIL CHAMBER, TOWN HALL ON MONDAY, 21 NOVEMBER 2022 AT  
5.00PM.**

**Kelly Grigsby  
Chief Executive Officer**

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).

This meeting of the Council 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.

**ELECTED MEMBERS:**

Lord Mayor A M Reynolds  
Deputy Lord Mayor H Burnet  
Alderman M Zucco  
Councillor W F Harvey  
Alderman S Behrakis  
Councillor M S C Dutta  
Councillor Dr Z E Sherlock  
Councillor J L Kelly  
Councillor L M Elliot  
Alderman L A Bloomfield  
Councillor R J Posselt  
Councillor B Lohberger

**APOLOGIES:**

**LEAVE OF ABSENCE:** Nil.

**1. ACKNOWLEDGEMENT OF COUNTRY**

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**2. 2022 ELECTION - MOTION ACKNOWLEDGING THE RECEIPT OF  
ALL DECLARATIONS OF OFFICE MADE**

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That the Council formally acknowledge the making of Declarations of Office by all Elected Members on Monday, 7 November 2022.

**3. CONFIRMATION OF MINUTES**

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The Chairman reports that she has perused the minutes of the meeting of the Open Portion of the Council meeting held on [Tuesday, 25 October 2022](#), finds them to be a true record and recommends that they be taken as read and signed as a correct record.

#### **4. TRANSFER OF AGENDA ITEMS**

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

#### **5. COMMUNICATION FROM THE CHAIRMAN**

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#### **6. NOTIFICATION OF COUNCIL WORKSHOPS**

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

#### **7. PUBLIC QUESTION TIME**

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Regulation 31 *Local Government (Meeting Procedures) Regulations 2015*.  
File Ref: 16/119-001

##### **7.1 Public Questions**

##### **7.2 Responses to Public Questions Taken On Notice**

"In accordance with the procedures approved in respect to Public Questions Time, the following responses to questions taken on notice are provided to the Council for information.

The Council is reminded that in accordance with Regulation 31(4) of the *Local Government (Meeting Procedures) Regulations 2015*, the Chairperson is not to allow discussion or debate on either the question or the response."

##### **7.2.1 Sporting Facilities on the Ham Common Site** **File Ref: F22/106753**

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#### **RECOMMENDATION**

***That the following responses to public questions taken on notice, be received and noted.***

**Meeting date:** 12 September 2022  
**Raised by:** Mr Ryan Posselt  
**Response Author:** Ms Kelly Grigsby (CEO)  
**Topic:** Sporting Facilities on the Ham Common Site

**Question:**

Can council supply a map outlining the area known as ham common and any surrounding land owned by council and its approximate size?

**Response**

The attached plans shows Ham Common (red circle) – the surrounding area green area is Ridgeway Park that is also owned by Council.

The second plan shows the current leased area (white boundary).

The Ham Common Lease is approximately 9.6 hectares.

**Question 2**

When collegiate's lease was renewed in 2016, what was the process? Was it an option dating back to the original lease from the 80s or was it a new lease? Was any rigour applied to the decision or was it simply waived through?

**Response**

St Michaels Collegiate wrote to the Council in 2016 requesting a lease extension over the site for a number of reasons including:

- The proposal to expend significant capital on the site on improvements to the playing surface and other assets.
- Long term assurance in partnering third parties for use of the facilities

In considering the request, the significant investment into the site from Collegiate in the past that included investment into the playing surface, numerous buildings, tennis courts and other assets, was noted.

Collegiate were also a proven tenant who manage the facility to a high standard.

**Question 3**

Has council been involved in any assessment of the site since it was handed over to collegiate in the 1980s? Have there been geological surveys, soil testing or any work undertaken to identify opportunities for development that would better utilise this large site and to serve all of the community?

## Response

The City has not been involved in any such testing. Collegiate have been working with Van Diemen Archers and have approval from Council to negotiate a sub-lease with this Club who are developing plans to develop a large portion of the unused land within the lease boundary into an archery club.

To progress any development application for the site an environmental site assessment will be required as it is a potentially contaminated site.

## Question 4

At any stage, on any council records, has this site been identified as a strategic asset as a large patch of under-utilised, cleared urban land and opportunities proposed or explored for development of the site to better serve the community of Hobart?

## Response

As noted, Collegiate have been in negotiations for a number of years for better utilisation of the site which has had long term interest from the Van Diemen Archers, archery club. The school is also about to progress the installation of a synthetic cricket pitch at the ground and have been working on a partnership with South Hobart Sandy Bay Cricket Club for summer tenancy over the facility. The cricket pitch will allow community cricket matches to be played at the venue during evenings over summer when it is not required for school usage.

## Question 5

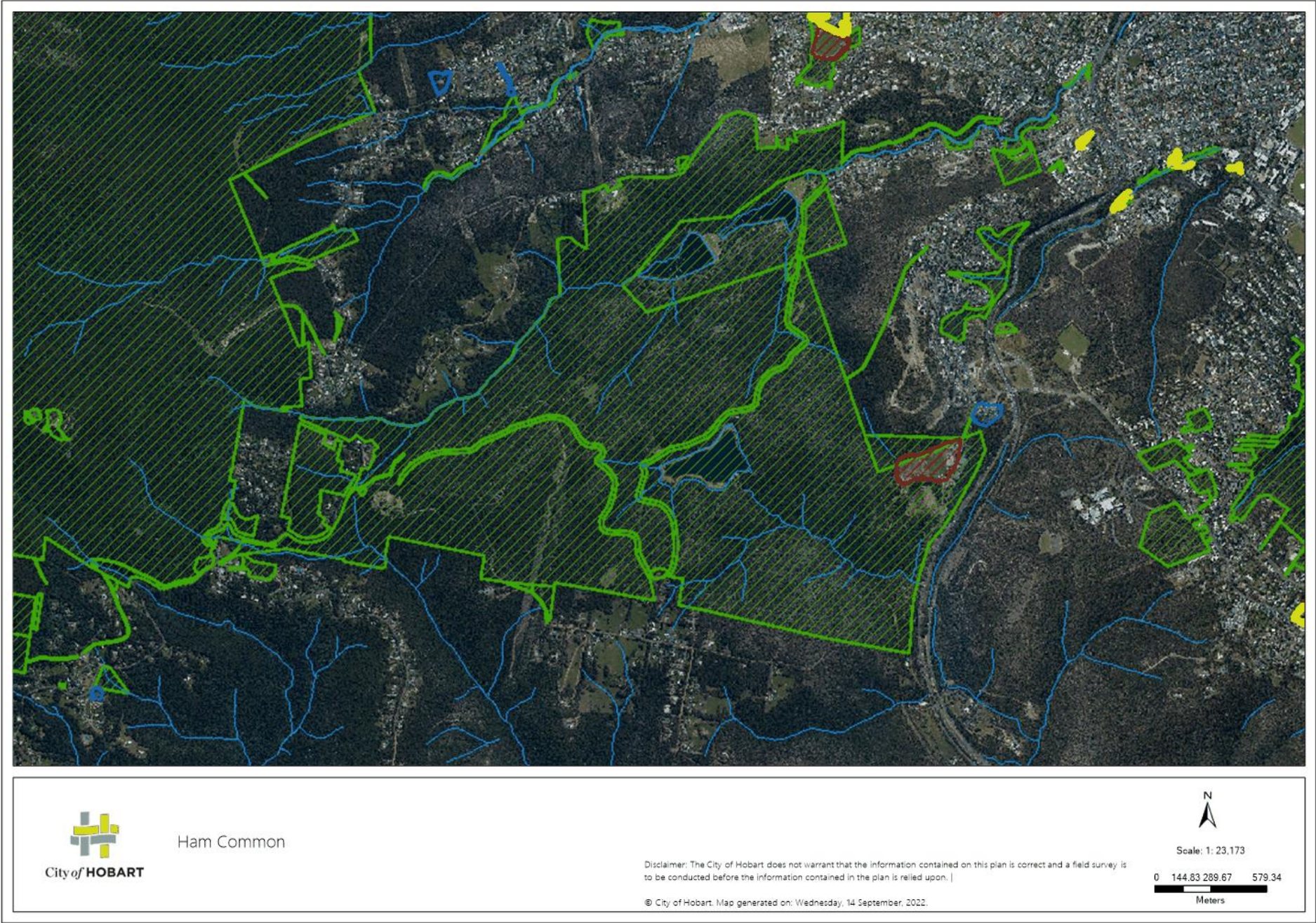
Has council, its Elected Members or representatives met with Ice Sports Tasmania, or the State government to identify potential sites for a future Hobart Ice Rink?

## Response

Whilst it is difficult to speak for Elected Members, there have been no discussions between Ice Sports Tasmania and the City's Sport and Recreation Unit to look at any potential sites for a future Hobart ice rink.

While the Ham Common site does offer some opportunity for further recreational pursuits, it does have its limitations, including its former use as a landfill site, which will mean future development is likely to be expensive, its location isn't central to many in Hobart and the access to the site isn't ideal.

It is considered a sport such as archery is ideally suited to the site.





## **8. PETITIONS**

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## **9. CONSIDERATION OF SUPPLEMENTARY ITEMS**

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

### **RECOMMENDATION**

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

## **10. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST**

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

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

**MOTIONS OF WHICH NOTICE HAS BEEN GIVEN**

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

**11. Graffiti Racism  
File Ref: F22/115226**

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Councillor Sherlock

**Motion**

“Neither the City of Hobart, nor police, collate instances of prejudice and hate graffiti occurring in our community. The Hobart City Council has a database of graffiti, but we have no way of drawing out those specific instances of prejudice and hate. This motion seeks to create a framework for reporting instances of prejudice and hate to Equal Opportunity Tasmania, through their established online reporting mechanism.”

**Rationale:**

“This Council has had a focus on the impact of incidents motivated by prejudice and hate for many years. We are members of the Welcoming Cities program and signatories to the Refugee Welcome Zone and the Racism It Stops With Me campaign. In 2020 I launched our own initiative, *Hobart Respects All*, which encourages witnesses and bystanders to stand up against racism and support people experiencing this type of abuse.

*Hobart Respects All* came about because our staff heard of experiences of racism that were occurring in our community (Attachment A). The fact that our staff were hearing this is unsurprising. As the level of government closest to the people, our staff are vigilant to the issues and experiences of our communities.

One of the ways our Officers identify that racism, as well as prejudice and hate against other communities, is occurring in our communities, is by looking at graffiti on the walls of our public places, especially the places the City manages. Prejudice and hate graffiti is different to other forms of graffiti. It is designed to intimidate and strike at the very core of people’s identities. It can leave people feeling vulnerable and unable to protect themselves. This can create anxiety, stress and fear, and at its worst can stop people from taking part in social and community life.

Our response to all graffiti is to photograph it and remove. In some instances, we inform Tasmania Police. But neither us, nor police, collate instances of prejudice and hate graffiti occurring in our community. We have a database of graffiti, but we have no way of drawing out those specific instances of prejudice and hate. Being able to do so is important to understand what is occurring in our community, identify trends, allocate resource and develop programs to respond.

Equal Opportunity Tasmania also play an important part in identifying and responding to prejudice and hate. Section 19 of the Anti-Discrimination Act makes it illegal to: by public act, incite hatred towards, serious contempt for, or severe ridicule of, a person or a group of persons on the grounds of; race, disability, sexual orientation, religious belief, gender identity or intersex variations of sex characteristics. Graffiti is illegal under Section 15CA of the Police Offences Act, this applies to all types of graffiti including hate and prejudice graffiti. Graffiti which is prejudice or hate related may meet the requirements for Section 19 of the Anti-Discrimination Act.

Unlike Tasmania Police, Equal Opportunity Tasmania has an online reporting mechanism which Officers could use to inform of prejudice and hate graffiti in our City. There are specific advantages in using this reporting mechanism. It can be done quickly and easily on a phone, tablet or computer. A photo can be attached. Equal Opportunity Tasmania can then use these reports to identify trends and develop programs to respond, and if necessary engage with Tasmania Police. Equal Opportunity Tasmania has been established specifically for this role, whereas Tasmania Police respond to a range of matters, and do not have the resources to have a narrow focus in the same what that Equal Opportunity Tasmania can.

Discussions have been conducted with Equal Opportunity Tasmania and as a reporting mechanism already exists, this motion seeks Council officer time to collaborate with staff from EOT to report instances of prejudice and hate, as Council Officers receive them."

## Administration Response to Notice of Motion

### Discussion

1. The Council has endorsed *A City for All: Community Inclusion and Equity Framework* to guide the City's response to issues relating to social inclusion and human rights.
2. The Council adopted the *Social Inclusion Policy* on 12 October 2020 that provides a policy position and set of guiding principles for the Council to support social inclusion across the organisation and reduce the risk of discrimination and exclusion.
3. City of Hobart staff have been actively involved in the Tasmanian Prejudice Related Crime Working Group since its inception in 2021. This working group is represented by leaders and community organisations from a broad range of communities including multicultural, LGBTQIA+, older people, people with disability and the Aboriginal community.
4. Members of the Tasmanian Prejudice Related Crime Working Group advise that they are aware of ongoing instances of prejudice related and hate crimes and the impacts of these on our community members,

however formal reporting of the crimes and impacts continues to be challenging.

5. The identification and recording of prejudice related and hate crime graffiti is one response to developing a greater understanding of the level of this behaviour.
6. Officers will investigate the development of a methodology to support reporting by City of Hobart of prejudice and hate related graffiti and vandalism.
7. Council commits to building social inclusion and actively reducing discrimination on the ground of any attribute listed under section 16 of the Anti-Discrimination Act 1998. The Council commits to social inclusion and compliance with relevant anti-discrimination legislation in all aspects of the City's operations, including strategic planning, service delivery, communications and design and delivery of public spaces.

## Strategic, Legislative and Policy Implications

### Capital City Strategic Plan

Pillar:

Outcome:

Strategy:

#### **Hobart: A city for all - Community Inclusion and Equity Framework.**

To truly become a city for all, we must work towards inclusion and equity for all who live, work or play in Hobart. We recognise systemic exclusion, discrimination and inequity in our city and understand that this demands systemic and structural solutions.

The following guiding principles are particularly relevant:

**DIVERSITY AND INCLUSION** Diversity in culture, nationality, ethnicity, race, gender, sexuality, ability, age, body, family, recreation, profession, personal strengths, income level, language, education, life experiences and more make up each of us and, together, make up our city. We recognise and embrace the rich complexity diversity brings to our lives - we are all part of creating Hobart's identity. (Pillar 2.2.3)

**SOCIAL JUSTICE** We recognise and face inequalities, poverty and disadvantage in our communities... We support each other to have our needs met and flourish. We all have opportunities to access and contribute to Hobart life. (Pillars 2.2.7 and 2.2.8)



**12. E-Scooter - Hire Trial**  
**File Ref: F22/115251; 16/119**

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Councillor Elliot

**Motion**

“That Council:

1. Acknowledge that there are limitations to the information that the Council has available to it upon which to make informed decisions about the trial of hire e-scooters, with comprehensive and independent information in relation to pedestrian safety, accidents, injuries, and property damage associated with e-scooters particularly lacking
2. Request that officers develop strategies to fill information gaps to inform Council decisions, particularly in relation to pedestrian safety, e-scooter accidents, injuries, and property damage
3. Request that each hire e-scooter company urgently implement additional strategies to increase the use of helmets and
4. Require the hire e-scooter companies to remove the ability for hire e-scooter trips to commence within Salamanca and Waterfront hospitality precincts between 10 pm and 5 am on Friday and Saturday nights.”

**Rationale:**

“Council has a responsibility to provide for the health, safety and welfare of the community. This responsibility extends to the launch and operation of the micro-mobility hire e-scooter trial.

E-scooter usage presents a new risk that must be appropriately managed, especially given Hobart does not have suitable infrastructure to improve safety (such as separated cycleways), and that our network of footpaths is often of poor quality and unsuitable for e-scooter riding.

Hobart is fortunate in that we have not yet had an e-scooter fatality, but serious injuries including life-changing injuries and those requiring complex surgery are already occurring.

It is acknowledged that decisions made by the Council about hire e-scooter have the potential to impact the commercial position of the hire e-scooter companies. For example, restricting the commencement of e-scooter trips during certain periods or locations will reduce their revenue.

Across the globe, research is emerging from other jurisdictions – links below – about e-scooter usage, benefits, risks and incidents. In Australia we have already seen a concerning rise in e-scooter fatalities, with three Australians dying from e-scooters in September 2022 alone.

Findings from this emerging research include that:

- people are "more likely to be injured riding an e-scooter than you are on a motorbike, or while cycling, driving or walking" and that "compared to cycling, the risk for injuries is approximately 3.8 times higher"
- "the most common injuries are head and facial trauma and extremity injuries" and that "the most typical injuries consist of head injuries, fractures of the extremities, and superficial wounds" and that "e-scooter riders compared with bicyclists had more head and neck injuries"
- "e-scooter riders, compared with bicyclists, were more often intoxicated" and that "during night time hours, 91.3% injured e-scooter riders were intoxicated at the time of injury"
- "44% of the Emergency Department visits occurred between midnight and 6 am" and that a major spike in accident incidence was seen during weekend (Friday to Sunday) nights"
- "night-time bans and speed-limits on rental e-scooters during weekends appear to be justifiable means to decrease the disadvantages - both in individual and social perspective"
- "injured e-scooter riders were younger than bicyclists, with most e-scooter injuries involved patients aged 20 to 40 years"
- "although driving while intoxicated is forbidden by the law and the rules of shared e-scooter companies, effective surveillance is not possible"
- "in 2020, the Norwegian Institute of Transport Economics reported that e-scooters replace walking in 60% of cases, bicycles in 6%, public transportation in 23%, and cars in only 8%" and that "despite the injury risk associated with cycling, bicycle riding overall is positively associated with public health, while it seems unlikely that e-scooters offer any cardiovascular benefits."

Anecdotal evidence also suggests that the launch of hire e-scooters has increased the burden on our already struggling health system. I have heard first hand from two medical specialists and emergency department and theatre staff that e-scooter injuries are common.

To meet its obligations, the Council needs to take action to address the critical information gaps and ensure that the assessment of the hire e-scooter trial is objective, considers the full picture and is based on comprehensive and reliable information.

It is noted that the Council receives information from Tasmania Police's Traffic Crash Reporting database, however this information will not capture the true picture of accidents, injuries, and damage.

<https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2791039>

<https://www.medrxiv.org/content/10.1101/2022.06.14.22276168v1.full>

<https://nap.nationalacademies.org/catalog/26756/e-scooter-safety-issues-and-solutions>

<https://www.theguardian.com/australia-news/2022/oct/23/e-scooter-safety-australian-states-and-territories-under-pressure-after-spate-of-fatal-crashes>

<https://www.euronews.com/next/2022/04/21/e-scooters-cause-more-injuries-than-cycling-or-motorbikes-a-first-of-a-kind-study-finds> ”

## Administration Response to Notice of Motion

### Discussion

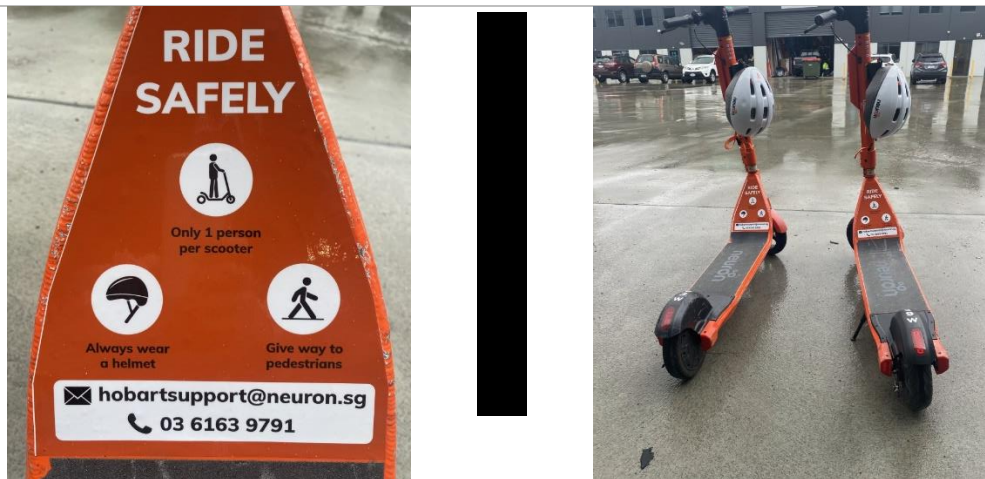
- 1. Acknowledge that there are limitations to the information that the Council has available to it upon which to make informed decisions about the trial of hire e-scooters, with comprehensive and independent information in relation to pedestrian safety, accidents, injuries, and property damage associated with e-scooters particularly lacking.**
  - 1.1. Hire-and-ride e-scooters were introduced on a trial basis in Hobart, following regulatory changes passed by the Parliament which allow both private and rental e-scooters to be used on most local roads, footpaths and cycling trails across the State.
  - 1.2. Documents and evidence have been supplied to Council throughout the trial. However it is noted that a Council report evaluating the results and findings from the City of Hobart's Micromobility Trial is yet to be presented to Council for its consideration.
  - 1.3. The report will include feedback from members the public, survey results, emissions reduction estimates, and incident numbers, as well as usage statistics from ride data provided to the City by the operators.
- 2. Request that officers develop strategies to fill information gaps to inform Council decisions, particularly in relation to pedestrian safety, e-scooter accidents, injuries, and property damage**
  - 2.1. Data, statistics, and information will be available within a forthcoming Council Report, however, in summary:
  - 2.2. Trial conditions have been set to protect pedestrians, based on risks identified before or just after the trial started.
  - 2.3. These changes have generally been in the form of reduced speed zones and

timed exclusion zones.

- 2.4. More recently, physical parking bays have been installed in locations where abandoned scooters were reported to be creating safety concerns.
- 2.5. These measures are thought to have been effective, since low numbers of incidents have resulted from the use or misuse of e-scooters in Hobart during the trial.
- 2.6. Property damage has generally been in the form of vandalism of the devices, rather than damage caused by the devices.
- 2.7. Injury data has been sought throughout the trial from the e-scooter operators, their insurance companies, hospitals, Tasmania Police, and the Tasmanian Department of Health.
- 2.8. No significant spate of injuries has been reported from any source.
- 2.9. Some riders have doubtless suffered minor injuries and not felt it necessary to present at a hospital, as is the case with all modes of transport. The number of such incidents is unknowable.
- 2.10. There is no evidence to suggest that e-scooter accidents occur more frequently than bicycle accidents in Hobart.

**3. Request that each hire e-scooter company urgently implement additional strategies to increase the use of helmets**

- 3.1. E-scooter companies have a number of rider safety training, pop-ups, social media video promotions and incentives that actively promote helmet wearing, such as money off your next ride if a rider submits a 'helmet selfie' at the beginning of each trip.
- 3.2. Tasmania Police, the Department of State Growth and the City of Hobart have and will continue to promote safety education and rider behaviour such as wearing helmets through social media campaigns, coordinated helmet blitz's and other avenues with the e-scooter companies.
- 3.3. Safety is paramount to the success of hire-and-ride e-scooter business and both Beam and Neuron make considerable investment in new safety technology and rider behaviour compliance, as reported to Council on a regular basis.
- 3.4. One operator has recently begun installing stickers on the e-scooters to remind riders to obey the rules and wear a helmet:



**4. Require the hire e-scooter companies to remove the ability for hire e-scooter trips to commence within Salamanca and Waterfront hospitality precincts between 10 pm and 5 am on Friday and Saturday nights.**

4.1. A restriction which does not allow trips to commence or finish within the precinct between 10 pm and 3 am was implemented in June 2022, following an Interagency Meeting held in late May 2022 between City of Hobart, Tasmania Police, the Department of State Growth and the e-scooter operators.

**5. Other information presented in the notice of motion**

5.1. While the internet links and bullet point quotes presented in the notice of motion may have some relevance, data collected locally is considered by officers to be more meaningful in Hobart, which has a different culture, climate, ride pricing, and set of legislative restrictions to other jurisdictions.

5.2. While a Norwegian study found only 8% of scooter rides replaced a car journey, data collected in Hobart suggests much higher levels of car journey replacement. The Norwegian winter and e-scooter costs may have some bearing on statistics in that country, however in the absence of more information it is only possible to speculate.

5.3. It is noted that the notice of motion also linked to a report data from the USA and Canada (National Academies of Sciences, Engineering, and Medicine. "E-Scooter Safety: Issues and Solutions." (2022)). Across the seven cities studied, the car-replacement statistics aligned more closely than Norway with estimates from surveys in Hobart. Survey results in Hobart suggested that up to 48% of scooter rides replaced a car journey. The data from the North American study is reproduced below:

FIGURE 1 Percentage of e-scooter trips that replaced other travel modes in seven cities.



## Strategic, Legislative and Policy Implications

### Capital City Strategic Plan

#### Pillar:

Outcome: An accessible and connected city environment helps maintain Hobart's pace of life

#### Strategy:

#### Legislation and Policy

Legislation: Amendments made by Parliament in 2021 to the *Traffic Act 1925* have enabled the use of PMDs in Tasmania.

#### Policy:

## **OFFICER REPORTS**

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### **13. Governing Hobart File Ref: F22/115973**

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Report of the Chief Executive Officer of 16 November 2022 and attachments.

Delegation: Council

**REPORT TITLE: GOVERNING HOBART**

**REPORT PROVIDED BY:** Chief Executive Officer

## **1. Report Summary**

- 1.1. The role of a capital city comes with unique challenges and opportunities. Hobart is transitioning to a vibrant, globally relevant and contemporary capital city. Through a city shaping lens, the City is embracing opportunities for growth, aligned to the community vision and building state, national and international connections and capabilities to leverage all that Hobart has to offer. How we respond to this over the coming years will set the foundations for the city we all love for many generations to come.
- 1.2. The City's Executive Leadership Team (ELT) is committed to supporting the new Council to deliver the best outcomes for our community and Tasmania more broadly. As a capital city we are the engine room of the state of Tasmania and therefore have an important role to play in evidence based planning and research underpinned by comprehensive community engagement to influence state and national policy to ensure the needs of our businesses and community are met now and into the future.
- 1.3. At the end of each Council term it's best practice to undertake a comprehensive review of the model that supports the good governance of the Council.
- 1.4. As such, a new operational model to best support Council decision making moving forward has been prepared for Council consideration.
- 1.5. This model has been developed following an analysis of best practice across Australia, with specific focus on the role of Hobart as a capital city.
- 1.6. The purpose of this report is to outline the proposed governance model for the purpose of Council endorsement and to seek nominations for Portfolio Chair and to formally appoint Elected Members to these roles.

## **2. Key Issues**

- 2.1. The Council is the decision-making body that sets the strategic direction and policy of the municipal area.
- 2.2. The *Local Government Act 1993*, states that in addition to any functions of a council in this or any other Act, the Council has the following functions:
  - To provide for the health, safety and welfare of the community;
  - To represent and promote the interests of the community;

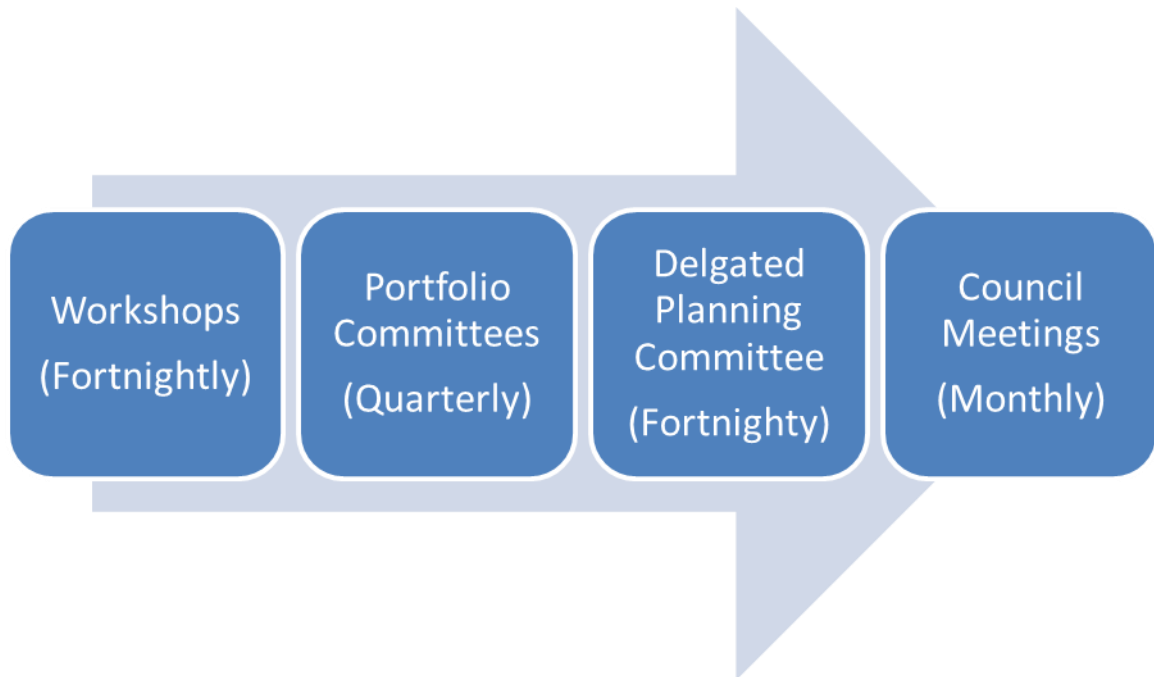
- To provide for the peace, order and good government of the municipal area.
- 2.3. The *Local Government Act 1993* sets out the role and function of the Lord Mayor, Deputy Lord Mayor and Elected Members.
- 2.4. The future of Local Government Review currently being undertaken may result in changes to the scope of functions and roles under the Act; clearly defined roles and responsibilities are a key aspect of good governance.

### **Council Decision Making**

- 2.5. It's critical that Council decision making is informed by the Capital City Strategic Plan, Council Officer advice, a sound evidence base, community consultation and engagement and underpinning legislative frameworks.
- 2.6. The Lord Mayor and Elected Members provide leadership to the community and reflect the community's collective aspirations. Central to this is the way that Elected Members are engaged in 'decision forming' and how the organisation facilitates this leading into decision making by Council in the Chamber.

### **Review of Governance Models**

- 2.7. As outlined earlier in this report, a comprehensive review of local government governance models to understand best practice across Australia was undertaken.
- 2.8. The review has helped to inform a new City of Hobart Governance Model designed to meet minimum requirements that are expected to be incorporated into the new Local Government Act following the Future of Local Government Review.
- 2.9. Each newly elected Council can make decisions about the structure and frequency of its meetings, including committees and any specific portfolio areas for individual Elected Members it wishes to adopt.
- 2.10. As part of the Elected Member Induction Program undertaken at the very beginning of the new term of Council, the CEO provided a presentation to Elected Members on future governance arrangements (Attachment A).
- 2.11. As part of this the CEO has engaged with the incoming Lord Mayor, Deputy Lord Mayor and Elected Members to discuss the recommendations for improving arrangements into the future as follows:



### **Elected Member Portfolio Chairs**

- 2.12. It is proposed that Council introduce an Elected Member Portfolio system as part of its governance structure. This system provides for nominated Elected Members to be assigned specific areas of focus for policy and strategy development aligned with the Council's strategic directions as set out in the Hobart Community Vision and Capital City Strategic Plan.
- 2.13. Establishment of the policy and strategic direction of the City requires Elected Members and management to work together to deliver best possible outcomes for the community.
- 2.14. To facilitate this process, the Council will allocate to Elected Members areas of portfolio responsibility. As Portfolio Chairs, Elected Members will fulfil leadership roles in decision-making, community engagement and city representation in the areas outlined below:
- City Economy
  - Creative City
  - Future Hobart
  - Sustainability in Infrastructure
  - Housing & Homelessness
  - City Heritage
  - City Mobility

- City Water
  - Welcoming & Inclusive City
  - Healthy Hobart
  - Planning Committee
  - Climate Futures
- 2.15. It is important to note that as the Lord Mayor is the spokesperson for Council, as outlined in the *Local Government Act 1993*, the Lord Mayor will lead the Climate Futures Portfolio and continue to represent the Council on all city-wide matters including, for example, the Greater Hobart Committee and Emergency Management responsibilities. The Lord Mayor will comment on all matters associated with the City of Hobart such as Council meeting decisions, reactive daily commentary as required, major events or projects, key community infrastructure, Portfolio areas covered by the Lord Mayor, and major announcements regarding the Annual Plan, Budget and Capital City Strategic Plan.
- 2.16. Council's Executive Leadership Team will establish operational processes to support the role of Portfolio Chair in the decision-forming and city representation functions of Council.
- 2.17. A key component of arrangements will involve the establishment of Portfolio Groups to foster information exchange and advice on emerging decisions, issues and opportunities relating to the portfolio.
- 2.18. The functioning of Portfolio Groups shall be guided by the following principles:
- Each Portfolio will have a designated Portfolio Sponsor who is a member of Council's ELT and nominated by the Chief Executive Officer.
  - Regular meetings will be scheduled and the frequency shall be flexible and guided by portfolio activity and operational requirements.
  - Some Portfolio Groups may hold regular concurrent meetings in the interests of efficiency.
  - Portfolio Groups shall comprise the Portfolio Chair, Portfolio Sponsor/s and relevant members of the ELT and other Council officers as required to assist with areas covered by a portfolio.
  - A Portfolio Sponsor will provide advice and guidance and conduct meetings to deliver integrated and relevant advice by ensuring all areas of the organisation relevant to the portfolio are

actively engaged in briefing a Portfolio Chair and outcomes are clearly captured and communicated.

- ELT offers a Portfolio Chair an administrative sounding board on matters raised by community and stakeholder groups on issues relating to the portfolio. This will be offered through Portfolio Group meetings or directly with the relevant member of the ELT depending on timing.
- Portfolio Chairs offer an important avenue to achieving a broader understanding and consensus by all Elected Members on matters (relating to the relevant portfolio) scheduled to be presented to Council.
- The stage of engagement of Portfolio Chairs in matters to be presented to Council will be guided by ELT deliberations on specific matters or at the discretion of the respective Portfolio Sponsor.
- Opportunities for feedback from Elected Members are appropriate on matters such as development of a policy, strategy, plan or submission. When matters of a statutory or operational nature arise, verbal briefings for the purpose of information sharing may be appropriate.
- To support the principle of information provided to one being generally available on the HUB to all Elected Members, action notes of Portfolio Group meetings will be circulated to all Elected Members. Elected Members may seek additional information through the Portfolio Chair or management in an area of interest. Action notes will also be made available to Council's HLT (Hobart Leadership Team) to foster greater cross-organisational cooperation and awareness.

### **Portfolio Committees**

- 2.19. It is proposed that Council also establish Portfolio Committees made up of community members and individuals with a wealth of knowledge and experience in the area for each portfolio.
- 2.20. These committees will provide support and advice on a range of strategies and policies that contribute to making Hobart a great place to live, work and play.
- 2.21. The committees will support the delivery of Council's strategic objectives as described in the Capital City Strategic Plan. Each Portfolio Committee will be chaired by the Elected Member Portfolio Chair.
- 2.22. The role of the Committees is to:

- Provide local area “lived experience” knowledge to support Council decision making regarding the portfolio area to support the implementation of the Hobart Community Vision and Capital City Strategic Plan.
  - Provide subject matter expertise to the Portfolio Committee to further the understanding of the portfolio group.
  - Advise Council on how to best engage local communities regarding the portfolio area.
  - Advise Council on key local projects regarding the portfolio area identified as important by the local community and organisations through the development of the Capital City Strategic Plan.
  - Facilitate communication between Council, local communities and organisations in relation to the Hobart Community Vision and Capital City Strategic Plan.
- 2.23. A subsequent report will be prepared for Council consideration at its meeting in February 2023, outlining the draft Terms of Reference for each Portfolio Committee, and associated annual Work Programs for each of the Portfolio areas.

### **Workshops**

- 2.24. The Chief Executive Officer and relevant members of ELT will provide regular Elected Member Workshops to impart information and allow for discussion.
- 2.25. Matters for consideration will usually include updates on the more significant matters due to come before a meeting of Council, briefings on significant matters by external parties, and briefings on the progress of significant Council projects, finances, strategies and plans.
- 2.26. The Chief Executive Officer will set the agenda for the Elected Member Workshops, but will consider suggestions from the Lord Mayor, Deputy Lord Mayor and Elected Members.
- 2.27. Regular Elected Member Workshops will be held fortnightly and timed as consistently as possible, in expectation that Elected Members will endeavour to attend all such meetings unless there is a reasonable reason why they cannot do so, noting, however, that attendance is not a statutory requirement but attendance will be recorded and published on the Council website.

### **Delegated Planning Committee**

- 2.28. It is proposed to create a fully delegated Planning Committee which will fulfil the Council’s obligation as a planning authority under the *Land Use Planning and Approvals Act 1993*.

- 2.29. The Planning Committee shall have full power to make planning decisions on behalf of the Council.
- 2.30. The Council delegates all of its planning authority powers under the *Land Use Planning Approvals Act 1993* to the Committee noting that the Council may also delegate some or all of these powers to relevant officers from time to time.
- 2.31. Membership of the Committee shall consist of all twelve (12) Elected Members with meetings to be conducted twice monthly. A quorum is five (5) Committee members.
- 2.32. A copy of the Committee's Terms of Reference are included in this report (*attachment B*).
- 2.33. Pursuant to section 6(3) of the *Land Use Planning and Approvals Act 1993*, a number of planning application determination functions and powers are required to be delegated to the Chief Executive Officer, the Director City Life, the Manager Development Appraisal and the Senior Statutory Planner.
- 2.34. A copy of this delegation is attached for the Council's approval (*attachment C*).

### **Governance Calendar**

- 2.35. A Governance Calendar has been developed which programs in monthly Council Meetings, fortnightly Planning Committee meetings, fortnightly Workshops and quarterly Portfolio Committee meetings (*attachment D*).

### **Governance Framework**

- 2.36. The Council endorsed a Governance Framework in June 2022 (*attachment E*) which articulated how the Council wishes to work together into the future to provide a contemporary external governance model to ensure the City is leading from the front and engaging with key stakeholders in an impactful way that delivers on Hobart's aspirations.
- 2.37. The Framework draws together a range of the Council's practices, policies and procedures into a centralised framework and is important for the successful operation of the council so as to enhance trust and confidence in the decisions made together.
- 2.38. The document was drafted to reflect current practices, however, was written with a desired future state in mind.
- 2.39. Given the changes articulated above, it is proposed that the Chief Executive Officer be delegated to make any necessary changes to the Framework to reflect the Council's resolved position.

### **Meetings: Procedures and Guidelines**

- 2.40. To reflect the proposed changes to Council meetings, an updated Meetings: Procedures and Guidelines Policy is attached (*attachment F*) for Council endorsement.
- 2.41. This Policy provides the framework for the effective conduct of the business of the Council and the governance of Council and Committee meetings.

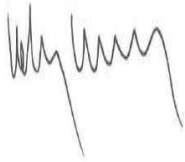
***Recommendation***

***That:***

1. ***The Council endorse the new City of Hobart Governance Model proposed in this report, including:***
  - i. ***Pursuant to section 24 of the Local Government Act 1993, the Council establishes the following Special Committees, to be known as Portfolio Committees:***
    - ***City Economy***
    - ***Creative City***
    - ***Future Hobart***
    - ***Sustainability in Infrastructure***
    - ***Housing and Homelessness***
    - ***City Heritage***
    - ***City Mobility***
    - ***City Water***
    - ***Welcoming & Inclusive City***
    - ***Healthy Hobart***
  - ii. ***Pursuant to section 23 of the Local Government Act 1993, the Council establishes the Planning Committee.***
  - iii. ***As a result of the establishment of the Portfolio Committees, the following Council Committees be abolished:***
    - ***City Planning Committee***
    - ***Community, Culture and Events Committee***
    - ***Finance and Governance Committee***
    - ***City Infrastructure Committee***







- ***Economic Development and Communications Committee***
  - ***Parks and Recreation Committee***
2. ***Elected Member nominations be sought to fill the following Portfolio Chair positions:***
- ***City Economy***
  - ***Creative City***
  - ***Future Hobart***
  - ***Sustainability in Infrastructure***
  - ***Housing & Homelessness***
  - ***City Heritage***
  - ***City Mobility***
  - ***City Water***
  - ***Welcoming & Inclusive City***
  - ***Healthy Hobart***
  - ***Planning Committee***
3. ***The Council endorse the Planning Committee Terms of Reference as at attachment B.***
4. ***The Council makes the delegations to officers contained in attachment C, noting that these do not affect any other delegations to these officers already made by the Council except those delegations which relate to determining planning applications.***
5. ***The Council endorse the Governance Calendar as at attachment D.***
6. ***The Council resolve that the start time for Council Meetings, Planning Committee Meetings and Workshops is 5.00pm.***
7. ***The Chief Executive Officer be delegated the authority to update the Council's Governance Framework accordingly to reflect the Council resolution.***
8. ***The Council endorse the updated Meetings: Procedures and Guidelines Policy as at attachment F.***
9. ***The new City of Hobart Governance Model be reviewed by the end of 2023.***

*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: 16 November 2022  
File Reference: F22/115973

- Attachment A: Elected Member Induction Program Presentation - New Governance Model ↓ 
- Attachment B: Planning Committee Terms of Reference ↓ 
- Attachment C: Planning Applications Determination Delegations ↓ 
- Attachment D: Governance Calendar ↓ 
- Attachment E: Governance Framework ↓ 
- Attachment F: Meeting Procedures Policy ↓ 

November 2022

# Governing Hobart

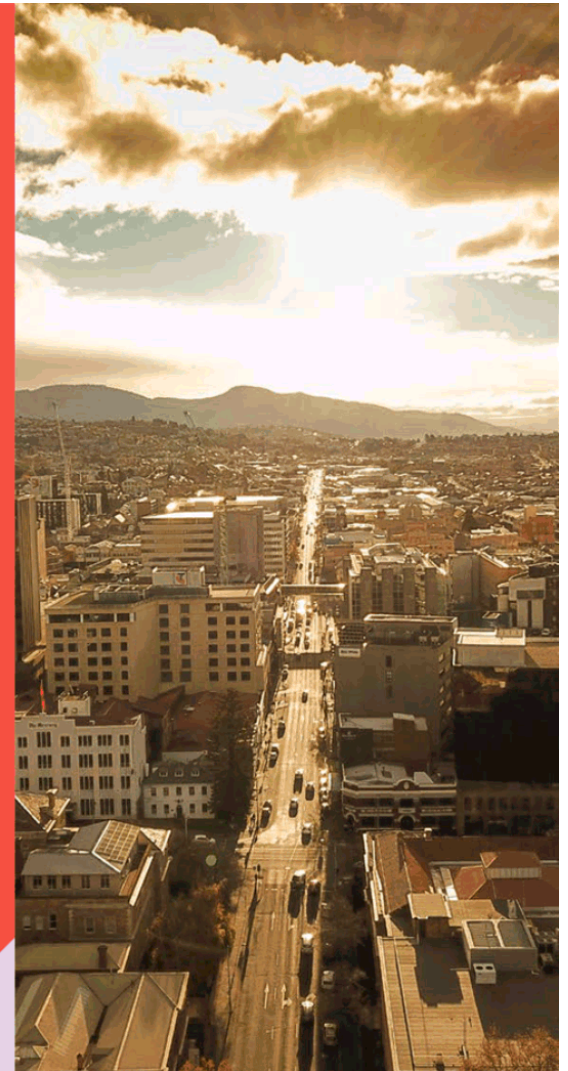
## Elected Member Induction Program

### 9<sup>th</sup> of November 2022



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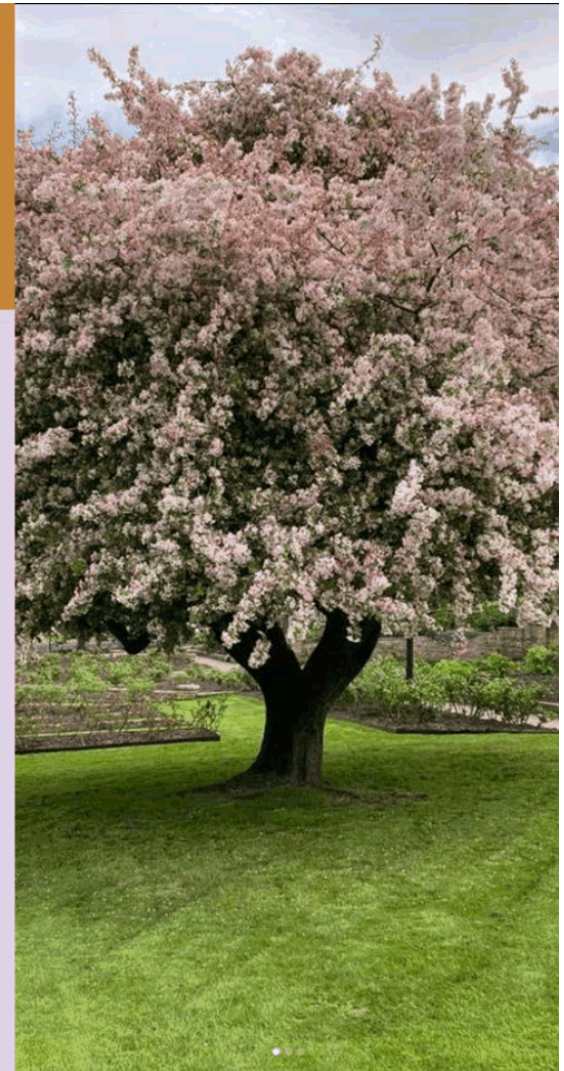
## Council's Functions and Powers

- The Council is the decision-making body that sets the strategic direction and policy of the municipal area
- The *Local Government Act 1993*, states that in addition to any functions of a council in this or any other Act, the Council has the following functions:
  - To provide for the health, safety and welfare of the community;
  - To represent and promote the interests of the community;
  - To provide for the peace, order and good government of the municipal area



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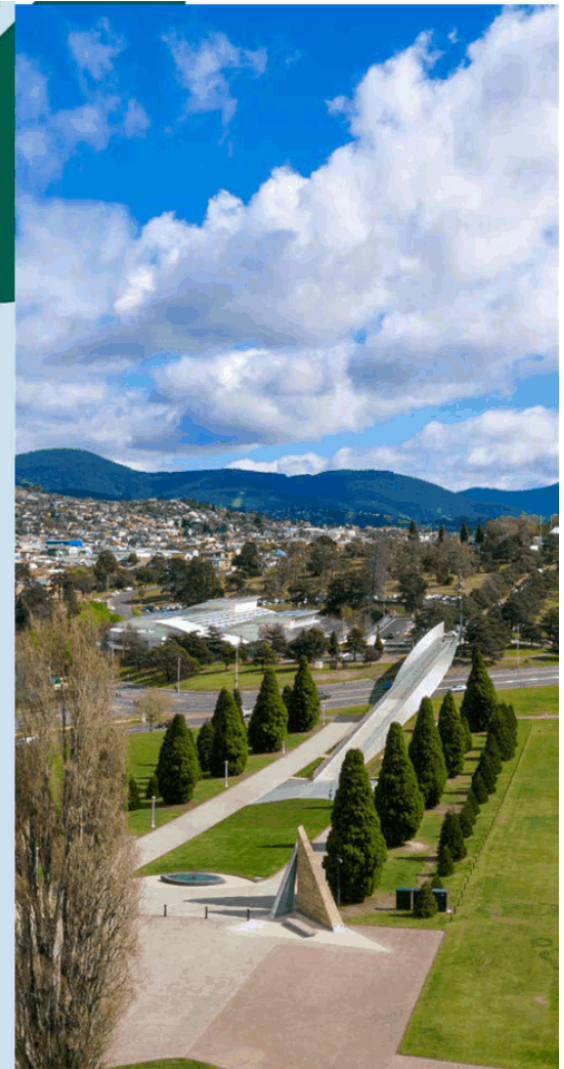
## Roles and Responsibilities

- The *Local Government Act 1993* sets out the role and function of the Lord Mayor, Deputy Lord Mayor and Elected Members
- The future of Local Government Review currently being undertaken may result in changes to the scope of functions and roles under the Act
- Clearly defined roles and responsibilities are a key aspect of good governance
- Elected Members must not direct or attempt to direct employees of Council in relation to the discharge of the employee's duties



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## Functions of the Chief Executive Officer

- The functions of the CEO include:
  - Implementing the policies, plans and programs for the Council
  - Implementing the decisions of the Council
  - Being responsible for the day-to-day operations and affairs of the Council
  - Assisting the Council in the preparation of the Strategic Plan, Annual Plan, Annual Report and assessment of the Council's performance against the plans
  - Liaising with the Mayor on the affairs of the Council and the performance of its functions
  - Managing the resources and assets of the Council
- The clear separation of Elected Member and CEO roles and responsibilities, as identified in the Act, reinforces good governance principles

## Council Decision Making

- It's critical that Council decision making is informed by the Capital City Strategic Plan, Council officer advice, a sound evidence base, community consultation and engagement and underpinning legislative frameworks
- The Lord Mayor and Elected Members provide leadership to the community and reflect the community's collective aspirations
- Central to this is the way that Elected Members are engaged in 'decision forming' and how the organisation facilitates this leading into decision making by Council in the Chamber

## Review of Governance Models

- A comprehensive review of local government governance models to understand best practice across Australia was undertaken
- The review has helped to inform a new City of Hobart Governance Model
- Designed to meet minimum requirements that are expected to be incorporated into the new Local Government Act following the Future of Local Government Review
- The new Governance Model will be effective upon commencement of the new Council

## Proposed Governance Model

- Monthly Council Meeting
- Fully Delegated Planning Committee (Sec 23) meeting on a fortnightly basis
- Fortnightly Workshops
- Quarterly Portfolio Committees
- Monthly Portfolio Director Meetings
- Annual Planning Retreat
- Mid Year Review
- Mid Term Review
- Bi-Monthly Elected Member & CEO Breakfast / Dinner
- Elected Member & ELT Bi-Monthly Catch Up

## Proposed Model– Portfolios & Committees

- City Economy
  - E.g. Business engagement, CBD marketing; city safety
- Creative City
  - E.g.. Arts sector engagement, public art, events & festivals
- Future Hobart
  - E.g. Structure planning, CBD precinct planning; digital twin
- Sustainability in Infrastructure
  - E.g. Zero waste strategy, circular economy; regional waste; efficiency and sustainable asset management
- Housing & Homelessness
  - E.g. Greater Hobart Homelessness Alliance, housing projects; housing strategy and policies
- City Heritage
  - E.g. Heritage protection; heritage promotion, heritage precincts and cultural heritage
- City Mobility
  - E.g. Local area mobility plans, active transport programs & infrastructure
- City Water
  - E.g. Tas Water representative; Derwent Estuary engagement and policies
- Welcoming & Inclusive City
  - E.g. Community engagement and programs across life stages; multicultural, youth, LGBTI
- Healthy Hobart
  - E.g. Sport and recreation engagement, open space planning, biodiversity etc.
- Planning Authority Chair
  - E.g. Chair of the planning committee, local area provision schedules, and planning scheme

## Portfolio System

- 10 Portfolio Committees
- 1 Planning Authority
- Terms of Reference
- Agenda and Briefing Templates
- Annual Work Program Endorsed by Council
- Monthly Communications Plan

## Governance Calendar

- Monthly Council Meeting
- Delegated Planning Committee meeting on a fortnightly basis
- Fortnightly Workshops
- Annual Planning Retreat
- Mid Year Review
- Mid Term Review

## Additional Committees

- Reconciliation Committee
- Access & Inclusion
- Urban Design Advisory Panel
- Risk and Audit Panel
- Wellington Park Management Trust
- Municipal Emergency Management Committee

# New Templates

- New Templates for Briefing Papers, Council Reports and Council Agenda
- Overarching Governance Calendar

City of Hobart Briefing Paper

INSERT TITLE HERE

Insert meeting date here

DIVISION: Highlight responsible Division here

PORTFOLIO: Highlight appropriate Elected Member Portfolio here - avoid listing multiple. Please note, if there is no applicable Portfolio or it is a 'whole' of Council issue, this can be noted.

1. Purpose  
Brief summary of the issue and why the matter is at a Council Briefing. The key requirement for this section is to clarify for Elected Members the action that is required by them. For example, the report author should clarify if it is a Paper for noting or for feedback etc.

2. Council Decision Making Cycle  
Overview of where this matter is at in the Council decision making cycle - for example, it should be explained whether it is to 'workshop' new ideas, explore issues and opportunities or if the matter has been before a Portfolio or Council before, whether it will be going to an Ordinary Meeting of Council and if it will be coming back for a further Briefing etc.

3. Background  
A brief summary of the relevant background to the issue - this should not be an exhaustive history but a summary of the facts Elected Members should be aware of.

4. Key Issues & Opportunities  
This section should act as a summary of the primary matters that Elected Members should be aware of. This section may be broken up into headings or dot points depending on matter being presented. The Key Issues should be the most substantial section of the Paper.

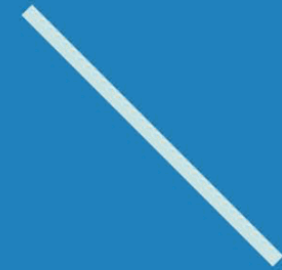
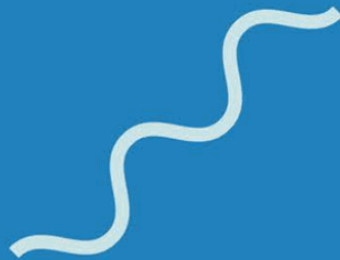
5. Financial Implications  
Overview of the costs associated with the matter and how it will be funded and budget implications including staff costs.

## Next Steps

- Elected Member feedback to be provided by the end of the Induction Program with consensus and /or majority agreement sought on the proposed model
- Report to be presented to the Council meeting on 21 November for formal consideration and endorsement of the Council's new Governance Model

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City of HOBART

## HOBART CITY COUNCIL – Delegations Register

**TERMS OF REFERENCE****Planning Authority Committee**

The Planning Authority Committee is established by the Council pursuant to Section 23 of the *Local Government Act 1993*, to assist the Council in carrying out its functions.

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**1. Membership**

- 1.1 Membership of the Committee shall consist of all twelve (12) elected members.
- 1.2 Following each ordinary election, all elected members appointed to the Council will automatically become members of the Planning Authority Committee.

**2. Appointment of Chairman**

- 2.1 In accordance with the Regulation 10 (3) (a) of the *Local Government (Meeting Procedures) Regulations 2015*, and Council Policy "Council and Council Committees – Meetings: Procedures and Guidelines", the election of the chairman of each of the Council's committees is reserved to the Council.
- 2.2 Where an appointed chairman may be absent from a Council Committee meeting, the provisions of Council Policy "Council and Council Committees – Meetings: Procedures and Guidelines" and Regulation 10 (4) of the *Local Government (Meeting Procedures) Regulations 2015*, apply to appointing the chairman for the meeting.

cont.../

## HOBART CITY COUNCIL – Delegations Register

Continued**3. Quorum**

- 3.1 A quorum is five (5) Committee members.

**4. Conduct of Meetings**

- 4.1 Meetings are conducted in accordance with the provisions of the *Local Government Act 1993*, *Local Government (Meeting Procedures) Regulations 2015* and Council Policy "Council and Council Committees – Meetings: Procedures and Guidelines".

**5. Frequency and Location of Meetings**

- 5.1 Meetings of the Committee are conducted twice monthly in the Council Chamber at the Town Hall on those dates as adopted by the Council as part of its annual [schedule of meetings](#).
- 5.2 Meetings are also advertised in The Mercury newspaper, in accordance with Regulation 7 of the *Local Government (Meeting Procedures) Regulations 2015*, a minimum of four (4) days and a maximum of fourteen (14) days prior to the scheduled date of the meeting.
- 5.3 Where special meetings may be convened, these are advertised a minimum of two (2) days prior to the meeting date.
- 5.4 Meetings are open to the public, except when the meeting is closed pursuant to Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015*.

cont.../

## HOBART CITY COUNCIL – Delegations Register



Continued.

**6. Committee Functions**

- 6.1 The Hobart City Council Planning Authority Committee shall fulfill the Council's obligation as a planning authority under the *Land Use Planning and Approvals Act 1993*.
- 6.2 The Planning Authority Committee shall have full power to make planning decisions on behalf of the Council.

**7. Committee Delegations**

- 7.1 The Council delegates all of its planning authority powers under the *Land Use Planning Approvals Act 1993* to the Committee noting that the Council may also delegate some or all of these powers to relevant officers from time to time.

**Note:**

The Council, at its meeting held on 27 August 2012, acknowledged that an elected member may call in any delegated matter, including development applications, before the matter is determined under delegated authority by either a Council committee or a Council officer, provided there is sufficient statutory time to do so.

**8. Review of Terms of Reference**

- 8.1 The Terms of Reference for Council committees are reviewed following each ordinary election.

**9. View ([Agendas and minutes for the Committee.](#))****10. Last Updated: 21 November 2022**

The Council pursuant to section 6(3) of the *Land Use Planning and Approvals Act 1993*, delegate to the Chief Executive Officer (being the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993*), the Director City Life, the Manager Development Appraisal and the Senior Statutory Planner, the following functions and powers:

1. To approve applications for planning permits made under sections 57 and 58 of the *Land Use Planning and Approvals Act 1993*, provided that:
  - (a) the representations which object to the proposal have been received:
    - (i) does not exceed five; or
    - (ii) for applications where the applicant and/or owner of the subject property is an elected member or Council officer or his or her spouse or immediate relative, no representations which object to the proposal have been received;
  - (b) the building proposed does not exceed 2,000m<sup>2</sup> in floor area or 3 storeys in height;
  - (c) the applicant is:
    - (i) not the Council; or
    - (ii) the Council and no representations which object to the proposal have been received and the cost of works does not exceed \$1M;
  - (d) the land which is the subject of the application is not land which is owned or administered by the Council (except road reservation);
  - (e) the Council is not being requested to make or take a financial contribution to or receive from the applicant or owner (excluding cash in lieu contributions);
  - (f) for applications for subdivision, the number of new lots proposed (in addition to the balance lot) does not exceed five; or
  - (g) an elected member has not requested, any time prior to the required period of public notification expiring, the application be referred to the City Planning Committee for consideration.
2. To approve applications for planning permits made under sections 57 and 58 of the *Land Use Planning and Approvals Act 1993*, in circumstances where:
  - (a) the applicant has refused to grant an extension of time in accordance with section 57(6)(b) or 57(6A) of the *Land Use and Approvals Act 1993* to enable an application to be considered at a scheduled meeting of the City Planning Committee;
  - (b) the applicant has refused to grant an extension of time in accordance with section 58(2) or 58(2A) of the *Land Use Planning and Approvals Act 1993* to allow the application to be considered at a scheduled meeting of the City Planning Committee;
  - (c) the application has been considered by the City Planning Committee and the Committee has not determined the application due to the vote on a motion being tied; and
  - (d) the time to determine an application pursuant to section 57 or 58 has expired and no application has been made to the Tasmanian Civil and Administrative Tribunal pursuant to section 59(3) of the *Land Use Planning and Approvals Act 1993*, the application may be determined pursuant to section 59(7).

**Governance Calendar 2023**

2022/2023	November	December	January	February	March	April	May	June	July	August	September	October	November	December
Sunday			1 New Year's Day			30			30			1		31
Monday			2 New Year's Day Public Holiday				1 Workshop		31			2		
Tuesday	1		3				2 P1 & P4			1 P1 & P4		3		
Wednesday	2		4	1 Planning Authority	1 Planning Authority		3 Planning Authority			2		4	1	
Thursday	3	1	5	2	2		4	1		3		5	2	
Friday	4	2	6	3	3		5	2		4	1	6	3	1
Saturday	5	3	7	4 Planning Weekend	4	1	6	3	1	5	2	7	4	2
Sunday	6	4	8	5	5	2	7	4	2	6	3	8	5	3
Monday	7	5	CANCELLED Council Meeting	9	6	3	8	5	3	7 Workshop	4 Workshop	9 Workshop	6 Workshop	4 Workshop
Tuesday	8	6	10	7 P1 & P4	7 P1 & P4	4 P1 & P2	9 P1 & P4	6 P1 & P4	4 P1 & P2	8	5	10 P1 & P4	7 P1 & P4	5 Risk and Audit Panel
Wednesday	9	7	11 Risk and Audit Panel	8	8 Risk and Audit Panel	5	10 Risk and Audit Panel	7 Risk and Audit Panel	5	9 Planning Authority	6 Planning Authority	11 Planning Authority	8 Planning Authority	6 Planning Authority
Thursday	10	8	12	9	9		11	8	6	10	7	12	9	7
Friday	11	9	13	10	10	7 Good Friday	12	9	7	11	8	13	10	8
Saturday	12	10	14	11	11	8	13	10	8	12	9	14	11	9
Sunday	13	11	15	12	12	9 Easter Sunday	14	11	9	13	10	15	12	10
Monday	14	12	16 Workshop	13 Royal Hobart Regatta	13 Eight Hour Day	10 Easter Monday	15 Workshop	12 Queen's Birthday	10 Workshop	14	11	16	13	11 Council Meeting
Tuesday	15	13	17 Workshop	14 Workshop	14 Workshop	11 Easter Tuesday	16	13 Workshop	11	15 P1 & P4	12 P11	17 P1 & P4	14 P1 & P4	12
Wednesday	16	14	18 Planning Authority	15 Planning Authority	15 Planning Authority	12	17 Planning Authority	14 Planning Authority	12 Planning Authority	16 Risk and Audit Panel	13	18 Risk and Audit Panel	15	13
Thursday	17	15	19 Council Meeting	16	16	13	18	15	13	17	14	19	16	14
Friday	18	16	20	17	17	14	19	16	14	18	15	20	17	15
Saturday	19	17	21	18	18	15	20	17	15	19	16	21	18	16
Sunday	20	18	22	19	19	16	21	18	16	20	17	22	19	17
Monday	21 Council Meeting	19	23 Council Meeting	20 Council Meeting	20 Council Meeting	17 Workshop	22 Council Meeting	19 Council Meeting	17 Council Meeting	21 Workshop	18 Workshop	23 Workshop	20 Workshop	18
Tuesday	22	20	24	21 P1 & P4	21 P11	18	23 P1 & P4	20 P11	18 P1 & P4	22	19	24	21 P11	19
Wednesday	23	21	25	22	22	19 Planning Authority	24	21	19	23 Planning Authority	20 Planning Authority	25 Planning Authority	22 Planning Authority	20 Planning Authority
Thursday	24	22	26 Anzac Day	23	23	20	25	22	20	24	21	26 Royal Hobart Show	23	21
Friday	25	23 Early Close	27	24	24	21	26	23	21	25	22	27	24	22
Saturday	26	24	28	25	25	22	27	24	22	26	23	28	25	23
Sunday	27	25	29 Christmas Day	26	26	23	28	25	23	27	24	29 Christmas Day	26	24
Monday	28 AGM	26 Boxing Day	30 Workshop	27 Workshop	27 Workshop	24 Council Meeting	29 Workshop	26 Workshop	24 Workshop	28 Council Meeting	25 Council Meeting	30 Council Meeting	27 Council Meeting	25 Christmas Day
Tuesday	29	27 Christmas Day Public Holiday	31 P1 & P2	28 P1 & P4	28	25 ANZAC Day	30	27	25	29 P1 & P4	26 P1 & P2	31	28	26 Boxing Day
Wednesday	30 Planning Authority	28		29 Planning Authority	26 Planning Authority	29	31 Planning Authority	28 Planning Authority	26 Planning Authority	30 Planning Authority	27		29	27
Thursday		29			30	27		29	27	31	28		30	28
Friday		30			31	28		30	28		29			29
Saturday		31				29			29		30			30

Risk and Audit Panel

Portfolios 1 - 11

Planning Authority

Workshop

Council Meeting

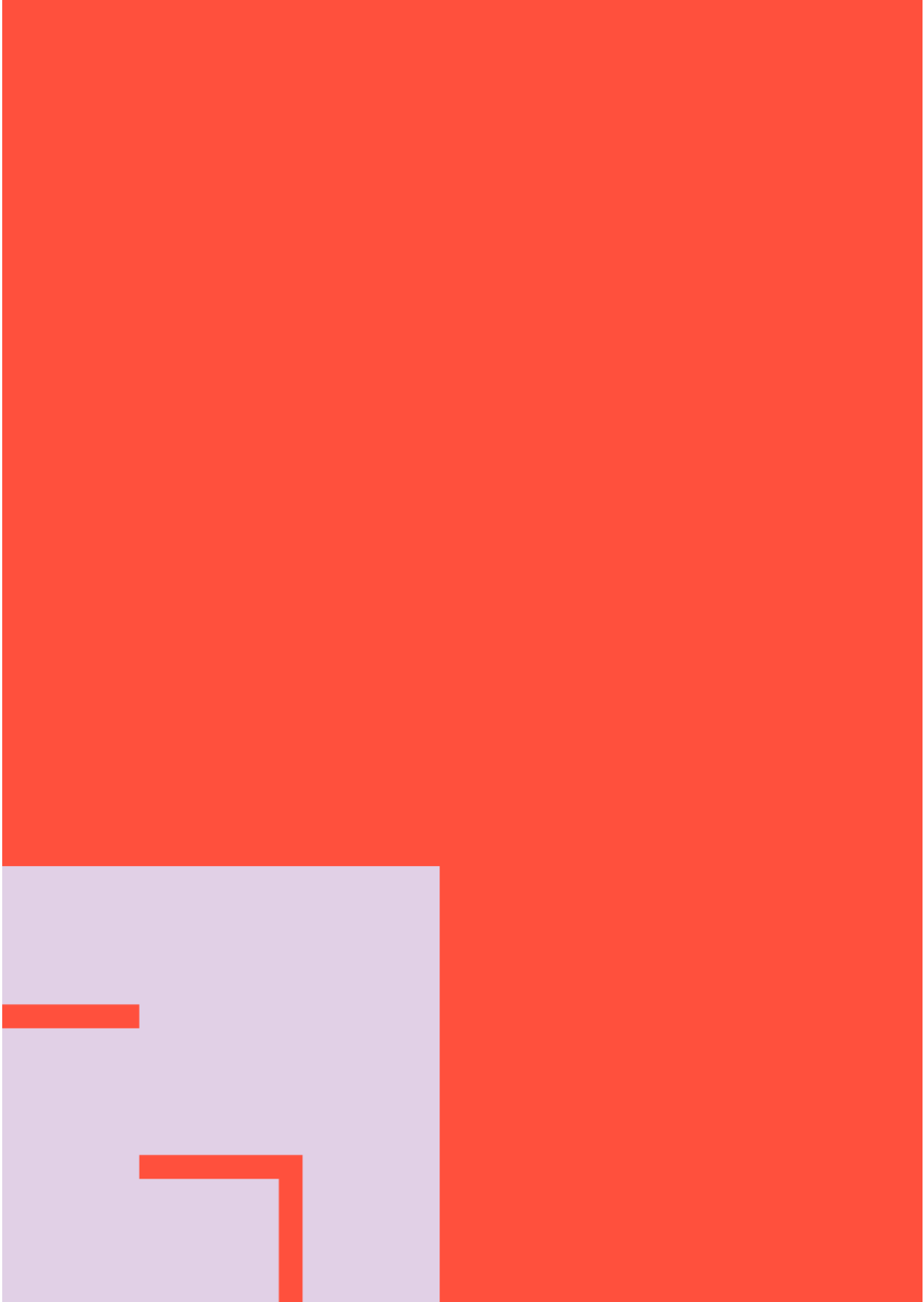
Free Week

# City of Hobart Governance Framework

[www.hobartcity.com.au](http://www.hobartcity.com.au)



City of HOBART



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a. Strategy and Leadership	Staff interaction by business area;
Vision, Values and Purpose;	Media Protocol;
Strategic planning;	Attendance at Events by Elected Members;
Corporate Standards;	Social Media Interaction;
Customer Experience;	Access to Information;
Asset Management;	By the public;
Advocacy;	By Elected Members;
Policy development.	Policies;
b. Structure and Relationships	Delegations
Composition of Council;	c. Compliance and Accountability
Clarity of Roles and Responsibilities;	Regulatory role
Role of Elected Members;	Statutory compliance
Role of the Chief Executive Officer;	Risk Management Program
Role of the Executive Leadership Team;	Work Health and Safety
Decision Making;	The External Auditor Internal Audit
Meetings and Reporting Structures;	Risk and Audit Panel Registers
Open and Closed Portions of the meetings;	d. Evaluation and Improvement
Committees Functions of City of Hobart and Council Committees;	Community, business and resident satisfaction surveys
Planning and Development Functions;	Professional development for staff and elected members Customer Service Charter
Committee and Council Reports;	External agencies (Ombudsman, Integrity Commission etc.)
Council Workshops;	
Briefings to Elected Members;	Conclusion
Provision of information and advice by management	
Briefing Sessions	
Leadership Team Briefings	
Individual Elected Member Briefings	

## What is Good Governance?

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Good governance is achieved when there are appropriate rules, processes and policies in place to help Elected Members and Council officers make and implement decisions. Having good processes generally leads to better outcomes for local governments and their communities.

The role of city leadership is ever-evolving. Strong relationships, knowledge exchange and effective collaboration between city governments is essential.

Growth pressures in Hobart require improved collaboration across all levels of government, the private sector and the community to achieve sustainable outcomes.

Good governance and effective leadership is essential for organisations that are forerunners in their field and to implement the objectives of any strategic plan.

There are increasing service and infrastructure expectations of local government that do not align with changes to effective power, control and revenue growth.

Efficient and effective management of the City's resources is required to meet the increasing demand for infrastructure, programs and services.

Effective information management and improved data sharing are essential for enabling partnerships, informed planning and projections, and good governance.

Our community relies on the City to represent their collective interests and to facilitate their participation in decision making.

Community roles and expectations are changing, moving toward co-creation of services and decisions that affect the future of our community

Local Government functions have expanded well beyond 'roads, rates and rubbish' to be responsible for a much wider range of community related activities and issues.

Over the last 25 years, the core legislation governing local governments has changed substantially. The intention is to provide local governments with greater autonomy, flexibility and discretion to implement policy for their local communities, while being subject to greater public accountability.<sup>1</sup>

Section 20(1) of the *Local Government Act 1993* (Tas) ("the Act") states that in addition to any functions of a council in this or any other act, a council has the following functions:

- a) To provide for the health, safety and welfare of the community;
- b) To represent and promote the interests of the community;
- c) To provide for the peace, order and good government of the municipal area.

At the time of writing, the Tasmanian Government has commissioned a Local Government Board Review into the Future of Local Government in Tasmania.

The objective of the Review is to create a more robust and capable system of local government that is ready for the challenges and opportunities of the future. The Board will make recommendations on the future role, functions and design of local government and the structural, legislative and financial reforms required to meet this objective.

The Review will be conducted over an eighteen-month period in three distinct stages. Further details on the Review are set out in the Review Terms of Reference.

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<sup>1</sup> (Australian Government Productivity Commission, Role of Local Government as Regulator, Draft Report, March 2012, p8) <http://www.pc.gov.au/projects/study/regulationbenchmarking/localgov/draft>

## Governance at the City of Hobart

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Good governance ensures that the community has trust and confidence in the decisions we make together. Governance at the City of Hobart is supported by the systems, processes, policies and practices developed to deliver efficient and effective decisions, services and facilities so that they meet the City's objectives. Good governance at the City of Hobart requires:

- 1) Elected members being elected by, representative of, and accountable to their community;
- 2) The Lord Mayor and elected members providing leadership to the community and reflecting the community's collective aspirations;
- 3) Policies and programs reflecting the responsibilities Council has to the community and the Council's legislative obligations;
- 4) Actions to implement the City's strategic agenda, including the Hobart Community Vision and the Capital City Strategic Plan;
- 5) The provision of services which meet the community's needs (sometimes in partnership with other levels of government, business or community organisations);
- 6) A management structure that implements the City's goals in accordance with priorities and within approved budget;
- 7) Compliance with the City's obligations.

The City of Hobart fulfils its functions set-out in section 20 of the Act in a number of ways, including:

- Representation
- Service delivery
- Strategic planning
- Policy development
- Advocacy
- Law-making and enforcement
- Stewardship of public assets

### REPRESENTATION

Elected members represent and act in the best interests of the community and facilitate communication between the community and Council.

### SERVICE DELIVERY

The City must ensure the efficient delivery of good quality services.

### STRATEGIC PLANNING

The City has developed the Hobart Community Vision and the Capital City Strategic Plan as the long-term plans for its municipal area. Setting the strategy, and then ensuring that it is achieved through performance management, is one of the City's most important roles.

### POLICY DEVELOPMENT

The activities of the City are guided by policies. Developing and implementing policies provides key guidance to the functioning of the City.

### ADVOCACY

The Council has a role advocating on behalf of the community to other levels of government, statutory authorities and other agencies. At the City of Hobart, this is done in accordance with the adopted Intergovernmental Relations & Advocacy Strategic Framework.

### LAW-MAKING AND ENFORCEMENT

The City legislates and makes decisions in areas over which it has legislative authority. The by-laws made by the City cover such issues as the activities permitted on public land and the use of infrastructure. It enforces laws made by the State Government in many areas including public health and building regulation.

### STEWARDSHIP

Effective stewardship of all City assets exists as a key element in ensuring that the City optimises the use of its financial, physical and intellectual resources for the benefit of its residents and ratepayers.

## Principles of Good Governance

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### PRINCIPLE 1

Clearly define our purpose, roles and responsibilities.

### PRINCIPLE 2

Demonstrate our shared values through our people, performance and conduct.

### PRINCIPLE 3

Commit to continually improve and add value in all we do.

### PRINCIPLE 4

Demonstrate leadership in environmental, social, cultural and economic performance through all of the City's operations and other activities.

### PRINCIPLE 5

Promote ethical and responsible decision making.

### PRINCIPLE 6

Have integrity in our financial management and reporting.

### PRINCIPLE 7

Comprehensively measure and report on our performance.

### PRINCIPLE 8

Maximise effectiveness through engagement of our stakeholders.

### PRINCIPLE 9

Build our risk management culture through ownership, oversight and internal control.

All City staff are bound by these principles, and accordingly follow the City's governance framework as the definitive guide for the performance of their roles

## Governance Framework

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The City's Governance Framework is separated into four components, which are outlined below and detailed in the following pages.

### STRATEGY AND LEADERSHIP

Leadership includes strategic planning. The elected Council's role is to set strategic goals and the City's policies and oversee the City's role in service delivery and operational performance.

### STRUCTURE AND RELATIONSHIPS

Policies are most effective when they are linked with appropriate management practices and work processes. City of Hobart staff exercise their responsibilities within the scope of their roles and through delegations of authority. Policies set the standards for City staff and inform decision making

### COMPLIANCE AND ACCOUNTABILITY

Compliance and accountability are exercised by adopting an annual budget and a strategic financial plan and by implementing financial controls and reporting processes that meet legislative requirements. Implementation of the enterprise wide risk management system, compliance program and assurance program, enables the City to appropriately identify and manage its risks while maximising opportunities.

### EVALUATION AND IMPROVEMENT

Improving, monitoring and evaluating the performance of the City's operational functions against strategic goals is essential.



## Strategy and Leadership

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### VISION, VALUES AND PURPOSE

The City of Hobart believes an engaged workforce is central to achieving the Hobart Community Vision and continuing to provide valued community services.

The City's staff are custodians of public trust and confidence. In recognising this, the City is committed to building a high performing culture built on the values of people; teamwork; focus and direction; creativity and innovation and accountability. These values guide staff in how they work, interact with each other and the community, and make decisions. They help staff deliver on the City's mission of 'Working together to make Hobart a better place for the community'.

The City of Hobart's Elected Member Code of Conduct outlines the standards of behaviour expected of elected members of the City in respect to all aspects of their role as elected representatives of the Hobart community.

A Council must review its code of conduct within three months after each ordinary election<sup>2</sup>.

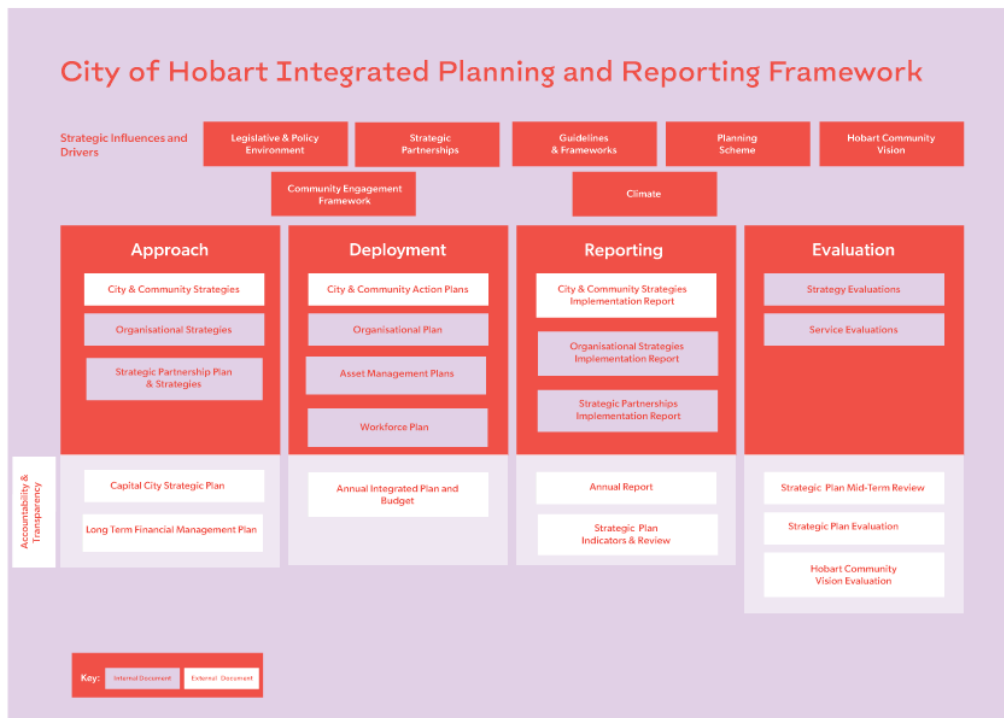
The City of Hobart Employee Code of Conduct establishes the minimum appropriate standards for the honest and ethical behaviour of staff. It contains the key principles and standards of behaviour the City expects of all staff and provides guidance for employees on how to conduct themselves when dealing with customers, colleagues, businesses, representatives of Government, the media, community groups and others.

Elected members and City staff should undertake their roles in a way that demonstrates that they understand they are governing on behalf of the community. Decisions should be taken with the community interest in mind. The Hobart Community Vision has been the subject of public exhibition and community consultation processes and has been adopted by Council as its plan for the community. The Council's strategic decisions are consistent with the directions set out in Hobart Community Vision which demonstrates accountability to the community. The City understands that community engagement plays an important role in building trust and confidence in Council. The community is engaged through participation and consultation and is well informed so that it is part of the City's governance process. This is further enhanced through a range of community activities that promote interactions between Council and the community. Good decision making requires the best available information to assist in making that decision. Good governance requires that processes are in place that give community groups and other stakeholders the opportunity to express their opinions and provide information to the decision makers, prior to significant decisions being made. The City's Community Engagement Framework is available here.

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<sup>2</sup> Section 28T of the *Local Government Act 1993* (Tas)

## STRATEGIC PLANNING



The above diagram represents the City's Planning Framework. It consists of five strategic influencers and drivers, being:

- Legislative and Policy Environment
- Strategic Partnerships
- Guidelines and Frameworks
- Planning Scheme; and
- Hobart Community Vision.

The Annual Plan also contains the annual budget that details how major actions and initiatives to be undertaken by the City to achieve its goals are going to be financed over the next 12 month period.

**CORPORATE STANDARDS**

The City is strongly committed to the principles of transparency, consultation and accountability. In setting its governance and strategic frameworks, the City has committed to conduct its business according to these principles. As the City's leaders, the Lord Mayor, Deputy Lord Mayor, elected members and CEO are committed to ensuring that these principles are created and sustained through:

- establishing and communicating the City's vision and strategic plan as articulated in the Hobart Community Vision; and Capital City Strategic Plan;
- creating and sustaining a supportive environment, which encourages all staff to achieve their full potential; and
- demonstrating the principles through their behaviour.

**CUSTOMER EXPERIENCE**

Our customer experience objective is to foster strong and respectful relationships with our customers and make it easy for them to do business with us.

We will achieve this by applying best-practice customer focused business principles to our service delivery:

- focusing on the benefits of good communication
- thinking innovatively, including outside in - from the viewpoint of our customers
- seeking participation and feedback from our customers in relation to our performance
- training our employees to understand their responsibility to deliver professional, customer-focused service
- supporting our operations by the use of relevant technologies.

**ASSET MANAGEMENT**

The sole purpose of assets is to support service delivery. To ensure the services provided by the City meet community expectations, the supporting assets must be maintained to the appropriate standard. This involves maintenance and timely renewal of public infrastructure across ten separate asset portfolios including roads, stormwater and buildings.

Under the Act, the City is required to develop a long term strategic asset management plan, an asset management policy and strategy for the municipal area. These documents need to be consistent with the City's strategic plan and include at least the matters contained in an Order issued by the Minister<sup>3</sup>.

These documents must be reviewed every four years and are to be available on the City's website.

**ADVOCACY**

The City's role in advocacy has been highlighted as part of the response and recovery from the COVID-19 pandemic. In this highly competitive funding environment, it is a time for disciplined advocacy around a handful of key projects that are well progressed and can be fast-tracked or expanded.

To guide the City's role in advocacy, the Council adopted the Intergovernmental Relations and Advocacy Framework on 6 September 2021.

**POLICY DEVELOPMENT**

The City of Hobart is uniquely placed as the tier of government closest to its community to identify problems and issues facing its community and respond through appropriate policy approaches. It is important that the City recognises its broader role so that its policy response can be tailored to fit so that it does not overstep into the realm of other tiers of government or ignore what is a core component of the Council's role.

Through the City's Policy Lab, we will enhance Strategy and Policy development across the organisation through a centralised 'strategy' function. All policy and strategy development will be coordinated to ensure alignment and integration with the Capital City Strategic Plan.

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<sup>3</sup> See sections 70B through 70G of the *Local Government Act 1993* (Tas)

## Structure and Relationships

The good governance at the City is based on the principle of the Council and Chief Executive Officer (CEO) having clearly defined roles and responsibilities which, when combined, create the environment for the effective management and operation of the City.

### THE COMPOSITION OF COUNCIL

The City is established as a Council pursuant to section 18 of the Act and comprises "the Hobart City Council" with perpetual succession and a common seal.

By virtue of section 25 of the Act, the Council consists of the persons elected in accordance with the Act, which for Hobart is 12 elected members. From these 12, the Chairperson of the Council is known as the Lord Mayor in recognition of Hobart's capital city status and the Deputy Chairperson of the Council is known as the Deputy Lord Mayor.

Elections are held every four years in October.

### CLARITY OF ROLES AND RESPONSIBILITIES

The Act defines the role and responsibilities of the Lord Mayor, elected members and the CEO. The Tasmanian Government has commissioned a Local Government Board Review into the Future of Local Government in Tasmania, which may result in changes to the scope of functions and roles under the Act. Roles and relationships are a key aspect of internal governance, with good governance relying on successful working relationships and an understanding of role differences.

Section 27 of the Act sets out the functions of the Lord Mayor. These are:

- (a) to act as a leader of the community of the municipal area; and
- (b) to carry out the civic and ceremonial functions of the mayoral office; and
- (c) to promote good governance by, and within, the council; and
- (d) to act as chairperson of the council and to chair meetings of the council in a manner that supports decision-making processes; and

- (e) to act as the spokesperson of the council; and
- (f) to represent the council on regional organisations and at intergovernmental forums at regional, state and federal levels; and
- (g) to lead and participate in the appointment, and the monitoring of the performance, of the general manager; and
- (h) to liaise with the CEO on –
  - i. the activities of the council and the performance and exercise of its functions and powers; and
  - ii. the activities of the general manager and the performance and exercise of his or her functions and powers in supporting the council; and
- (i) any function imposed by an order under section 27A; and
- (j) any other function imposed by this or any other Act.

The Lord Mayor has an obligation to represent accurately the policies and decisions of the Council in performing their functions. The Lord Mayor may delegate the functions of being spokesperson or representing Council on other organisations and the Deputy Lord Mayor is to act in the position of Lord Mayor where the Lord Mayor is absent or unavailable and is appointed to do so.

In the context of this governance framework, the Lord Mayor's function to promote good governance by, and within, the Council is critically important. As spokesperson for the Council and Chairperson of Council meetings, it is the Lord Mayor that is often the focus of public attention in relation to a range of issues. This provides the Lord Mayor with an important platform to be able to reinforce and promote strong governance by the Council on behalf of the community. It also requires that the Lord Mayor display and represent values of good governance in order to enhance the perception of the Council's performance in this area.

**ROLE OF ELECTED MEMBERS**

The role of elected members is broken into two components – one as an individual elected member and the other as part of the collective group of elected members which form the Council.

Section 28 of the Act sets these out. Individually, an elected member has the following functions:

- a) to represent the community;
- b) to act in the best interests of the community;
- c) to facilitate communication by the council with the community;
- d) to participate in the activities of the council;
- e) to undertake duties and responsibilities as authorised by the council.

Elected members of the Council collectively have the following functions:

- a) to develop and monitor the implementation of strategic plans and budgets;
- b) to determine and monitor the application of policies, plans and programs for –
  - i. the efficient and effective provision of services and facilities; and
  - ii. the efficient and effective management of assets; and
  - iii. the fair and equitable treatment of employees of the council;
- c) to facilitate and encourage the planning and development of the municipal area in the best interests of the community;
- d) to appoint and monitor the performance of the CEO;
- e) to determine and review the council's resource allocation and expenditure activities;
- f) to monitor the manner in which services are provided by the council.

Importantly, elected members have an obligation to represent accurately the policies and decisions of the Council in performing the functions of an elected member and must not direct or attempt to direct an employee of the Council in relation to the discharge of the employee's duties or perform any function of the Lord Mayor without the approval of the Lord Mayor.

**ROLE OF THE CHIEF EXECUTIVE OFFICER**

The functions of the CEO is to<sup>4</sup>:

- a) to implement the policies, plans and programs of the council;
- b) to implement the decisions of the council;
- c) to be responsible for the day-to-day operations and affairs of the council;
- d) to provide advice and reports to the council on the exercise and performance of its powers and functions and any other matter requested by the council;
- e) to assist the council in the preparation of the strategic plan, annual plan, annual report and assessment of the council's performance against the plans;
- f) to coordinate proposals for the development of objectives, policies and programs for the consideration of the council;
- g) to liaise with the mayor on the affairs of the council and the performance of its functions;
- h) to manage the resources and assets of the council;
- i) to perform any other function the council decides.

This clear separation of elected member and CEO roles and responsibilities, as identified in the Act, reinforces good governance principles. It also ensures that the City adheres to all statutory requirements while meeting the expectations of its community. However, it is also important for all parties to recognise and agree that maintenance of a close, effective and cooperative relationship between elected members, the CEO and staff is critical to the achievement of key goals and objectives.

<sup>4</sup> Section 62 of the Local Government Act 1993 (Tas). Note that whilst the Act refers to the term "general manager", the City of Hobart has determined that the role will be known as the "Chief Executive Officer" and has an appropriate policy in place to satisfy statutory requirements.

**ROLE OF THE EXECUTIVE LEADERSHIP TEAM**

The City is supported by the CEO and an Executive Leadership Team comprised of divisional Directors and Heads of function. The primary purpose of the Executive Leadership Team is to assist the CEO in directing strategic and operational leadership for the City of Hobart in accordance with the Hobart Community Vision, the Capital City Strategic Plan and associated frameworks, and in line with relevant legislation. The Executive Leadership Team plays three major roles:

1. Implementing the City's strategic direction;
2. Monitoring the City's performance; and
3. Managing the operations of the City.

The Executive Leadership Team leads the effective implementation of Council decisions to ensure that the City provides necessary community services whilst working towards the longer-term delivery of the Hobart Community Vision. The Australian National Audit Office articulates the important role of an executive team as follows:

- All executive team members have a collective responsibility to respect the confidential meeting environment based on mutual trust, open and frank discussion in order to question, challenge and monitor the total operation of the City. To achieve this, the City's executive members must:
- ensure a 'big picture' approach;
  - test decisions and results against the agreed vision;
  - ensure outcomes achieve stakeholder expectations;
  - vigorously challenge information presented to them;
  - ensure appropriate measures and monitoring mechanisms are in place;
  - be aware of emerging issues and major strategic and operational risks; and
  - bring to the debate their diversity of experience.

In recognition of the CEO's accountability to the elected Council, the CEO may overturn a decision made by all members of the Executive Leadership Team.

The Executive Leadership Team meets regularly as a basis for ensuring effective coordination of the City's operations and implementation of Council resolutions. These meetings are complemented by the regular Divisional meetings, Unit and workgroup meetings. Such forums are important, both in enabling management information dissemination and feedback to staff, thereby promoting a whole of organisation approach in the fulfilment of the City's functions and responsibilities.

**DECISION MAKING**

The City's governance framework is further enhanced through the adoption of a clearly defined, transparent decision-making process and by the appropriate use of delegations. There are five influences in the decision-making process:

1. Composition of Council following an election;
2. Policy position of elected members, including commitments and promises.
3. What the community wants Council to do;
4. Statutory obligations and powers; and
5. Staff expertise in relevant technical disciplines, including: finance, planning and development, communication, legal services, social and cultural development, engineering and horticulture

**MEETINGS AND REPORTING STRUCTURES**

Meetings of the Council and its committees are convened and conducted in accordance with the *Local Government (Meeting Procedures) Regulations 2015* ("the MPR") and Council's Policy titled Meetings: Procedures and Guidelines.

These documents set out the procedures for all Council and Council Committee Meetings. The MPR contains the requirements that apply to all councils in Tasmania, and the Policy contains additional provisions specific to the City. These are designed to result in:

- better decision making by Council;
- orderly conduct of meetings and dealing with Council business;
- better understanding of the process of conducting meetings and dealing with Council business; and
- more efficient and effective use of time at meetings.

**STATEMENT OF EXPECTATIONS**

In addition to the conduct of meetings being set out in the MPR and Council policy, it is important that there is shared mutual responsibility for adopting appropriate working relationships to ensure the successful achievement of the City's strategic initiatives.

With respect to behaviour in the Council Chamber, the Lord Mayor, elected members, CEO and Council officers will always model good constructive relations and show personal respect for one another.

Elected members will show courtesy and consideration to other elected members and Council staff by circulating detailed amendments or proposed notices of motion in advance of Council or Committee meetings.

Elected members are provided with qualified advice at meetings through reports from officers. Elected members are not required to follow the advice and may state their disagreement with the recommendation or report contents, however, elected members must consider the report with due respect and should not make disparaging statements about the report or the author.

A key function of the role of an elected member is to make decisions on behalf of the community. Accordingly, elected members will make genuine efforts to actively participate in all aspects of Council and Committee meetings by:

- Reading and constructively considering officer reports and related documentation;
- Attending formal Council and Committee meetings and other related activities such as workshops and briefings;
- Participating in debate and discussion of matters affecting the community; and
- Remaining focussed on meeting business and avoiding unnecessary distractions.

Although attendance at workshops is not mandatory, every effort should be made to attend. Matters of a sensitive nature discussed at workshops should not be discussed outside the workshop, except as agreed and necessary for the effective functioning of the Council.

**OPEN AND CLOSED PORTIONS OF THE MEETINGS**

Council and Council committee meetings are open to the public, except when the meeting is dealing with matters listed in regulation 15 of the MPR. Those matters include personnel matters, commercial information, dealing with property and the award of tenders. It requires an absolute majority of the Council or committee to close the meeting and generally consideration of items in open meetings is preferred in recognition of promoting transparency in decision making.

**FUNCTIONS OF CITY OF HOBART & COUNCIL COMMITTEES**

To assist both the organisation and the community, as a matter of procedure, the Council adopts a schedule of meetings to be conducted in each calendar year. The current schedule is available on the City's website.

The Council has established the following committees under section 23 of the Act:

- City Planning
- City Infrastructure
- Community, Culture and Events
- Economic Development and Communications
- Finance and Governance
- Parks and Recreation

Each Committee's terms of reference is available on the City's website.

The Council operates a monthly meeting schedule with two meetings of the Council and the City Planning Committee occurring each month, and one meeting of each of the other Council committees.

Meetings of Council committees and the full Council commence at 5.00pm as a general rule.

Each Council and Council committee is supported by the CEO (or their nominee) as the principal administrative officer, together with other specialist and technical employees. These officers may be required to provide professional advice and information to the meeting, as may be required in respect of specific matters included on the agenda. It is important, however, that to maintain the independence of officers in providing advice to the Council or Committee that they are not drawn into debate through the use of questions from elected members. Officers present should not be used to answer questions where the information has already been provided to Council in the form of a report simply so an elected member can extend their time for speaking or have the information disclosed during the meeting when it is already on the public record by inclusion in a report.

The Council appoints a chairperson for each committee from those elected members appointed to that committee.

It is the role of each committee to consider matters falling within its Terms of Reference. The Terms of Reference for each committee indicate those matters that are delegated to the committee, with all other matters presented to the committee requiring final determination by the Council.

Whilst committee meetings are also governed by the provisions of the MPR and Council's Policy in respect to Council and Council committee meeting procedures, these meetings by their nature are conducted in a less formal manner than Council meetings, with the aim of encouraging and facilitating full debate and discussion of any matter placed before a committee.

Noticeable differences to Council meetings include less formal debating, no requirement to second motions or to stand when addressing the meeting, together with no restriction on the number of times an elected member may speak.

#### PLANNING AND DEVELOPMENT FUNCTIONS

In the Local Government context, planning and development matters constitute a significant proportion of Council decision-making. The Council acts as a planning authority under the *Land Use Planning and Approvals Act 1993*. This role involves both a strategic and statutory component. Planning can be one of the most important and challenging areas for elected members. Planning authorities are responsible for developing planning schemes, supporting or rejecting changes proposed by others and making decisions on individual developments in accordance with the planning scheme.

The City has an important strategic role to shape the way the City is developed.

In a strategic planning capacity, the Council is required to review and provide feedback on programs of work that define the structural and design aspects of the City. These projects will be managed with inputs from a range of stakeholders and experts to help design a city fit for the future.

In the statutory capacity as planning authority the Council is obliged to make decisions based on the relevant planning scheme. Given this, it is likely that there will be occasions when an elected member has no option but to approve developments that are consistent with the planning scheme, even though there is considerable dissatisfaction in the community.

Where a Council or committee intends to act as a planning authority at a meeting, under the *Land Use Planning and Approvals Act 1993*, the chairperson is to advise the meeting accordingly.

Further, the CEO is to ensure that the reasons for a decision by a Council or a committee acting as a planning authority are recorded in the minutes of a meeting.

#### CARETAKER POLICY

The City will consider the adoption of a policy titled Election Caretaker Policy which recognises that elected bodies should not unnecessarily bind an incoming government during an election period. The Policy has been adopted in the absence of any legislative framework and establishes clear guidelines for the conduct of elected members and staff in the lead up to a local government general election involving the Hobart City Council. It ensures that the ordinary business of Council continues in a responsible, transparent and legally compliant manner in the period leading up to an election.

#### CANDIDACY IN LOCAL GOVERNMENT ELECTION

Local government elections are held every four years. It is important from a governance perspective, consistent with the reasons for having a caretaker policy that elected members recognise and manage the potential conflict between their role as an incumbent elected member and a candidate in an election.

Sufficient safeguards exist within the *Local Government Act 1993* in relation to managing this potential conflict such as pecuniary and conflicts of interest provisions and offence provisions. Additionally, elected members have an obligation to accurately represent the policies and decisions of the Council in performing the functions of an elected member.

**COMMITTEE AND COUNCIL REPORTS**

Committee and Council reports are the formal means for providing advice to elected members, giving them the relevant information, issues, options and advice that will enable them to consider the matter at hand and make an informed decision.

Section 65 of the Act deals with the information required for the Council or committee to consider in making its decisions:

1. The CEO must ensure that any advice, information or recommendation given to the Council or a Council committee is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.
2. The Council or Council committee is not to decide on any matter which requires the advice of a qualified person without considering such advice unless –
  - a. the CEO certifies, in writing –
    - i. that such advice was obtained; and
    - ii. that the CEO took the advice into account in providing general advice to the Council or Council committee; and
  - b. a copy of that advice or, if the advice was given orally, a written transcript or summary of that advice is provided to the Council or Council committee with the CEO's certificate.

It is the role of the CEO to prepare an agenda for each meeting of the Council or Council committee<sup>5</sup> and the MPR governs how this is to be undertaken.

Each quarter the City's annual financial statements and external auditor's reports are presented to elected members, and the public, as a report to the Finance and Governance Committee and to Council. The financial statements and auditor's reports are made available for public viewing and comment before adoption by Council.

**COUNCIL WORKSHOPS**

A council workshop is defined as a workshop, seminary or gathering of persons for the purposes of a Council but does not include a meeting or a meeting of a special committee<sup>6</sup>. Council workshops are held regularly throughout the year in accordance with the approved meeting schedule. Workshops are closed to the public and are an opportunity for the Council to be briefed on matters and have an open conversation on these matters before they are included on an agenda for a meeting.

The date and purpose of any Council workshop will be included in the agenda for an ordinary Council meeting and the attendance of elected members is recorded and published on the City's website. The City's Policy titled Meetings: Procedures and Guidelines sets out the way in which workshops will be conducted.

**BRIEFINGS TO ELECTED MEMBER****Provision of information and advice by management**

Information is made available on a regular basis that will assist the representation and decision-making roles of elected members. To obtain information that is up-to-date and offered in the right context, liaison should occur with the Chief Executive Officer or a member of the ELT. Speaking directly to Council officers below ELT level without the authorisation of the appropriate ELT member may result in elected members receiving advice that has not been formally endorsed by management. Exceptions are made for Council Support staff and other designated media and planning staff that have been nominated by their Director who for operational reasons require direct contact with elected members.

The provision of information and advice to elected members operates on the principle that information provided to one elected member will be made available to all elected members.

As referred to in the Elected Member Code of Conduct, the Act provides that individual elected members cannot direct or attempt to influence Council officers in the performance of their duties. The Council as a collective make decisions and this is done through a resolution adopted at a Council meeting.

Elected members should refrain from publicly criticising Council officers in a way that casts aspersions on their professional competence or credibility. Elected members should advise the Chief Executive Officer in a timely fashion of any concerns that a Council officer has acted contrary to a formal Council policy or decision.

In addition to statutory provisions regarding confidential information, Elected members must not release to an external person or organisation any documents or information that the Chief Executive Officer or member of the ELT has formally requested be kept confidential or that has been marked confidential.

<sup>5</sup> Regulation 8(1) of the Local Government (Meeting Procedures) Regulations 2015.

<sup>6</sup> Regulation 3 of the Local Government (Meeting Procedures) Regulations 2015.

**Briefing Sessions**

On the Monday prior to committee meetings, elected members are offered a briefing session to ensure they are kept informed of upcoming matters. Briefing sessions are offered to provide a forum within which Councillors may obtain further information in respect to any business that may be listed on the agenda. Briefing sessions are not open to the public.

**Leadership Team Briefings**

In recognition of the leadership roles of the Chief Executive Officer, the Lord Mayor and the Deputy Lord Mayor, regular meetings will be held. These meetings shall provide the opportunity of raising emerging issues (including stakeholder issues), that have the potential to impact on Council position or policy. Discussion shall seek to identify the most appropriate strategy or way forward in progressing such matters. The Chief Executive Officer shall provide advice in relation to progressing matters within budgeted resources. This includes advice in respect of any operational issues raised by the Lord Mayor and Deputy Lord Mayor.

**Individual Elected Member Briefings**

The Chief Executive Officer will also offer regular meetings with individual Elected Members to determine whether Council priorities are being met and to consider matters raised by the Elected Member.

**ADVISORY PANELS**

Various activities of the City of Hobart are supported by advisory panels. The function of an advisory panel is to provide advice and make recommendations in relation to the performance of a function or the exercise of a power of the City of Hobart. Advisory panels do not have decision-making power, but provide an expert consultative mechanism to inform the City on strategic matters.

**SUPPORT FOR ELECTED MEMBERS**

To support new Elected Members, the CEO ensures that they are given the opportunity to undertake a comprehensive induction program. The program details the governance framework, relevant legislative requirements, the City's structure and operations and the respective roles and responsibilities of elected members and staff in the decision making process.

In accordance with Council policy, elected members are provided with appropriate resources during their term of office for use while representing the community of the City. Additionally, the City provides opportunities for new and continuing elected members to participate in tailored training and ongoing learning and development programs.

Elected members are supported through providing assistance in managing diaries and commitments, provision of briefing notes on topical issues and in preparation for meetings, speeches for events, identification of professional development and training opportunities and consistent and timely access to relevant information.

Additionally, there are a suite of policies to guide and assist elected members in navigating any issues which may arise. These include:

- Elected Member Behaviour Policy
- Elected Member Fitness to Under Duties Policy; and
- Elected Member Issues Resolution Policy.

**ADMINISTRATIVE ARRANGEMENTS TO SUPPORT ELECTED MEMBERS**

The role of the Corporate Governance Unit of the Council is to provide support to elected members. This Unit is divided into two component parts – one around support and the other around governance.

It is the role of the Support team to:

- provide assistance to all elected members in relation to locating information for elected members – e.g. information from the City's website, prior Council decisions etc;
- logging elected member requests in the elected member request system and monitoring responses;
- through research and liaison with relevant areas of the organisation, facilitate the provision of material to assist elected members respond to enquiries or concerns from the community;
- coordinate attendance at events by elected members; and collate meeting papers/develop briefing notes as required for Elected Member attendance / representation on other Council-appointed committees, advisory groups and external bodies.

Support for elected members does not extend to elected members re-election or campaigning tasks and when a request for information is received that is considered to be outside the scope of an elected members' duties or a request for information is received which will take a significant amount of resources to satisfy, the request is to be referred to the Manger Corporate Governance or CEO to make a decision as to whether it is considered that the fulfilment of the request is required to allow the elected member to perform their role.

The Governance team is responsible for ensuring the functioning of the business of the Council:

- It provides the key level of support for Council and Committee meetings. This includes:
  - o Preparation of agendas, minutes and providing in-meeting support;
  - o Management and coordination of notices of motions, questions without notice, petitions, public questions and declarations of interest by elected members
- Oversight and maintenance of the City's delegations register;
- Maintenance of the City's Policies;
- Coordination of the weekly elected member Bulletin;

#### COMMUNICATION

It is important that there is ongoing dialogue between elected members and the administration. Roles, communication on how to achieve outcomes, policy development and implementation, are all complex and dynamic issues. A shared and continually developing understanding about these concepts and practices will enhance good governance at the City. Protocols for communication between elected members and the administration include such practices as regular CEO briefing sessions with Elected Members. This free flow of information encourages communication between elected members and the administration in terms of Council's objectives and desired outcomes while progress on the development of policy and program options for Council's consideration is occurring.

#### Communication method

Elected members are provided with a weekly Bulletin which contains a range of information relevant to the role of an elected member relating to the operations of the Council. It is intended that this will be the central vehicle for communicating information to elected members.

Outside of this process, communication on urgent matters that cannot be coordinated through the weekly Bulletin will occur via email or phone call to ensure that information is received in the appropriate timeframe and urgent action, if required can be taken.

Requests from elected members need to be sent to the centralised email EMcommunications@hobartcity.com.au. This ensures that the requests are managed centrally, tracked and responded to in a timely manner. It will also ensure that information relevant for all elected members can be identified and made accessible. This email address will also be utilised to distribute the weekly Bulletin. Requests outside of this process will not be dealt with by the administration and will be referred to it.

#### STAFF INTERACTION BY BUSINESS AREA

All contact between elected members and Council officers (outside of ELT members), must be approved through the CEO. This is critical for the good governance of relations between the elected body of Council and the administration.

Interaction between elected members and council officers should adhere to the following guidelines.

Between Elected members and council officers:

- a) Elected members may contact a divisional director, the CEO or approved Council officer to discuss, or to make arrangements to meet to discuss, Council services or projects.
- b) When discussing projects with a delegated officer, Elected members must not:
  - a. direct or pressure staff in the performance of their work.
  - b. request council officers undertake any duties on behalf of an individual, group or committee or out of personal interest
  - c. instruct or advise officers in recommendations they should make in reports
  - d. approach staff, staff organisations or unions to discuss individual staff employment matters, rather than broad industrial policy
  - e. threaten or make personal attacks on council staff or their professional ability.
- c) Staff must immediately report all breaches to their divisional director or CEO.

Between council officers and elected members:

- a) Council officers may be delegated to discuss information with elected members in which the officer has an expertise or relevant involvement in the subject matter.
- b) Council staff are not to undertake the following interactions with elected members:
  - a. approaching elected members to discuss individual employment arrangements, rather than broad industrial policy issues

- b. refuse to give information that is available to other elected members to a particular elected members
- c) Elected members must report all breaches to the CEO.

## MEDIA PROTOCOL

### 1. Purpose

- To ensure accurate and consistent messaging on behalf of the City of Hobart by identifying appropriate spokespeople for media engagements.
- To provide guidance, clarity and support for elected members regarding their rights, roles and responsibilities when engaging in media activities.
- To provide guidance for City officers when preparing briefing notes for elected members ahead of media interviews.

### 2. Scope

This protocol applies to elected members of the City when engaging in any form of media activity or similar form of public statement.

Elements of this protocol may apply to City Officers who have been delegated to act as an authorised spokesperson for a specific matter, or who is preparing material for release to media.

### 3. Determination of Spokesperson

In accordance with the responsibilities identified in the Act, the Lord Mayor is deemed the spokesperson for all matters of Council policy and activities.

Committee Chairs may comment on matters that are relevant to their respective portfolios and are to be included in media release and activities where appropriate. Similarly, where an elected member presents a notice of motion that is carried in an open meeting of Council, that member will be quoted in any subsequent media release or interviews relating to the motion.

The Lord Mayor may delegate to any other elected member or – in consultation with the CEO – an appropriate City Officer to act as the spokesperson on a specific topic.

To ensure the provision of relevant, consistent and timely information to residents, businesses and key stakeholders, all Council spokespersons and any delegated spokesperson should ensure they have sought approved key messages, appropriate and factual information prior to speaking to media from the Manager Strategic Communications and Marketing.

Personal opinion should not be provided when acting as an authorised spokesperson for the City.

Media Releases are drafted by the Strategic Communications and Marketing team in consultation with the City's Divisional program areas. The Lord Mayor provides final approval for all Media Releases.

### 4. Policy Guidelines

- a. The Lord Mayor is deemed the primary spokesperson for all matters of Council policy and activities, as per responsibilities legislated in the *Local Government Act 1993*.
- b. Committee Chairs are included, where appropriate, in media announcements, statements and activities.
- c. The presenter of a notice of motion that is carried in an open meeting of Council will be quoted in a media release or interviews relating to that motion.
- d. The Lord Mayor may, at any time, delegate to any other Elected Member or – in consultation with the Chief Executive Officer – an appropriate City Officer to act as the spokesperson on a specific topic.
- e. The Lord Mayor or nominated spokesperson will be provided with briefing notes by the Manager Strategic Communications and Marketing as required to ensure all relevant factual information and other key messages are readily available for quoting to media.
- f. When acting as a spokesperson for the City of Hobart, the standing position of the Council is to be maintained and personal opinion is not to be promoted.
- g. All Elected Members reserve the right to provide their personal opinion to media, provided they declare that they are expressing their personal opinion and not necessarily that of their colleagues or the Council, and that such statement of opinion does not breach the Elected Members Code of Conduct.
- h. Where individual elected members intend to issue media releases on Council issues, advice and input should be sought from the City's Manager Strategic Communications and Marketing where relevant to ensure factual accuracy.
- i. Copies of media releases issued by individual Elected Members should be forwarded to the City's Manager Strategic Communications and Marketing.
- j. Elected Members should refer any media enquiries regarding matters of City operation or policy to the Manager Strategic Communications and Marketing for follow-up.
- k. Elected Members are expected to uphold the values of the City of Hobart and comply with the principles of the Elected Members Code of Conduct in any media engagement or other form of publication or public statement.

**ATTENDANCE AT EVENTS BY  
ELECTED MEMBERS**

From time to time the Lord Mayor or elected members are invited to attend and/or speak at certain events. The Elected Member Development and Support Policy deals with the funding of attendance at these events, however this Framework sets-out which elected member will attend on behalf of the City.

**Category 1****Lord Mayor only**

There are a number of occasions where the Lord Mayor is invited to events where it is appropriate that only the Lord Mayor attend the event for example, an invitation by the Governor of Tasmania or where it has been indicated that an invitation cannot be transferred.

On the occasions where the Lord Mayor is unable to accept an invitation issued in the above or similar circumstances, the invitation will be declined and the Council will not be represented at the event.

Similarly there are a number of meetings that the Lord Mayor attends that are personal to the position, such as CCCLM, STCA. For such meetings, if the Lord Mayor cannot attend, the Lord Mayor will not be represented by the Deputy Lord Mayor or another elected member.

**Category 2****Deputy Lord Mayor**

There are occasions where, as a result of the Lord Mayor not accepting an invitation, it is appropriate and reasonable for the Deputy Lord Mayor to represent the Council due to the significance of the event. These occasions may include an official call at Town Hall for the Lord Mayor (ie; Ambassador, Consul). In the event that both the Lord Mayor and the Deputy Lord Mayor are unable to accept the invitation, the invitation will be declined and the Council will not be represented at the event.

**Category 3****Other**

On the occasion where the Lord Mayor does not accept an invitation to represent the Council and the Lord Mayor considers the invitation appropriate and reasonable for it to be passed on and reasonable notice (no less than 48 hours notice is to be given), the invitation may then be issued to individual elected member.

Where an elected member may have a particular interest in the subject matter of the invitation and where the Lord Mayor deems it appropriate, the Lord Mayor will initially nominate that elected member as a representative for that particular event and should that elected member be unable to fulfil this request, an elected member will be selected from the order of precedence as a general rule and on a rotational basis.

In all other cases an elected member will be selected from the order of precedence as a general rule and on a rotational basis

Where an elected member accepts an invitation to represent the Lord Mayor, the elected member has made a commitment to attend the event in the capacity of representing the Lord Mayor.

**SOCIAL MEDIA INTERACTION**

Guidance in relation to elected members' use of social media is provided in section T of Council's Policy titled: Elected Member Development and Support.

The City's social media pages including Facebook, Twitter, Instagram and LinkedIn are intended to keep residents, stakeholders and the public informed of events and activities from the City of Hobart, and the decisions of the Council that affect our community.

We value the input of our community on these pages through commenting on posts.

The function of these pages are not intended to be a political forum. Elected members or intending Council candidates should not use the City's social media pages for any form of political campaigning or personal promotion. This includes comments that identify the author as an intending candidate, or which are made from or link to an election campaign page or website.

Comments on the City's social media pages that directly promote or criticise any individual elected member or intending election candidate are also not permitted and will be deleted. To ensure the reputation of the City is upheld, elected members or intending Council candidates should refrain from criticising City operations, Council decisions or Council policy on the City's social media pages.

To ensure the provision of relevant, consistent and timely information to residents, businesses and key stakeholders, Council Officers will moderate or remove any comments that are deemed to be in breach of these guidelines, or otherwise inappropriate for the City's social media pages.

**ACCESS TO INFORMATION****By the public**

The City creates and possesses a large range of documents for a variety of purposes. It is accepted that the public should have a general right of access to non-confidential Council documents. The City is committed to fostering high levels of public awareness of its activities, by providing its residents and ratepayers with the broadest possible access to information. In addition to meeting the state and local public notice requirements prescribed by the Act in respect to particular proposals and activities, the City also ensures that information

is available via traditional and electronic means. The City engages in a range of community consultation on important issues and also uses the local press for providing notification.

Increasingly, the City's website and social channels is serving as the focal point for providing up-to-date information and service delivery to ratepayers and residents. Public consultation involving residents and ratepayers is facilitated by the City through a range of mechanisms which includes; information provision, community consultation and opportunities for public comment.

The Council, as a public authority, is also subject to the provisions of the *Right to Information Act 2009*. As stated above, the Council proactively releases a range of information, however, if the information is not freely available we can assist a member of the public make an application for 'assessed disclosure' to request its release under the RTI Act. Further information on the process is included on the City's website.

#### By Elected Members

All elected members have the right to inform themselves fully in respect to matters placed before a Council committee, or the full Council.

This includes the right to access and inspect files and documents relative to issues before the Council or one of its committees. However, as has been previously explained at common law, this right "is no roving commission to go and examine books or documents because (you) are a councillor - mere curiosity or desire to see and inspect is not sufficient".

Section 28 of the Act entitles councillors to:

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

Elected members and staff may access Council records to assist in the performance of their official duties. Council records may not be accessed to provide information on personal interest only.

Elected members who wish to view Council records should make a request via the Manager Corporate Governance.

Access may be provided to electronic documents contained in the City of Hobart's electronic document and records management system, TRIM, upon request. These files must be viewed on site.

Corporate documents are not to be removed from Council premises for any reason without the CEO's approval.

#### POLICIES

The City has adopted a number of policies, delegations and management practices to guide the administration in the conduct of the City's operations. The policy and delegation regimes are key components of the City's governance framework. The City's policies are approved by the Council and reflect our values and strategic objectives. They provide transparency and assist in ensuring good governance of our capital city and are reviewed annually to maintain relevance and consistency.

Policies provide the City's administration and stakeholders with guidance for the implementation of processes. They have been drafted in a manner that allows Council to adopt policies in accordance with its role of providing policy direction to the administration of the City. These policies focus on setting standards in compliance with legislation, adopting values and/or guiding processes. These practices describe what is required to achieve each policy objective.

#### DELEGATIONS

Delegations of authority are required in order to provide staff of the City with the power to exercise duties and make decisions required by legislation. Under the Act both the Council and the CEO are given certain functions and duties to be discharged. Council may delegate authority to perform some of its functions and duties to the CEO<sup>7</sup>. The CEO may delegate to any other officer, the authority to perform functions and duties that are exercisable by the CEO under the Act, or that have been delegated to the CEO by the Council<sup>8</sup>.

This delegation of authority accords with a governance framework whereby staff are responsible to the CEO and the CEO is responsible to Council. Similarly, the implementation of Council decisions and instructions is conducted by the CEO, who may delegate some of this responsibility to other staff of the City. The City will delegate legislative requirements through a 'delegations register' which the CEO must maintain and make available for public inspection<sup>9</sup>. All other activities involving the devolution of responsibility from the CEO will occur through the issuing of administrative instructions or directions or are incorporated into policies, procedures and/or position descriptions.

<sup>7</sup> See section 22 of the *Local Government Act 1993* (Tas)

<sup>8</sup> Section 64 of the *Local Government Act 1993* (Tas)

<sup>9</sup> Section 64(2) of the *Local Government Act 1993* (Tas)

## Compliance and Accountability

Compliance and accountability are achieved through ensuring the integrity of the key operational and financial planning and reporting mechanisms that underpin the City's operations. The Annual Report and Annual Plan (which includes the annual budget) provide this information, and are supplemented by internal performance measurement instruments. The City operates according to the Integrated Planning and Reporting Framework

### REGULATORY ROLE

The City has a regulatory role under numerous pieces of legislation. These include the *Land Use Planning and Approvals Act 1993*, *Public Health Act 1997*, *Food Act 2003* and *Dog Control Act 2000*, although this list is not exhaustive. The City approaches this role in accordance with its Policy titled Compliance and Investigation Procedure<sup>10</sup>. This Policy outlines that the City takes a risk based approach to enforcement and compliance and provides clarity with respect to when the Council will take enforcement action and when it will not.

In addition, the City has a Policy titled Infringement Review Guidelines<sup>11</sup> that clarifies the processes and procedures undertaken by the City in relation to the exercise of Council's statutory obligation to review a decision to issue an infringement notice under Part 3 of the *Monetary Penalties Enforcement Act 2005*.

### STATUTORY COMPLIANCE

Compliance with key financial and statutory requirements is assessed through the annual external audit conducted in accordance with the Act by the State Auditor General or his sub- contractor, in accordance with the *Audit Act 2008*. Also in accordance with the Act, Council has a Risk and Audit Panel which operates as required by Division 4 of that Act.

The City recognises the importance of ensuring that matters involving deliberations of Council, the implementation of resolutions, development of requisite plans and reporting of performance / outcomes are fully compliant with all legislation and regulations applicable to local government.

The City adheres to the following core principles and practices:

- compliance is about our responsibilities as employees, our culture, and the systems and processes we use every day;
- complying with both the letter and spirit of regulatory obligations is an essential part of an ethical culture and is critical to our success as a leading local government agency;
- we ensure that the letter and spirit of regulatory obligations are embedded into how we do business, how we conduct ourselves and how we expect our delivery partners to conduct themselves, how our systems and processes are designed and how they operate;
- compliance with regulatory obligations is the responsibility of everyone in every area of the City;
- visibility and accountability of senior management encourages a strong compliance culture and leadership;
- the role of senior management is to guide the organisation in embedding and maintaining compliance into how we do business; and
- actively engage with regulatory bodies and industry forums to maintain high standards. Key components of a compliance framework that supports these principles are:
  - o Environment: Council and Executive management oversight and accountability, culture and independent review;
  - o Identification: identifying obligations and developing and maintaining compliance plans and an appropriate control framework as part of business planning;

<sup>10</sup> Policy is currently under development and due to be considered by Council in June 2022.

<sup>11</sup> Policy is currently under development and due to be considered by Council in June 2022.

- o Controls: policies, processes, procedures, internal audits, risk analysis, communication, support, training and documentation; and
- o Monitoring and reporting: monitoring, incident and breach escalation, reporting, issues management and managing regulatory relationships. As with other forms of risk, business line management is primarily responsible for managing compliance risk and is provided with the following support:
  - o infrastructure to facilitate compliance planning and reporting;
  - o specialist advice in implementing regulatory initiatives and policies, and establishing compliance programs;
  - o analytical tools and advice for independent oversight of areas of strategic compliance risk; and
  - o reports on potential weaknesses across the division.

The City measures the effectiveness of its compliance program by adopting an enterprise-wide risk management approach, which includes internal audit; contract management and other operational reviews; mystery shopper exercises; customer surveys; and operational risk assessments. Further, the internal audit function is outsourced to a professional accounting and advisory firm whom recommend best practice and contemporary business processes to Council.

#### RISK MANAGEMENT FRAMEWORK

Effective risk management requires taking an integrated and balanced approach to risk and reward, and helps us to both optimise financial growth opportunities and mitigate potential loss or damage. The City of Hobart has adopted a Risk Management Framework incorporating the following:

- Risk Management training program;
- Risk Management Planning (as part of annual business planning);
- Risk Appetite
- Risk Register;
- Risk Reporting;
- Risk and Audit Panel;
- Fraud and Corruption Prevention Strategy;
- Code of Conduct;
- Emergency Management Committee and response centre;

- Business Continuity Plan (including Disaster Recovery Plan); and
- Insurance Program

The risk management Framework involves the City collating and reporting on all the identified risk management initiatives to ensure adoption of a coordinated approach that will effectively minimise business, financial and physical risks to the City's assets and operations. The City's performance in implementing effective risk management strategies and following sound business practice is reinforced through access to independent legal advice, the conduct of annual compliance audits and the annual financial audit undertaken by professional, external auditors.

#### WORK HEALTH AND SAFETY FRAMEWORK

The City of Hobart's Workplace Health and Safety Policy states that:

*The City of Hobart is committed to a safe and healthy work environment and safe systems of work to prevent injury and illness to Council workers, contractors, volunteers and visitors engaged in Council business.*

*The City is committed to meeting the requirements of the Work Health and Safety Act 2012, the Work Health and Safety Regulations 2012 and associated approved Codes of Practice.*

*The City will make sure that all persons with responsibilities under the Act understand and have the necessary support to meet the duty of care and due diligence obligations as specified in the Act, as far as is reasonably practicable.*

Under the Work Health and Safety Act 2012 ("the WHS Act") elected members are classified as a "worker". The Act therefore places the following duties on an elected member. While at work and elected member must:

1. Take reasonable care for his or her own health and safety;
2. Take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons;
3. Comply, so far as reasonably able, with any reasonable instruction that is given by the Council, as body corporate, to allow the Council to comply with the Act; and
4. Co-operate with any reasonable policy or procedure of the Council, as body corporate, that relates to the health or safety at the workplace and that has been notified to workers

The City has comprehensive safety systems, conducts regular training and safety audits and has a range of committees and a governance structure to support its Work Health and Safety commitment.

**THE EXTERNAL AUDITOR:**

- provides independent audit opinions on both the general and special purpose financial reports of Council;
- audits statutory returns relating to a number of Council activities (including the ratings return, domestic waste return, parking enforcement gain share); and
- reports to the Council and the CEO of the conduct of audits, issues a management letter detailing any matters that arise during the course of audits and provides any supplementary reports where required.

The External Auditor also contributes to Council's Risk and Audit Panel meetings when required.

**INTERNAL AUDIT**

Internal audit is an important part of the City's risk management framework. Internal audit is directed to identify performance or compliance gaps to enable improvements to the City's efficiency, effectiveness and compliance. It also helps improve processes and makes them more rigorous and corruption resistant.

**RISK AND AUDIT PANEL**

The Risk and Audit Panel plays a pivotal role in the City's governance framework. The functions of the RAP is to<sup>12</sup> review the Council's performance in relation to:

- a) the council's financial system, financial governance arrangements and financial management; and
- b) all plans of the council under Part 7 of the Act; and
- c) all policies, systems and controls the Council has in place to safeguard its long-term financial position; and
- d) whether the annual financial statements of the council accurately represent the state of affairs of the council;
- e) whether and how the Part 7 plans are integrated and the processes by which, and assumptions under which, those plans were prepared;
- f) the accounting, internal control, anti-fraud, anti-corruption and risk management policies, systems and controls that the Council has in relation to safeguarding its long-term financial position;
- g) whether the Council is complying with the provisions of the Act and any other relevant legislation;
- h) whether the Council has taken any action in relation to previous recommendations provided by the audit panel to the Council and, if it has so taken action, what that action was and its effectiveness.

The RAP terms of reference (link) set out the Panel's roles and responsibilities and its oversight of the internal and external audit functions, including any statutory duties. This Panel is made up of two members of the elected Council and three independent members, one of whom is the Chair of the Panel. The RAP is responsible for overseeing the coordination of the annual internal audit work program. The Panel meets at least six times a year.

**REGISTERS OF INTERESTS**

Registers serve as important evidence to show that individual Council employees, elected members and the City are doing the right thing. Registers are a critical component to show transparency in the way the City conducts its affairs. Without registers there may be some doubt as to whether or not people followed the appropriate practices and acted ethically. Some registers are required to be kept by law while other registers are kept as a result of the City's policy decision, for example, to require declarations by staff of gifts and benefits they have been offered. Some of the Registers held by the City include:

- Gifts and Benefits Register; and
- Pecuniary and Conflicts of Interests Register.

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<sup>12</sup> Section 85A of the Local Government Act 1993 (Tas) and clause 4 of the Local Government (Audit Panels) Order 2014

## Evaluation and Improvement

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The City is committed to ensuring the effectiveness and efficiency of its operations through a program of review. Council's Policy Lab will implement an annual Framework for Planning, Performance and Continuous Improvement across the organisation.

### COMMUNITY, BUSINESS AND RESIDENT SATISFACTION SURVEYS

The City also conducts an annual community and business satisfaction survey within its community. Regular reporting on community feedback and outcomes ensure confidence in the Council's services.

### PROFESSIONAL DEVELOPMENT FOR STAFF AND ELECTED MEMBERS

As part of ensuring that the City continues to provide contemporary, efficient and relevant services to the community it has a strategic and targeted professional development program for staff and elected members.

Part C of the Elected Member Development and Support Policy sets out the approach with respect to elected members and assists in elected members meeting their obligation under their Declaration of Office to engage in ongoing professional development.

When an elected member is elected to the Council they are required to make a declaration of office which is prescribed under the Act and the *Local Government (General) Regulations 2015*. The declaration states, inter alia, that each elected member declares they will engage in ongoing professional development.

It is for these reasons that the City of Hobart ensures that elected members have training and professional development opportunities available. The City ensures that regular training and information is provided to elected members on the following topics, although this list is not exhaustive:

- Code of Conduct
- Ethical decision making
- Conflicts of interest

- Meeting procedures
- Decision making in reference to Land Use Planning and Approvals Act 1993
- Financial literacy
- Media skills
- Capital works and asset management
- Work health and safety

These occur through formal training sessions in a workshop style through to the provision of reading material and specific tailored communications for elected members.

The City's Elected Member Development and Support Policy also provides for individual professional development for elected members. The process under the Policy requires elected members to prepare an individual professional development plan and provides

\$5,000 per annum for each elected member to undertake professional development activities.

Opportunities for professional development are communicated to elected members through the Bulletin and centrally located on the Hub.

The City of Hobart values its people as its greatest asset and is therefore committed to their ongoing professional, vocational and personal development through the continuing provision of quality, timely and relevant training and development opportunities. These opportunities include internally and externally provided training, accredited and non-accredited training and professional development activities as well as study assistance. The approach to meeting this aim is set-out in the Council's Training and Development Policy.

**CUSTOMER SERVICE CHARTER**

In furthering our customer experience objective to foster strong and respectful relationships with our customers and make it easy for them to do business with us it is important to consider the feedback provided by its customers.

The Council is required to adopt a Customer Service Charter which is to:

- a) specify the principles relating to services provided by the council; and
- b) specify a procedure for dealing with complaints relating to services provided by the council;
- c) the manner in which a complaint referred to in section 339E of the Act may be made;
- d) the manner in which a response to a complaint is to be made;
- e) opportunities for a review of a response by the general manager;
- f) the periods within which complaints are to be dealt with;
- g) other actions that may be taken if a complainant is dissatisfied by the response; and
- h) reporting of the complaints received.

In addition, the CEO is to provide a report to Council at least once a year of the number and nature of complaints received. This reporting and accountability framework helps to ensure that the Council remains responsive to the needs of its customers.

**EXTERNAL AGENCIES**

There are a number of external organisations that through their statutory role provide oversight of the operation of local government. Where this occurs, it often results in recommendations or areas for improvement being identified. These are implemented by the City as a matter of course.

These agencies and their focus are listed below:

- Director of Local Government – enforcement of offences under the *Local Government Act 1993*
- Ombudsman – focus on the interaction of the Council with its customers.
- Integrity Commission – deals with misconduct on behalf of public officers.

## Conclusion

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The City of Hobart is committed to ensuring that the organisation continues to develop and maintain an effective governance framework and governance processes. The City's governance structures and focus need to be consistent with best practice governance frameworks across both the corporate and government sectors to confirm its place as a leader in national and international local government. In order to achieve this the City expects that its staff will demonstrate a strong work ethic and exhibit a high level of commitment to continuous improvement in governance as they do their work. The City is committed to revisiting and re-evaluating its governance in an ongoing dynamic process by improving the co-ordination of the various governance elements and testing the existing governance processes for effectiveness. This requires cooperation between elected members and staff in developing and evolving effective governance practices and procedures, and thereby reinforcing the continued delivery of strong effective governance by the City. The City recognises that in its endeavours to effectively lead, govern and serve, it must have in place a governance system of robust checks and balances to direct, control, monitor and ensure accountability and transparency in the provision of the City's operations.



*City of* **HOBART**

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City of Hobart

# Policy

**Title:** Meetings: Procedures and Guidelines

**Category:** Corporate Governance

**Date Last Adopted:** 15 February 2022

## 1. Objectives

The objective of this Policy is to provide the framework for the effective conduct of the business of the Council and the governance of Council and Council committee meetings.

The Policy covers:

- A. [Meeting Procedures – Council and Planning Authority Committee;](#)
- B. [Conduct of Council Workshops](#)

## 2. Background

The conduct of meetings is governed by the *Local Government (Meeting Procedures) Regulations 2015*, which are referenced in this policy.

This policy compliments the operation of the Meeting Procedures Regulations as determined by the Council.

## 3. Policy

### A. MEETING PROCEDURES – COUNCIL and PLANNING AUTHORITY COMMITTEE

That in accordance with the *Local Government (Meeting Procedures) Regulations 2015*, the following procedures be adopted in respect to the operation of Council committees:

#### 1. QUESTIONS WITHOUT NOTICE

Provision for asking questions without notice by elected members will be included as an agenda item for each Council workshop.

## 2. DEPUTATIONS

The following procedures in respect to deputations to the planning authority committee apply:

- (i) A person may make a deputation to the planning authority committee with the approval of the committee chairperson.
- (ii) The deputation may only relate to an item listed on an agenda for a planning authority committee meeting or,
- (iii) Any person who wishes to make a deputation to the planning authority committee may be requested to provide a written request to the Chairperson setting out:
  - (a) The likely members of the delegation.
  - (b) The purpose of the request.
  - (c) The nature of the matter or matters intended to be placed before the committee.
- (iv) The committee Chairperson is to decide whether or not the deputation is to be received.
- (v) Where the Chairperson decides the deputation not be received, the Committee will be advised.
- (vi) A deputation:
  - (a) is not to exceed 3 persons;
  - (b) is limited to a duration of 5 minutes in total irrespective of the number of people presenting; and
  - (c) time may be extended at the discretion of the chairperson.

## 3. PUBLIC QUESTION TIME

In accordance with the *Local Government (Meeting Procedures) Regulations 2015*, the Council conducts a Public Question Time Forum at each ordinary Council meeting to enable members of the public to ask questions on Council related matters. A maximum period of 15 minutes will be provided for this to occur.

Council will attempt to answer questions at the meeting that they are asked, however the questions may be taken on notice where insufficient notice is provided or the content of the question is complex or requires research being undertaken. Where a question is taken on notice, the answer to that question will be provided in writing following the meeting and included on a subsequent Council agenda.

The Chairperson will invite any member of the public present at the meeting to ask questions subject to the following conditions:

- The Chairperson will determine the order in which questions are heard. Priority will be given to those who lodge their question prior to the meeting.
- If there are a number of persons wishing to ask questions, the Chairman may take the questions in such order so as to hear as many members of the public as practical during the time allocated.
- Individuals will be allocated 60 seconds combined to provide a background and ask their question.
- A limit of 3 questions per person per meeting will apply.
- Elected members are not allowed to ask questions during public question time as other avenues exist for that purpose.
- Without limiting the Chairperson's discretion to accept a question under r31(5)(a) of the *Local Government (Meeting Procedures) Regulations 2015*, a question will be refused to be accepted that is, in the reasonable opinion of the Chairperson, proffered to advance a particular point of view rather than making a genuine enquiry.
- A question will be refused if it is deemed offensive, inappropriate, defamatory or unlawful.
- Where a question requests information previously published by Council, a response may simply refer the member of the public to the appropriate documentation.
- Questions cannot relate to any item appearing on the Council Agenda.
- Persons asking questions consent to being live streamed to the public.
- Persons asking questions are to personally ask the questions otherwise the questions will be treated as correspondence and responded to in writing.

**B. CONDUCT OF COUNCIL WORKSHOPS**

The City of Hobart utilise the council workshops forum as allowed under the *Local Government (Meeting Procedures) Regulations 2015* as a mechanism to receive information in relation to specific matters, and adopt the following rules in relation to the conduct of workshops:

- (i) Elected members may utilise and participate in Council workshops to receive information on specific matters, so that they may gain maximum understanding and appreciation of the subject matter.

Workshops and briefings provided to Elected Members will be closed to the public and be confidential in nature and any information received by Elected members during or for the purposes of a workshop must remain confidential.

#### 4. Legislation, Terminology and References

*Local Government Act 1993*

*Local Government (Meeting Procedures) Regulations 2015*

<b>Responsible Officer:</b>	Director City Governance
<b>Policy first adopted by the Council:</b>	12/9/2011 (Policies Amalgamated)
<b>History</b>	
Amended by Council	14/02/2012
Amended by Council	16/04/2012
Amended by Council	08/10/2012
Amended by Council	10/12/2012
Amended by Council	11/06/2013
Amended by Council	08/09/2014
Amended by Council	06/02/2017
Amended by Council	23/04/2018
Amended by Council	23/09/2019
Amended by Council	24/08/2020
Amended by Council	15/02/2022
<b>Next Review Date:</b>	Within 2 years of last review.
<b>File Reference:</b>	F16/65294

**14. Local Government Association of Tasmania -  
Motions for December General Meeting  
File Ref: F22/110630**

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Memorandum of the Chief Executive Officer of 16 November 2022 and attachments.

Delegation: Council



City of **HOBART**

## MEMORANDUM: COUNCIL

### Local Government Association of Tasmania - Motions for December General Meeting

The Local Government Association of Tasmania (“LGAT”) has provided notice of three motions that will be tabled in its December General Meeting. The Council will need to resolve its position in respect of each of these motions to allow delegates to vote accordingly.

LGAT has also provided advanced notice of an item relating to the Workplace Health and Safety Review of Elected Representatives that requires a position.

#### 1. Motion on Housing Affordability – Kingborough Council

The Kingborough Council has submitted a motion seeking:

*“ That LGAT lobby the State Government to:*

*Encourage the development of affordable housing, as a matter of urgency through:*

- a) Measures that promote the efficient supply of well located, diverse housing;*
- b) Promote the development of affordable housing with specific incentives for affordable housing enabled through planning schemes and policies; and*
- c) Require the development of affordable housing with the use of mandatory provisions in appropriate locations (ie, a threshold that would require certain sized developments to provide a minimum percentage of affordable housing). ”*

The full details of this motion are included as **Attachment A** to this report.

Each of the actions proposed in the motion are supported by the Affordable Housing & Homelessness Commitment that was endorsed by the Council in its meeting of 6 December 2021 (**Attachment B**).

To that end, it is recommended that the Council resolve for its delegates to vote in favour of this motion at the December General Meeting.

## 2. Motion on Council Meeting Times – Burnie City Council

The Burnie City Council has submitted a motion seeking:

“ *THAT LGAT:*

*Adopt a policy position that ensures that council meeting and workshop times occur at times that are conducive to and facilitate increased participation across a broader cross-section of community candidates, particularly bearing in mind time constraints and commitments that would apply to those working full time, young people and those with caring responsibilities. ”*

The full details of this motion are included as **Attachment C** to this report.

Under the terms of the *Local Government (Meeting Procedures) Regulations 2015* a Council is to review the times for the commencement of their meetings after each ordinary election and it may, by absolute majority, resolve to have a meeting commence prior to 5.00 p.m.

It is noted the motion is only proposing that LGAT adopt a policy position that a Council should generally seek to promote participation within the community when setting meeting times. It is proposed this would be a reasonable factor for a Council to consider when setting its meeting times, the policy would not be binding on a Council, and it is within the Council's power to set and amend meeting times.

Therefore it is recommended the Council resolve for its delegates to vote in favour of this motion at the December General Meeting.

## 3. Motion on Council 337 Certificates – West Tamar Council

The West Tamar Council has submitted a motion seeking:

“ *THAT LGAT:*

*Seek revisions to the Property Agents and Land Transactions Act 2016 to consider:*

- a) Requiring a 337 Certificate prior to listing of a property and making it available as part of the sale process; and*
- b) Requiring full disclosure for properties as part of the listing process.”*

The full details of this motion are included as **Attachment D** to this report.

Conveyancing of real property within Tasmania operates on a “buyer beware model” with limited protections available for consumers. It is common within the conveyancing process for a contract to have been signed prior to the purchaser applying to the Council to obtain a section 337 certificate – which is a document that will identify any matters relating to planning, building and plumbing in respect of the property.

Council Officers have reported that their experience with the process means they are subject to strict time pressures to prepare the section 337 certificate and to resolve any outstanding enforcement or permit issues if a defect is discovered. Often the purchaser will be the first party to discover a defect (rather than the vendor) and they may not have obtained sufficient protection under their contract to purchase property and the Council may wear the blame should they be contractually obliged to purchase the defective property.

The actions proposed by the motion would benefit the local government sector by removing time pressures and heightened levels of risk associated with having to prepare section 337 certificates and managing any resulting enforcement/permit actions whilst a contract for sale is in place.

It is noted that any reform in this area would have an impact on the real-estate and legal professions within Tasmania, along with potentially placing an additional financial and administrative cost on vendors. However, any amendments to the *Property Agents and Land Transactions Act 2016* would be a matter for the Tasmanian Government and it would therefore be its prerogative to determine the extent to which it undertakes consultation with those sectors.

Therefore it is recommended the Council resolve for its delegates to vote in favour of this motion at the December General Meeting.

### **3. Workplace Health and Safety Review of Elected Representatives**

A review was undertaken by Edge Legal following a resolution of LGAT members in August 2021 that called on the State Government to commission a review of the workplace health and safety of the Local Government sector for elected representatives.

The material from LGAT is included as Attachment E to this report, and member endorsement of the recommendations is sought to allow LGAT to prepare an implementation plan for the work in 2023.

There are 42 recommendations in total grouped into the following four categories:

1. Legislation
2. Code of Conduct
3. Third Party Framework
4. Training

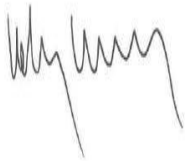
It is considered that the recommendations are sound in light of the review, with detail around the implementation required to be determined as part of LGAT's work in 2023. It is recommended that Council resolve for its delegates to vote in favour of this motion at the December General Meeting.

## **RECOMMENDATION**

**That:**






- 1. The Council resolve to instruct its delegates to vote:**
  - (i) in favour of the motion on Housing Affordability tabled by the Kingborough Council contained in Attachment A;**
  - (ii) in favour of the motion on Council Meeting Times tabled by the Burnie City Council contained in Attachment C;**
  - (iii) in favour of the motion on Council 337 Certificates tabled by the West Tamar Council contained in Attachment D**
  - (iv) in favour of endorsing the recommendations contained in the Work Health and Safety Review – Elected Representatives contained in Attachment E.**

*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: 16 November 2022  
File Reference: F22/110630

Attachment A: Kingborough Council Motion ↓   
Attachment B: Affordable Housing & Homelessness Commitment ↓   
Attachment C: Burnie City Council Motion ↓   
Attachment D: West Tamar Council Motion ↓   
Attachment E: Elected Rep WHS Review ↓ 



### Call for Submission of Motions

*Councils are invited to submit motions for debate  
to be Included at General Meetings*

Name of Council : KINGBOROUGH .....

Contact person (name, title) GARY ARNOLD .....

Phone:62118274 ..... Email:garnold@kingborough.tas.gov.au .....

Date of General Meeting for Motion to be Included.....16 September 2022.....

#### Motion Requirements:

In order for a Motion to be considered please indicate if the proposed Motion:

- ☒ Addresses the objectives of the Association<sup>1</sup>.
- ☒ Concerns a local government matter.
- ☒ Is a matter of common concern to councils and not a specific local issue.
- ☒ Is linked to LGAT's current Annual Plan, available [here](#)
- ☒ It not an existing resolution of the sector (please refer to the Follow up of Resolutions Report in the preceding General Meeting for a list of current resolutions).
- ☐ Has not been considered at a General Meeting in the 12 months prior.
- ☐ Relates to existing, or sought activities/policy of the Tasmanian Government and would benefit from members understanding the Tasmanian Government position prior to considering<sup>2</sup>.

*LGAT staff are happy to assist you in developing your motion. Please phone 03 6146 3740 in the first instance.*

#### Please attach –

The proposed Motion, which should clearly articulate the action required of LGAT or the policy position being sought from the sector.

The attachment should also include additional background comments to ensure members have a complete understanding of what is being sought and how the Motion addresses the requirements listed above.

Email to [admin@lgat.tas.gov.au](mailto:admin@lgat.tas.gov.au)

<sup>1</sup> The objectives of LGAT are

- (a) Protect and represent the interests and rights of Councils in Tasmania;
- (b) Promote an efficient and effective system of local government in Tasmania; and
- (c) Provide services to Members, councillors and employees of Councils.

**Motions to be provided to the LGAT office by no later than 5pm, Friday 3 June**



## Details of Motion

Motion Title      HOUSING AFFORDABILITY .....

Decision Sought    That LGAT lobby the State Government to:

Encourage the development of affordable housing, as a matter of urgency through:

- a) Measures that promote the efficient supply of well located, diverse housing;
- b) Promote the development of affordable housing with specific incentives for affordable housing enabled through planning schemes and policies; and
- c) Require the development of affordable housing with the use of mandatory provisions in appropriate locations (ie, a threshold that would require certain sized developments to provide a minimum percentage of affordable housing).

### Background Comment

Housing affordability is an increasing problem throughout Tasmania particularly for women escaping from family violence, young people and older Tasmanians. Despite this, there are currently no mechanisms in Tasmania to encourage housing affordability through the planning framework.

The land use planning framework can provide important support for to promote affordable and social housing. Promoting new sources of affordable housing means encouraging provision through the private market of housing options that are more likely to meet the needs of low to moderate-income households now and in the future.

The State Government's "Affordable Housing Action Plan 2019-2023" included the following statement:

*"Action 2.2. Planning mechanisms will be reviewed to promote a greater array of housing options in new developments, including affordable housing, to determine those best suited to the specific Tasmanian regulatory, social and economic context".*

However, with just one year left of this strategy and Tasmania's worsening housing crisis, it does not appear that much progress has been made. Opportunities to promote new sources of affordable housing through the planning system could include:

- Ensuring that the Planning Scheme contains overall planning objectives to promote affordable housing. Such objectives will provide a basis for planning authorities to

Motions to be provided to the LGAT office by no later than 5pm, Friday 3 June

encourage applications that contribute to affordable housing or housing choice within an area;

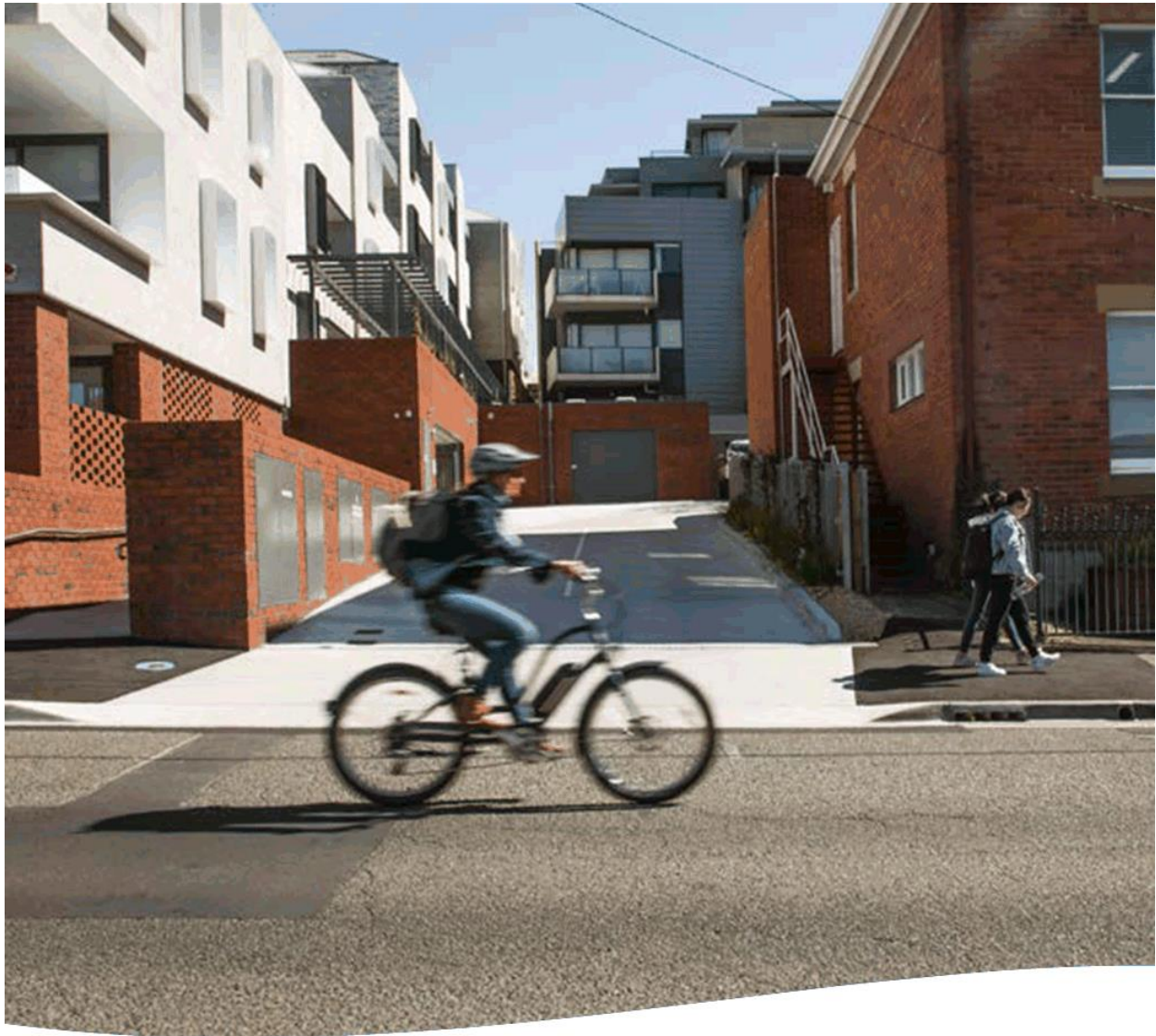
- Facilitating the supply of appropriately zoned residential land, to avoid artificial supply constraints that may affect the cost of housing, by identifying potential housing opportunities such as unutilised or under-utilised land, areas in need of urban renewal or upgrading, or vacant sites in public ownership.
- Ensuring that zone and locality provisions are sufficiently flexible to promote new affordable housing opportunities.
- Introducing planning incentives for diverse housing types or for affordable housing.

Some Councils in other parts of Australia have introduced requirements in their planning schemes to diversify housing forms. For example:

- Leichhardt Council enforces mandatory requirements for diverse multi-unit configurations.
- Blue Mountains Council have developed specific development controls for accessible housing, including residential care facilities, hostels, or groups of two or more self-contained units intended to be used for older people or people with disability. These controls include requirements to ensure that such housing is fully adaptable.
- Waverley Council encourages shop top or mixed commercial / residential developments through floor space incentives.

Communities Tasmania is currently in the process of reviewing their Housing Strategy, and the State Planning Office is working on planning reforms. It is therefore considered timely to advocate for policy change to ensure that all sectors work together to improve housing choices and access to suitable and affordable homes, particularly for the most vulnerable Tasmanians.

Motions to be provided to the LGAT office by no later than 5pm, Friday 3 June



## **CITY OF HOBART**

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# AFFORDABLE HOUSING AND HOMELESSNESS COMMITMENT 2021–23



City of **HOBART**

## Acknowledgment

In recognition of the deep history and culture of our City, we acknowledge the Tasmanian Aboriginal people as the Traditional Custodians of this land. We acknowledge the determination and resilience of the Palawa people of Tasmania who have survived invasion and dispossession, and continue to maintain their identity, culture and rights.

We recognise that we have much to learn from Aboriginal people who represent the world's oldest continuing culture. We pay our sincere respects to Elders past and present and to all Aboriginal people living in and around Hobart.

## Social Inclusion Policy Statement

In alignment with the Universal Declaration of Human Rights, the Council recognises the fundamental right of every individual to participate socially, culturally, economically, physically, spiritually and politically in society.

The Council acknowledges that each member of the community has their own set of strengths, skills and resources and that the contribution of these is of benefit to the whole community.

The Council recognises that not everyone's experience of our community is the same. We acknowledge the systemic barriers within the built, social and information environment that prevent people from thriving and contributing to society. Barriers include lack

of employment opportunities, poverty, low literacy and numeracy, ill health, intimate and family violence, inadequate support services, stigma and discrimination and lack of housing affordability. These are challenges which the Council is committed to addressing through advocacy, partnership and direct action.

Council commits to building social inclusion and actively reducing discrimination on the ground of any attribute listed under section 16 of the Anti-Discrimination Act 1998. The Council commits to social inclusion and compliance with relevant anti-discrimination legislation in all aspects of council operations including strategic planning, service delivery, communications and design and delivery of public spaces.

**A note on language:** the organisation's registered business name is 'City of Hobart' and 'Hobart City Council' is our legal name. In this document, the organisation is referred to as the 'City of Hobart' or the 'City' with the exception of the Social Inclusion Policy Statement which, as a formal policy, uses the term 'Council'.

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## Our Commitment to Affordable Housing and Homelessness

The City of Hobart is committed to building inclusive, strong and healthy communities through the celebration of diversity and participation in community life and by making services, programs and facilities accessible for people of all ages and abilities.

The City continues to be committed to identifying, and to the best of its ability addressing the full diversity of issues in relation to affordable and social housing and homelessness within the city's municipal area.

This Commitment clarifies the City's Role, articulates Priority Areas and identifies specific Actions that the City will continue and/or initiate to address affordable and social housing and homelessness issues over the next two years.

It builds on the work undertaken by the City through the implementation of the *Housing & Homelessness Strategy 2016-2019*<sup>i</sup>.

It should be noted however, that there has been significant change in the housing and homelessness landscape within Hobart and more broadly within Tasmania since the publication of the original Strategy.

A sharp increase in the value of Hobart properties, and subsequent rents, has been fuelled by a lack of supply and an increase in properties being utilised for short stay accommodation. Hobart's property prices rose by 26.82 per cent in the year to September 2021, the largest increase of any Australian capital city<sup>ii</sup>. With a vacancy rate of only 1.4 per cent<sup>iii</sup>, Hobart has the tightest rental market in the country, and on the measure of proportion of rent to income Hobart has become the least affordable Australian capital city for renters<sup>iv</sup>.

Another factor which has an impact on housing is Tasmania's population, which is ageing faster than the Australian average. The proportion of Tasmanians aged over 65 years increased by 3.4

per cent from 2011 to 2016, compared to a 1.7 per cent increase for the whole of Australia. (14 per cent in 2011 to 15.7 per cent in 2016)<sup>v</sup>.

A quarter of the state's population also lives with disability, which is high compared to other states. The proportion of the population living with a disability increases considerably with age. Tasmania also has the highest proportion of people aged 65 years and over with disability (55 per cent)<sup>vi</sup>.

These factors add further strain on affordable and secure accommodation within Hobart and has created a situation that requires a collaborative, strategic and focused approach. As well as fulfilling its key role as a Planning Authority, this rapid change has required the Council to take a leadership role, by working in greater collaboration with the sector as well as the State and Federal Governments in order to identify the best way forward.

### Local and Regional Strategic Projects/Documents

Recently, a number of key strategic projects have been developed or are currently in development that create the mechanisms for all levels of government to work together, primarily to address housing issues within greater Hobart. These mechanisms include the Hobart City Deal, the Greater Hobart Act, the MetroPlan and the Central Hobart Precinct Plan all of which will influence and shape how the City responds to the emerging issues within the areas of affordable housing and homelessness.

These strategic and regional projects and approaches support high level structural and administrative change, particularly in relation to regional housing supply, planning legislation, transport as well as settlement strategy, physical infrastructure, and the delivery of affordable housing.

Most of the homelessness actions in this commitment are locally focused and will have a direct impact on members of the Hobart community who are experiencing homelessness. These actions aim to facilitate and support initiatives by local providers.

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- i City of Hobart Housing & Homelessness Strategy 2016–19. <https://www.hobartcity.com.au/Council/Strategies-and-plans/Housing-and-Homelessness-Strategy>
- ii Core Logic (2021). Core Logic Home Property Value Index – Monthly Indices. Accessed 29 September 2021. Retrieved from: <https://www.corelogic.com.au/research/monthly-indices>
- iii Place Design Group (2019). Toward Infill Housing Development. Report. Tasmanian Department of State Growth. [https://www.stategrowth.tas.gov.au/\\_data/assets/pdf\\_file/0019/216172/Toward-Infill-Housing-Development.pdf](https://www.stategrowth.tas.gov.au/_data/assets/pdf_file/0019/216172/Toward-Infill-Housing-Development.pdf)
- iv <https://www.sgsep.com.au/maps/thirdspace/australia-rental-affordability-index/>
- v <https://www.cotatas.org.au/wp-content/uploads/sites/3/2019/02/1.-Tasmanias-Ageing-Population.pdf>
- vi <https://www.hobartcity.com.au/Community/Community-programs/Equal-access>



## Our Organisation

### CITY OF HOBART MISSION

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

The Affordable Housing and Homelessness Commitment strongly aligns with the broader strategic framework of the organisation and responds directly to the Community Vision and Strategic Plan. Hobart: A City for All, the City of Hobart's Community Inclusion and Equity Framework, describes the City's approach and role. The commitment directs the actions of the organisation that were identified by the community in creating a city for all and provides the framework that underpins our work within the areas of affordable and social housing and homelessness. This commitment in turn guides action within specific annual and unit plans within the organisation.

### COMMUNITY VISION

Capital City Strategic Plan

Community Inclusion and Equity Framework

**Affordable Housing and Homelessness Commitment**

Annual and Unit Plans



## Guiding Principles

*Hobart: A community vision for our island capital*, articulates the kind of future the Hobart community would like to see and forms the guiding document for the City of Hobart's strategic plan.

The vision reflects the community's expectation for action in relation to the areas of affordable and social housing and homelessness in the city, and provides a strong mandate for delivery of this Affordable Housing and Homelessness Commitment.

This commitment has been developed to respond directly to the following aspirations set out in the community vision and strategic plan:

We all have access to an affordable home.

**Vision Pillar 7.1**

Housing is affordable, and none of us experiences housing stress.

**Vision Pillar 7.1.4**

Our infrastructure, services and other aspects of our built environment support equal access for all.

**Vision Pillar 7.3.2**

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.

**Strategic Outcome 7.1.1**

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

**Strategic Outcome 7.1.4**

Identify those people in the community who are most disadvantaged, excluded and vulnerable and develop appropriate initiatives to address their issues, in partnership with stakeholders.

**Vision Pillar 2.2.6**

Advocate for people at risk of housing stress and homelessness.

**Strategic Outcome 7.1.2**

We have housing available for those of us experiencing disadvantage. We cater for vulnerability. Social housing is part of, not separate from, the communities, services and access that are everyone's right.

**Vision Pillar 7.1.5**

Deliver and support initiatives, activities and programs that build community resilience, wellbeing and safety.

**Vision Pillar 2.4.6**

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

**Strategic Outcome 7.1.3**

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

**Strategic Outcome 7.1.5**

## Community Input

The Housing and Homelessness Commitment has been developed in response to aspirations of our community, specific engagement from the *Hobart: A City for All, Inclusion and Equity Framework* and targeted consultation and research resulting in the development of detailed action plans that provide specific direction to assist the City in building an equitable and inclusive community.

In direct response to all that we have heard from our community, from the Community Vision and Capital City Strategic Plan, and detailed during the engagement process, the Affordable Housing and Homelessness Commitment is aligned with a focus on the outcomes under Pillar 2: Community inclusion, participation and belonging and Pillar 7: Built environment.

During the engagement period, the context for discussion included the City's current level of resourcing, current financial constraints, the activities currently being undertaken by the City of Hobart, and the City's social inclusion roles. Extensive engagement with the sector, external reference groups and internal engagement was undertaken during 2020 and 2021.

This included targeted community workshops with community and housing sector groups; focus groups with people with a lived experience of housing stress and homelessness; surveys from the broader Hobart community; City of Hobart employees and Elected Members.

Feedback from these engagement opportunities has informed the approach, format and content of the Affordable Housing and Homelessness Commitment. We will deliver on these priorities through a variety of projects, initiatives, and partnerships as outlined in the Action Plan (on pages 14-17) of this commitment.

### WHAT WE HEARD:

Participants strongly encouraged the City to outline its role within the context of affordable housing and homelessness, in addition to expanding on our priority focus areas and actions associated with this commitment.

The engagement process identified ongoing and emerging issues within these areas and resulted in short and long-term actions for us to deliver, with consideration given to our roles, resources and opportunities for collaboration with other sector, government agencies and peak bodies. As a result of this feedback and research, the following key themes were identified:

- Affordable Housing is a key issue in Hobart and there currently isn't enough affordable housing for Hobart's residents. The Council could consider planning/development decisions that increase affordable and social housing.
- Homelessness is a significant issue in Hobart that needs to be addressed. In particular the City has been asked to examine the growing acceptance of homeless culture in Hobart and opposition within local communities towards housing developments to support people in need. The City could consider actions to mitigate often related issues, such as domestic violence and social isolation, which may lead to homelessness.
- Actions within the commitment need to be targeted, specific and measurable in order to better address the housing and homelessness issues in Hobart. These actions need to have sufficient and dedicated resourcing allocated to them in order to succeed.

- Changes to land use regulation such as zoning and planning schemes were seen as critical mechanisms for affecting change in addressing a lack of affordable and social housing, and subsequent homelessness. The most effective change that the City can make to housing affordability is likely through changes to policy that concern development projects, delivered through the City's role as a Planning Authority.

There was a strong collective preference (from groups and individuals involved throughout the engagement process) in favour of retaining elements of the Housing & Homelessness Strategy 2016-19, including defining its role and priority areas for action.

The City of Hobart will continue to play the following key roles in addressing affordable and social housing and homelessness issues:

#### **ADVOCATE**

The City will collaborate with business, community and the sector to advocate for positive change, where appropriate, in order to address local and regional affordable, social housing and homelessness issues.

#### **COMMUNICATE**

The City will identify, collect and disseminate relevant information and resources that promote greater understanding of local, regional and national affordable, social housing and homelessness issues.

#### **CONNECT**

The City will bring business, community, government and the sector together to create and strengthen relationships in order to address local and regional affordable, social housing and homelessness issues.

#### **FACILITATE**

The City will facilitate, promote and support business, community and government initiatives in order to address local and regional affordable, social housing and homelessness issues.

#### **LEAD**

The City will continue to be a leader in identifying, promoting, coordinating, and delivering actions in order to address local and regional affordable, social housing and homelessness issues.

#### **MANAGE**

The City will focus its strategic planning, resources, infrastructure and facilities in order to address local and regional affordable, social housing and homelessness issues.

#### **PLANNING AUTHORITY**

The City will utilise opportunities as the local planning authority to maximise appropriate and equitable housing developments that meet community need and aspiration.

## Priority Areas for Action

In alignment with the **Capital City Strategic Plan** and **Community Inclusion and Equity Framework**, the City of Hobart commits to actions under the following four priority areas:



### PARTICIPATION AND ACCESS

#### STRATEGIC PLAN OUTCOME 2.2

Hobart is a place where diversity is celebrated and everyone can belong, and where people have opportunities to learn about one another and participate in city life.

The City will focus resources to ensure that public spaces and infrastructure provide the best possible benefit for all community members, including people experiencing homelessness. The City will support opportunities for adaptive re-use of sites and encourage best practice in urban design that is inclusive and environmentally sustainable.

Examples include providing and promoting appropriate public infrastructure for people experiencing homelessness, such as showers, water bubblers / refill station, recharge stations for mobile phones; collaborating with community services and programs such as Street to Home and Orange Sky Laundry that provide support to people without a home living in Hobart's public spaces.



### : WELLBEING AND KNOWLEDGE

#### : STRATEGIC PLAN OUTCOME 2.3

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

The City will focus on the delivery and support of community education and awareness raising campaigns, programs and projects in relation to affordable and social housing and homelessness that also promote celebration, diversity and social connection.

Examples include supporting Housing with Dignity Reference Group members to deliver a range of programs, projects and advocacy initiatives including the "I am Somebody" project as well as providing the Hobart Helps Card, which provides information on local homelessness and social support services within Hobart.





## SAFETY AND RESILIENCE

### STRATEGIC PLAN OUTCOME 2.4

Hobart communities are safe and resilient, ensuring people can support one another and flourish in times of hardship.

The City will support and where necessary facilitate city activation projects and programs that encourage community ownership, identity and cohesion in order to maximise participation in community life, facilitate community safety and increase social interaction.

Examples include supporting community initiated services such as Food Not Bombs, Dining with Friends, King's Diner, Pets in the Park and Circle of Love and Care through the provision of free venue use as well as providing relevant training and information to support City of Hobart 'front line' employees coming into contact with rough sleepers.



## PLANNING AND PARTNERSHIPS

### STRATEGIC PLAN OUTCOME 7.3

Infrastructure and services are planned, managed and maintained to provide for community wellbeing.

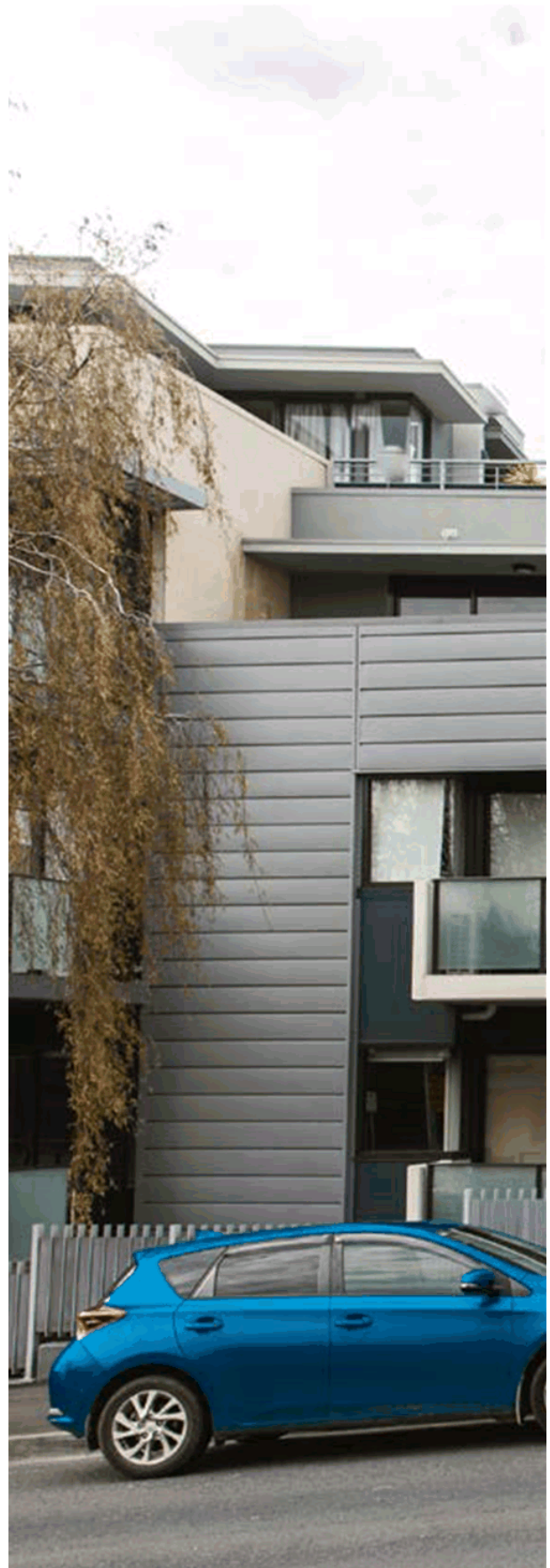
The City will evolve and respond to community aspiration and need in relation to housing. This includes both the control of existing and new development as well as strategic planning to ensure that resources are carefully managed to match current and future community needs and expectations. We will continue to develop partnerships and work collaboratively with other levels of government, neighbouring councils, housing peak bodies, investors as well as social housing providers, educational, community and voluntary organisations in order to in address the lack of affordable and social housing and supporting people without a home.

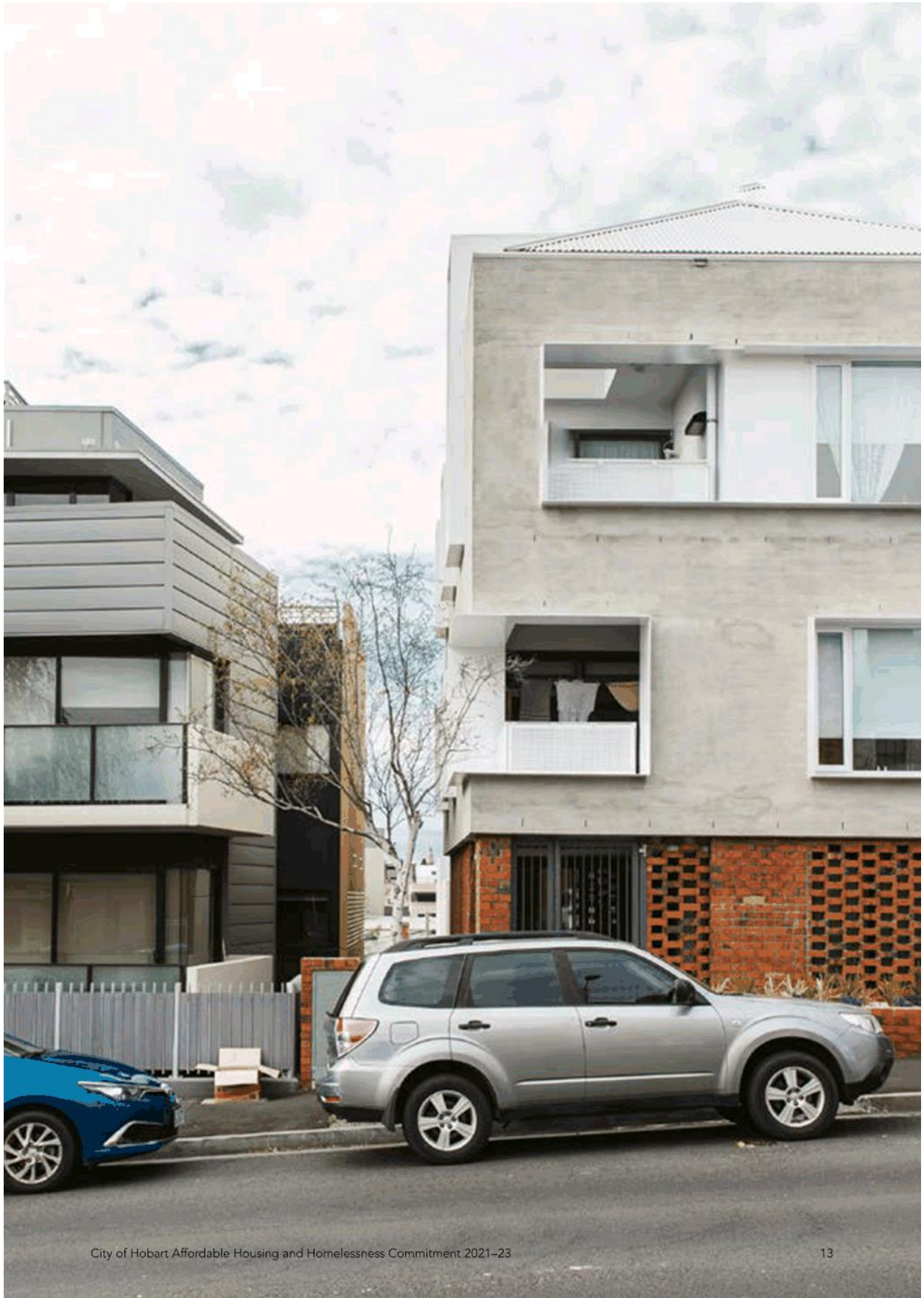
Examples include supporting Community Housing Providers to build affordable and social housing, advocating to the State Government for planning changes in relation



to short stay accommodation and mandatory inclusionary zoning, as well as working to increase housing choice as part of the Hobart City Deal; coordinating the Greater Hobart Homelessness Alliance, which includes State and Local Government representatives as well representative from the housing and homelessness sector; participating in the Council of Capital City Lord Mayors (CCCLM) on activities relating to affordable and social housing and homelessness; collaborating with the University of Tasmania to identify and support opportunities for affordable and social housing inclusion within City and Sandy Bay campus accommodation developments.

These priority areas are used to structure our actions in support of affecting positive change within the areas of affordable housing and homelessness and commit to addressing and promoting the City's role through advocacy, partnership and direct action.





## Action Plan

The City is committed to the following actions, noting that actions have been allocated for Affordable Housing actions and separately for Homelessness actions. It should be further noted that some actions are already underway or ongoing.

Any new actions that fall directly within the City's area of responsibility, and delivered with the

current resources, are planned to be completed within the two year life of this commitment.

The regional strategic actions are to be delivered in partnership with other agencies. These actions typically have a longer time frame for delivery, and will be progressed during the period of the commitment, although not necessarily completed.

Current and Continuing Affordable Housing Actions	Priority Areas for Action
Contribute to the development and review of State Government strategies, plans and legislative frameworks such as <i>Tasmania's Affordable Housing Strategy</i> , <i>Southern Tasmanian Regional Land Use Strategy 2010-2035</i> and the development of the <i>Tasmanian Housing Strategy</i> .	Planning and Partnerships
Actively participate in regional strategic projects in collaboration with Federal Government, State Government and other councils including The Hobart City Deal, The MetroPlan and the Greater Hobart Act.	Planning and Partnerships
Develop and deliver the Central Hobart Precinct Plan in partnership with the Tasmanian Government.	Planning and Partnerships
Coordinate and facilitate the Greater Hobart Homelessness Alliance – a greater Hobart forum of State and Local Government representatives and representatives from the housing and homelessness sector.	Planning and Partnerships
Maintain membership of Shelter Tasmania and support for the affordable/ social housing and homelessness sector.	Planning and Partnerships
Investigate ways to support developers, including Community Housing Providers (CHPs), to build affordable and social housing that includes the construction of best practise affordable social housing rental homes within Hobart through incentives and other relevant mechanisms where appropriate.	Planning and Partnerships
Advocate to the Minister for Planning for changes to the policy position on Short Stay Accommodation in the State Planning Provisions with a view to ease pressure on housing affordability.	Planning and Partnerships
Participate in the Council of Capital City Lord Mayors (CCCLM) on activities relating to affordable and social housing and homelessness.	Planning and Partnerships
Facilitate forums and workshops on relevant topics that provide information and contribute to a greater understanding of matters relating to affordable/ social housing and homelessness.	Wellbeing and Knowledge
Annually monitor housing and short stay accommodation approvals to establish progress against the policy objectives of the <i>Southern Tasmanian Regional Land Use Strategy</i> and MetroPlan to determine if policy settings need changing.	Planning and Partnerships
Advocate for Universal Design in all large housing developments in order to ensure that new housing developments meet Australian standards on housing accessibility.	Participation and Access
Consider appropriate general rate exemptions, as provided for in the Local Government Act 1993, for eligible charitable organisations providing social and affordable housing, retirement living and aged care.	Planning and Partnerships

New Affordable Housing Actions	Priority Areas for Action
Collaborate with the University of Tasmania to identify and support opportunities for affordable and social housing inclusion within city and Sandy Bay campus accommodation developments.	Planning and Partnerships
Collaborate with the University of Tasmania regarding all aspects of the university's move into central Hobart, with a particular focus on the accommodation and social integration of students.	Safety and Resilience
Progress actions through relevant specific strategic and structural mechanisms such as the MetroPlan in relation to; <ul style="list-style-type: none"> <li>Inclusionary zoning</li> <li>Infill housing</li> </ul>	Planning and Partnerships
Progress the objectives of the Central Hobart Precinct Plan, including; <ul style="list-style-type: none"> <li>Planning scheme amendments</li> <li>Streetscape improvements</li> <li>Road usage changes</li> <li>Capital works projects</li> <li>Recommendations for further studies, new strategies or policies</li> <li>Recommendations for implementation plans and targets</li> <li>Public education programs</li> <li>Partnerships with other agencies</li> <li>Advocating for change</li> </ul>	Planning and Partnerships
Progress Council's directive in relation to short stay accommodation including working with the private sector and all levels of government to advocate for changes that increase housing/rental affordability.	Planning and Partnerships
Progress preparation of the Apartment Code through the State Planning Provisions to provide greater certainty for developers, proponents, and the community when undertaking developments including the conversion of existing buildings/sites such as warehousing to housing.	Planning and Partnerships
Advocate for legislative change for inclusionary zoning to be available through the planning system	Planning and Partnerships
Facilitate opportunities for increasing housing choice along the Northern Transport Corridor through the Hobart City Deal.	Planning and Partnerships
Investigate waiving planning and building permit application fees for CHPs or private developers that include a minimum proportion of affordable and social housing, including non-profit rental housing, supportive housing, and other forms of rental housing where affordability is secured for a minimum of 20 years.	Planning and Partnerships
Consider the option to develop separate commitments for Housing and Homelessness when a document review is undertaken.	Planning and Partnerships
Audit and review Council land/air rights suitable for social and/or affordable housing developments.	Planning and Partnerships

Current and Continuing Homelessness Actions	Priority Areas for Action
Coordinate the Housing With Dignity Reference Group – a consultative group of people with a lived experience of housing stress or homelessness.	Planning and Partnerships
Support the Housing with Dignity Reference Group members to deliver a range of programs, projects and advocacy initiatives including the “I am Somebody” project.	Safety and Resilience
Support community initiated services such as Food Not Bombs, Dining with Friends, King’s Diner, Pets in the Park and Circle of Love and Care through the provision of free venue use.	Safety and Resilience
Deliver and support events and activities that highlight community issues within Homelessness Week and Anti-Poverty Week.	Wellbeing and Knowledge
Facilitate training and professional development for City of Hobart employees – provide relevant training and information to support those who may come into contact with rough sleepers.	Wellbeing and Knowledge
Provide the Hobart Helps Card with information on local homelessness and social support services within Hobart for distribution through public transport providers and community and sector venues.	Wellbeing and Knowledge
Maintain dedicated homeless initiative budget allocations in order to support homelessness initiatives and projects prioritised by the homelessness sector – such as engaging St Vincent de Paul Society to supply the Homelessness Survival Packs to front-line organisations.	Safety and Resilience
Participate in regional sector forums, such as the Homelessness Services Southern Forum to collect and compare data, share information and consult with the homelessness sector in the Hobart region.	Planning and Partnerships
Provide and promote appropriate public infrastructure for people experiencing homelessness, in particular showers, water bubblers / refill station, recharge stations for mobile phones and Wi-Fi hot spots and ensure inclusion of additional facilities in any new City of Hobart developments.	Participation and Access
Actively participate on the Council of Capital City Lord Mayors (CCCLM) Homelessness Working Group.	Planning and Partnerships
Collaborate with community services and programs such as Street to Home and Orange Sky Laundry that provide support to people without a home living in Hobart’s public spaces	Participation and Access
Provide appropriate support for the delivery of the Safe Space Program.	Planning and Partnerships
Collaborate with the housing and homelessness sector to deliver a Homelessness Week activity or event that raises the community’s awareness of the impacts of homelessness.	Wellbeing and Knowledge

New Homelessness Actions	Priority Areas for Action
Explore the establishment of a PO Box facility in collaboration with Australia Post and/or other service providers in a location suitable for those experiencing homelessness.	Participation and Access
Work with the affordable and social housing and homelessness sector to develop community awareness raising resources such as posters, flyers, website information, etc. that address stereotypes and biases and raises the broader community's understanding of issues in relation to affordable and social housing and homelessness.	Wellbeing and Knowledge
Consider the employment of a dedicated City of Hobart employee to work closely with the homelessness sector and coordinate the City's actions in relation to homelessness.	Planning and Partnerships
Collaborate with service providers to explore further opportunities/venues within the City to increase the number of large lockers available to people experiencing homelessness.	Participation and Access
Increase promotion and awareness of community initiated support services such as Food Not Bombs, Dining with Friends, King's Diner, Pets in the Park and Circle of Love and Care, through dedicated resourcing.	Wellbeing and Knowledge
Consider a targeted grant funding round within the City of Hobart Community Grant Program to support events, projects and programs that support community members experiencing homelessness and/or that address or raise awareness of affordable housing and/or homelessness issues with the broader community.	Planning and Partnerships
Engage with other agencies to increase the community's awareness of actions that can assist with lowering the cost of accommodation such as measures to reduce energy consumption and/or increase energy efficiency.	Wellbeing and Knowledge
Engage with the Housing with Dignity Reference Group to further develop the "I am Somebody" project or similar community awareness raising projects.	Wellbeing and Knowledge
Engage with Southern Tasmanian Councils through the Greater Hobart Homelessness Alliance to identify opportunities to share resources, coordinate response and address homelessness issues across the region.	Planning and Partnerships
Collaborate with Clarence City, Glenorchy City and Kingborough Councils to identify specific opportunities to share resources, coordinate response and address homelessness issues within Greater Hobart.	Planning and Partnerships
Deliver and support community awareness raising activities that emphasise the social and economic benefits of mixed-use housing developments in order to counter oppositional viewpoints associated with these types of developments in local neighborhoods.	Wellbeing and Knowledge
Engage with the Australian Housing and Urban Research Institute (AHURI) and Housing & Community Research Unit (UTas)	Planning and Partnerships
Support the provision of the Orange Sky Laundry services on City of Hobart property.	Planning and Partnerships
Provide mobile phone charging stations through the Connected Hobart program, to homelessness support services as well as at Council venues, in order to support people experiencing homelessness	Participation and Access

## Governance and Review

We are committed to being transparent and accountable in the delivery of the Affordable Housing and Homelessness Commitment. We look to our community to guide us and provide feedback to strengthen our approach and delivery over time.

This Commitment will be updated every two years with an annual review to respond to community input and ensure currency. To support this Commitment, we have mechanisms to guide the delivery and review to ensure that the City remains focused on its Role and the Priority Areas for Action and to measure the effectiveness of the specific actions outlined within.

This document contains specific actions that may be of relevance to a number of the City's community reference groups. This includes the Access Advisory Committee, the Hobart Older Person's Reference Group, the Youth Advisory Squad and the Networking for Harmony Multicultural Reference Group.

With the above in mind, the governance and review of the Commitment will directly involve the following specific reference groups:

### COMMUNITY SECTOR REFERENCE GROUP

The Community Sector Reference Group provides high level partnership on a range of inclusion and equity initiatives and is supported by advisory groups directly relating to the areas of affordable housing and homelessness.

The group includes representatives from major community organisations in Hobart and the sector peak bodies. This group meets with City of Hobart officers quarterly to provide advice and input into the City's work, including identifying emerging issues and appropriate responses. The group also provides feedback

on the City's performance in relation to the Community Inclusion and Equity framework and monitors progress against the full City's suite of community commitments.

### GREATER HOBART HOMELESSNESS ALLIANCE (GHHA)

This group is convened by the Lord Mayor, the GHHA provides a forum for collaboration, information sharing and partnership between greater Hobart housing and homelessness sector stakeholders. While the Alliance is focused on improving policy, practice and service delivery to achieve better long term outcomes for people who are homeless or at risk of homelessness it also has a role in ensuring any local work that the Council is involved in supports and value adds to work being undertaken at a regional level.

### HOUSING WITH DIGNITY REFERENCE GROUP

This group meets bi-monthly to discuss affordable and homelessness issues in and around Hobart. The reference group is made up of people with a lived experience of housing stress and/or homelessness that are passionate about making a change. Members provide advice and assistance to City of Hobart employees and Elected Members.

The City of Hobart continues to build upon existing partnerships while creating new strategic partnerships to enable cohesive, collaborative responses to local challenges.

Not providing direct services itself, the City relies on its partners as leaders and seeks to work with them to promote a city for all.

Key partners include:

- Anglicare Tasmania
- Annie Kenny House
- Archdiocese of Hobart
- Baptcare
- Bethlehem House
- CatholicCare
- Centacare
- Colville Place
- Colony 47
- Common Ground
- Communities Tasmania
- Council On The Ageing
- Department of Health
- Flint House
- Food Not Bombs
- Hobart City Mission
- Hobart Women's Shelter
- Housing Choices
- Jireh House Inc.
- King's Diner
- Launch Youth
- Libraries Tasmania
- Link Youth Health
- Master Builders Tasmania

- McCombe House
- Mission Australia
- Orange Sky Laundry
- Pathways
- Planning Institute Australia (Tas)
- Property Council of Tasmania
- Salvation Army
- Shelter Tasmania
- Short of a Sheet
- St Vincent de Paul
- Tasmanian Council of Social Services (TasCOSS)
- Tenant's Union of Tasmania
- University of Tasmania
- Wesley Uniting Church
- Youthcare

In addition to working with groups mentioned above, the City will convene working groups as required to assist with the identification, coordination and delivery of events, project and programs that address affordable and social housing and homelessness issues, concerns and aspirations.

## Working in Partnership

We use our connections and networks to enable participation in civic life. Our strong partnerships support collaboration across councils, community organisations, businesses and other levels of government.

In addition to the City's Strategic Plan outcomes, the Affordable Housing and Homelessness Commitment is aligned with and makes reference to a number of local and regional and strategic documents, processes and projects that have a significant impact on the Council's and the local community's ability to address regional housing and homelessness issues.

The Council is an active participant in the following strategies, plans and legislative structures and where appropriate takes the lead in ensuring their delivery.

### BROADER STRATEGIC PROJECTS

#### Hobart City Deal<sup>vii</sup>

City Deal Partners will deliver a range of affordable and social housing options suitable for different household types, in locations close to where people work and services are delivered.

Within the term of the City Deal, Hobart will have a more diverse, affordable and inclusive housing mix to provide choices to meet our changing lifestyle and population needs.

#### Greater Hobart Act<sup>viii</sup>

The object of this Act is to assist the Greater Hobart area councils and the State Government to better co-ordinate the efficient use of infrastructure, to increase access to infrastructure in all locations for persons of all abilities and needs, and to coordinate strategic planning and other actions in relation to future land use and development in the Greater Hobart area.

#### MetroPlan<sup>ix</sup>

The Tasmanian Government and Greater Hobart Councils have jointly developed the Greater Hobart MetroPlan 2050 to implement the objectives of the Greater Hobart Act and the key themes in the Vision for Greater Hobart. The MetroPlan will also serve as a metropolitan update to the Southern Tasmania Regional Land Use Strategy.

The Greater Hobart Vision and MetroPlan will ensure a coordinated approach to shaping the future of Greater Hobart, to improve the supply, diversity and affordability of residential housing across Greater Hobart to 2050.

#### Central Hobart Precincts Plan

The purpose of the Central Hobart Precincts Plan is to guide future growth in a way that will build on Hobart's position as a vibrant, flourishing, sustainable and globally appealing capital city, without compromising those qualities which already make the city unique.

The following specific actions may arise to implement the plan.

- Changes to planning scheme provisions.
- Changes to Council rates and charges.
- Capital investment and ongoing operating funding by the City of Hobart in works, buildings, events, marketing and services that support the precincts plan.
- Advocating to State Government for changes to legislation or funding arrangements and priorities.

As well as the above, the City of Hobart actively participates in and contributes to the development and review of the following Tasmanian Government strategies:

**Southern Tasmanian Regional Land Use Strategy 2010–2035\***

The strategy sets a vision and supporting principles and policies for managing land use and development within the southern region. According to the strategy, the Hobart city centre is the Primary Activity Centre and significant proportion of all employment within the region should continue to be focused in that area with high level of public amenity and high quality urban design provided.

**Tasmania's Affordable Housing Strategy 2015–2025<sup>xi</sup>**

Through three approaches, Prevention, Targeted Early Intervention and Response this Strategy aims to achieve a decrease in the proportion of low income Tasmanian households experiencing housing stress, and a decrease in the proportion of Tasmanians experiencing homelessness.

While supportive of this strategy, the role that local government can play in its implementation is quite limited, with the majority of actions being delivered by state government agencies or not-for-profit organisations.



## Glossary<sup>xii</sup>

The following glossary provides definitions of commonly used words and terms used often in relation to affordable housing and homelessness. For a full glossary please refer to Shelter Tasmania's factsheet 'Guide to Housing and Homelessness Terms'.

- **Accessible.** An accessible home is designed to meet the needs of people requiring higher level access, and usually designed and built with a specific person's needs in mind. An accessible house meets Australian Standard AS 1428.1-2001, Design for access and mobility, and is able to accommodate wheelchair users in all areas of the dwelling.
- **Affordable Housing.** The standard test for affordable housing is that a household in the lower 40 per cent by income should not pay more than 30 per cent of their gross income on housing, known as the 30/40 rule. In a broader sense, housing is generally considered to be 'affordable' if the household members are not in housing stress after they have paid for their housing, whether renting or buying. Housing is unaffordable for a household when paying their housing cost leaves them in housing stress or living in poverty.
- **Affordable Rental Housing.** In the broadest sense, this can include any rental housing where the household can pay their rent without falling into housing stress or hardship. Affordable rental housing also has a technical sense which means a form of housing for low-moderate income households where the rent is set at a proportion (e.g. 75 or 80 per cent) of the rent that would normally be charged for the property in the private rental market. This technical sense of affordable rental housing is different from social housing where the rent is usually set as a proportion of the tenant's income.
- **Community Housing.** Housing managed by non-profit, non-government organisations. In lutruwita/Tasmania, most community housing is social housing where management of large tranches of public housing has been transferred from Housing Tasmania (the Department of Communities) to a group of large, registered Community Housing Providers.
- **Community Housing Providers.** (CHPs) are not-for-profit organisations which provide housing at below market rents usually to low income earners and other specific target groups.
- **Homelessness.** When a person does not have a home or suitable accommodation that meets their needs. According to the Australian Bureau of Statistics (ABS) definition, people are considered to be experiencing homeless if their current living arrangement is in a dwelling that is inadequate, or has no tenure, or if their initial tenure is short and not extendible; or does not allow them to have control of, and access to space for social relations. This definition includes people who are 'couch surfing', living in overcrowded conditions and who don't have appropriate agency where they live, as well as people who are sleeping rough.
- **Homelessness Week.** Homelessness Week is a national week held in the first week of August each year, dedicated to raising awareness about Homelessness and the Services that support people experiencing homelessness, to highlight the lived experience of homelessness, to combat stereotypes.
- **Housing Stress.** A household is considered to be in 'housing stress' if its income is in the bottom 40 per cent of incomes and it is

paying more than 30 per cent of its income on housing. This may also be referred to as 'housing unaffordability'.

- **Inclusionary Zoning.** Inclusionary zoning is defined as a land use planning intervention by government designed to ensure that a proportion of a residential development includes a number of affordable and/or social housing dwellings. Inclusionary zoning can be mandated (compulsory) or encouraged by incentives for developers such as a density bonus, or reduction in fees or costs.
- **Lived Experience.** The knowledge gained from lived experience is understood in contrast to knowledge held by professionals and workers, which is gained from study or working in an area. Recognising lived experience means that the important and valuable knowledge or expertise that people have gained from their experience can significantly improve or lead the design, development and delivery of policy and services. For example, a person may have lived experience of homelessness, of health and mental health services or of a service provided by Centrelink. Related terms are 'consumer voice', 'consumer engagement', 'expert in experience', 'service user voice', and the like.
- **Rough-Sleeping.** People sleeping, or bedded down, in the open air (such as on the streets, or in doorways, parks or bus shelters); people in buildings or other places not designed for habitation (such as barns, sheds, car parks, cars, derelict boats, stations, or 'camps').
- **Social housing.** Affordable rental housing targeted to low-income households and provided on a 'long-term' basis (generally for as long as the household continues to need it). Social housing includes public housing, some forms of community housing, Aboriginal rental housing, and some housing specifically designed for seniors. Social housing tenants typically pay an income based rent, and their homes are provided on a 'long-term' basis, generally for as long as the household continues to need it.
- **Supported accommodation.** A form of affordable rental housing where provision of housing is linked with provision of some form of support to the household. Supported housing is typically provided to people who are exiting homelessness, to people with disabilities or chronic health issues or to older people with low-level support needs.
- **Transitional housing.** Affordable rental housing provided on a short to medium term basis, typically to people exiting or 'at risk' of homelessness, while they wait for more permanent housing to become available.
- **Universal housing design.** A design practice which ensures that the dwelling is fully usable by a person with a disability without needing further modification.

vii <https://www.hobartcitydeal.com.au/affordable-housing-and-urban-renewal>

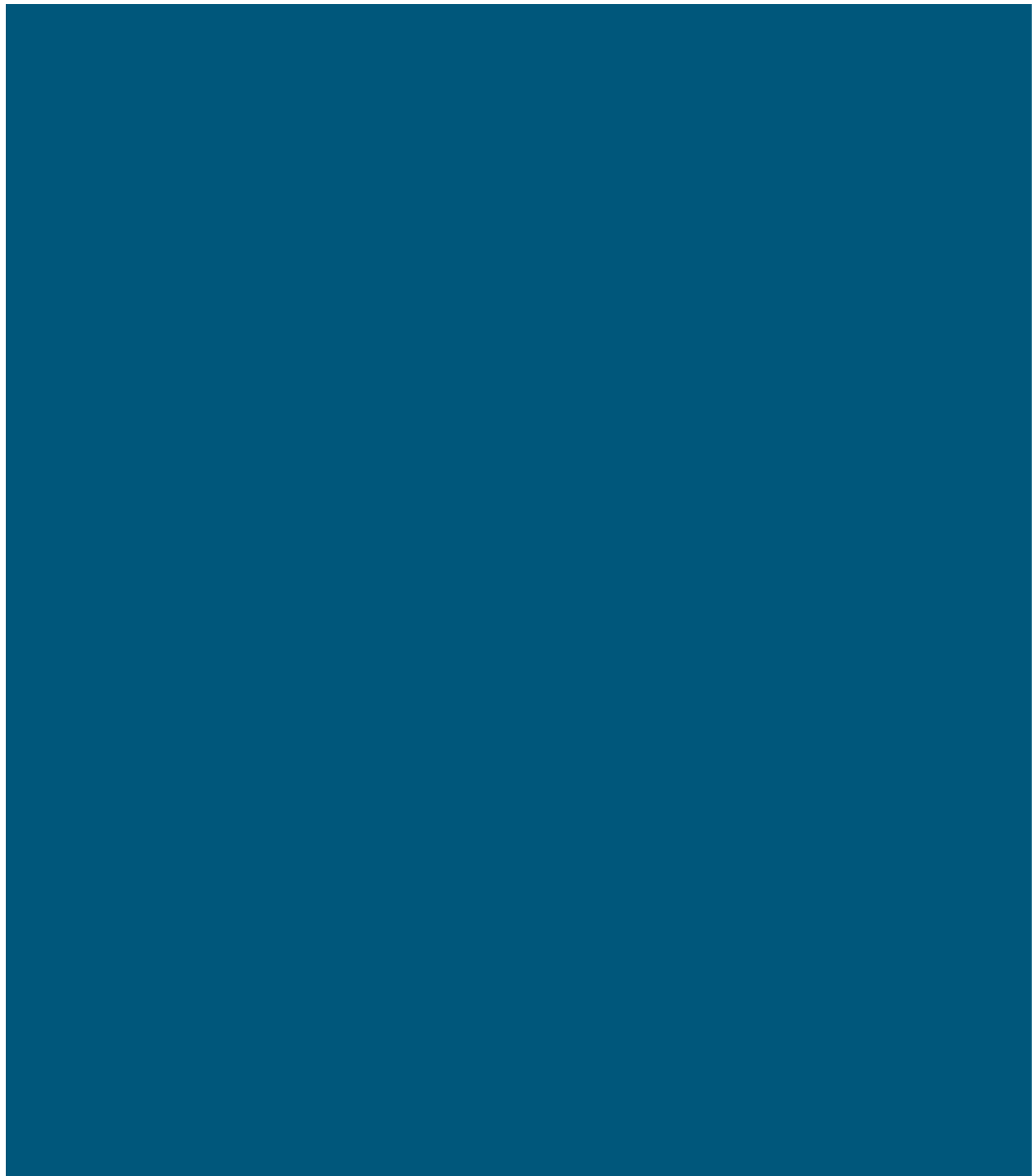
viii <https://www.legislation.tas.gov.au/view/html/inforce/2019-12-25/act-2019-021>

ix <https://www.hobartcitydeal.com.au/archive/oldddd/metro-plan>

x [https://www.planningreform.tas.gov.au/\\_data/assets/pdf\\_file/0009/559791/Southern-Tasmania-Regional-Land-Use-Strategy-2010-2035-Effective-19-February-2020.PDF](https://www.planningreform.tas.gov.au/_data/assets/pdf_file/0009/559791/Southern-Tasmania-Regional-Land-Use-Strategy-2010-2035-Effective-19-February-2020.PDF)

xi [https://www.communities.tas.gov.au/\\_data/assets/pdf\\_file/0014/30254/AHS\\_Strategy\\_Final.pdf](https://www.communities.tas.gov.au/_data/assets/pdf_file/0014/30254/AHS_Strategy_Final.pdf)

xii Taken from <https://sheltertas.org.au/wp-content/uploads/2021/09/Shelter-Tas-Terms-with-cover-v2.docx-2.pdf>



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### *Call for Submission of Motions*

*Councils are invited to submit motions for debate  
to be Included at General Meetings*

Name of Council : Burnie City Council

Contact person (name, title) : Simon Overland, General Manager

Phone: (03) 6430 5705

Email: [soverland@burnie.tas.gov.au](mailto:soverland@burnie.tas.gov.au)

Date of General Meeting for Motion to be Included: 8 December 2022

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#### Motion Requirements:

In order for a Motion to be considered please indicate if the proposed Motion:

- ☒ Addresses the objectives of the Association<sup>1</sup>.
- ☒ Concerns a local government matter.
- ☒ Is a matter of common concern to councils and not a specific local issue.
- ☐ Is linked to LGAT's current Annual Plan, available [here](#)
- ☒ It not an existing resolution of the sector (please refer to the Follow up of Resolutions Report in the preceding General Meeting for a list of current resolutions).
- ☒ Has not been considered at a General Meeting in the 12 months prior.
- ☐ Relates to existing, or sought activities/policy of the Tasmanian Government and would benefit from members understanding the Tasmanian Government position prior to considering<sup>2</sup>.

*LGAT staff are happy to assist you in developing your motion. Please phone 03 6146 3740 in the first instance.*

#### **Please attach –**

The proposed Motion, which should clearly articulate the action required of LGAT or the policy position being sought from the sector.

The attachment should also include additional background comments to ensure members have a complete understanding of what is being sought and how the Motion addresses the requirements listed above.

Email to [admin@lgat.tas.gov.au](mailto:admin@lgat.tas.gov.au)

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<sup>1</sup> The objectives of LGAT are

- (a) Protect and represent the interests and rights of Councils in Tasmania;
- (b) Promote an efficient and effective system of local government in Tasmania; and
- (c) Provide services to Members, councillors and employees of Councils.

**Motions to be provided to the LGAT office**



## Details of Motion

**Motion Title**      **MEETING TIMES FOR COUNCIL MEETINGS AND COUNCIL WORKSHOPS**

**Decision Sought**

**THAT LGAT:**

*“Adopt a policy position that ensures that council meeting and workshop times occur at times that are conducive to and facilitate increased participation across a broader cross-section of community candidates, particularly bearing in mind time constraints and commitments that would apply to those working full time, young people and those with caring responsibilities.”*

**Background Comment**

At its meeting of 26 July 2022, Burnie City Council resolved to submit a motion to the upcoming LGAT General Meeting, asking the above policy be adopted. (A copy of Burnie City Council’s Motion is attached)

The motion raises valid considerations about the practical structural barriers that might preclude the fullest range of community members from participating as councillors. It would be counter-productive to prescribe the times at which Council meetings and Workshops should be held, as this may cause more problems than it solves. But making the issue of structural barriers more explicit and having each Tasmanian Council consider and determine meeting times to facilitate participation and access is worthy.

The demographic make up of elected councillors across the state is often a cause for discussion. There are persisting stereotypes that Councils are not particularly representative of the demographics of the communities from which they hail. Considering and minimising structural barriers that might preclude candidates from particular demographics is one way on improving the representative make-up of Councils.

**Motions to be provided to the LGAT office**



### Call for Submission of Motions

*Councils are invited to submit motions for debate  
to be Included at General Meetings*

Name of Council: West Tamar

Contact person (name, title) Rolph Vos, General Manger

Phone: 63239300

Email: [rolph.vos@wtc.tas.gov.au](mailto:rolph.vos@wtc.tas.gov.au)

Date of General Meeting for Motion to be Included: December 2022

#### Motion Requirements:

In order for a Motion to be considered please indicate if the proposed Motion:

- ☐ Concerns a local government matter<sup>1</sup>.
- ☒ Is a matter of common concern to local government and not a specific local issue.
- ☐ Addresses the objectives of the Association<sup>2</sup>.
- ☐ Is linked to LGAT's current Annual Plan, available [here](#)
- ☐ Is not an existing resolution of the sector (please refer to the Follow up of Resolutions Report in the preceding General Meeting for a list of current resolutions).
- ☒ Has not been considered at a General Meeting in the 12 months prior.
- ☐ Relates to existing, or sought, activities/policy of the Tasmanian Government that would benefit from members understanding the Tasmanian Government position prior to considering<sup>3</sup>.

*LGAT staff are happy to assist you in developing your motion. Please phone 03 6146 3740 in the first instance.*

#### Please attach –

The proposed Motion that clearly articulates the action required of LGAT, or the policy position being sought from the sector.

The attachment should also include additional background comments, including matters listed above, to ensure members have a complete understanding of what is being sought and how the Motion addresses the requirements listed above.

Email to [admin@lgat.tas.gov.au](mailto:admin@lgat.tas.gov.au)

<sup>1</sup> Considering the functions outlined in the *Local Government Act 1993*, Section 20.

<sup>2</sup> The objectives of LGAT are

- (a) Protect and represent the interests and rights of Councils in Tasmania;
- (b) Promote an efficient and effective system of local government in Tasmania; and
- (c) Provide services to Members, councillors and employees of Councils.

<sup>3</sup> Council should consider raising the motion at the General Meeting when State Government Comment on Motions is sought, .

**Motions to be provided to the LGAT office**



## Details of Motion

**Motion Title**      **Review of Property Agents & Land Transactions Act 2016**

**Decision Sought**

**THAT LGAT:**

***“Seek revisions to the Property Agents and Land Transactions Act 2016 to consider:***

- a) Requiring a 337 Certificate prior to listing of a property and making it available as part of the sale process; and***
- b) Requiring full disclosure for properties as part of the listing process.”***

**Background Comment**

The process of seeking the issue of a 337 Certificate as part of purchasing a property provides an effective tool in identifying a range of matters including matters relating to planning, building and plumbing. Regrettably normal practice is that a purchaser does not seek a certificate until they are about to, or already have, signed a contract meaning important information can remain unknown until the end of the process. This can and often does lead to frustration, increased costs, legal argument and ultimately delays in the process.

Requiring a 337 certificate prior to listing a property places the onus on the vendor and ensures the information is available when the property is listed for sale. This places the responsibility where it should lie and ensures a prospective purchaser is able to make a more informed decision.

Property disclosure statements exist in most states and territories in Australia and form part of the process of residential property sale. As with the responsibility described above regarding 337 certificates, it is appropriate that a property vendor be responsible for disclosing matters related to the property being listed for sale.

This is a matter which has been previously considered by government however with the recent increase in property transactions it has become apparent that it is appropriate to reconsider these suggested changes and incorporate them into Tasmanian law.

Providing this level of consumer protection has become the minimum standard expected by our communities.

**Motions to be provided to the LGAT office**

**3. WORKPLACE HEALTH AND SAFETY REVIEW OF ELECTED REPRESENTATIVES****Contact Officer – Dion Lester****Decision Sought**

**That Members endorse the recommendations contained in the Work Health and Safety Review – Elected Representatives.**

**Background**

At the August 2021 General Meeting members resolved that:

*The Tasmanian local government sector confirms its commitment to ensuring a safe workplace for elected representatives and staff and, that LGAT calls on the State Government to commission a review of the workplace health and safety of the Local Government sector for elected representatives.*

Discussions with the State Government resulted in agreement for the Office of Local Government to fund the engagement of a suitably qualified consultant to undertake the review, with LGAT to manage the work.

Edge Legal were awarded the review following a competitive tender process. The full terms of reference are available on the LGAT Member Portal under “Elected reps governance”.

Broadly the engagement involved:

- A State-wide online survey document able to be answered anonymously by elected representatives, senior staff and relevant regulators.
- One on one confidential interviews (by request and invitation) of elected representatives, senior staff and relevant regulators.
- Inviting written submissions from elected representatives, senior staff and relevant regulators.
- A review of the current regulatory environment in Tasmania and other relevant jurisdictions.
- Written feedback on the draft report from all participants and the broader sector.

Edge Legal has produced the following deliverables as part of their work:

- An Executive Summary of the review, including all recommendations.
- The full report.
- Stand alone reports on council, elected representatives and council staff responsibilities under the various legislative instruments (e.g. WH&S, Code of Conduct, Anti-Discrimination Act etc.).
- A statewide assessment of the health and safety hazards to elected representatives

and appropriate risk mitigation actions (pursuant to the *Work Health and Safety Act 2012*) that can be taken by individual councils, depending on local circumstances’.

Each of these documents is available on the LGAT Member Portal under “Elected reps governance”. The Executive Summary is also included as an Attachment to this item, with the full suite of recommendation outlined in detail from page 8 to 14.

Member endorsement of the recommendations is sought to allow LGAT to prepare an implementation plan for the work in 2023.

A summary of the recommendations is included below.

## 1. Legislation

- 1.1 If any current initiatives to ensure a more comprehensive Model Code of Conduct are not achieved, include a requirement to have a Behavioural Management Policy and optional Behavioural Support Policy (similar to the current SA Framework).<sup>1</sup>
- 1.2 Amend Part 12B of Local Govt Act (Performance Improvement Directions) to broaden the application upon which a Director can make recommendations including a breach of the WHS Act, referral from GM/ CEO or Mayor; or not meeting the Director’s assessment of “not acting in the best interest of the Community”.
- 1.3 Amend Local Govt Act to permit removal of an Elected Representative from office by Minister (upon recommendation of the Director) for matters more currently recognised as not meeting contemporary community standards.
- 1.4 Include provisions in the Local Govt Act similar to allow those disrupting public meetings to be removed by the GM/ CEO and/or Mayor and with the potential to ban persons from future attendance
- 1.5 Amend Integrity Commission Act to allow Integrity Commissioner to refer minor matters or matters, that in the opinion of the Integrity Commissioner would be more appropriately dealt with by another body, to Council or the Code of Conduct Panel to deal with at the triage stage

## 2. Code of Conduct

- 2.1 Amend s.28Y to allow the initial assessment<sup>2</sup> to be conducted by an expert (with expertise in behaviour and local government related matters) and/ or independent a Respectful Conduct Advisor appointed by GM/ CEO.
- 2.2 Permit Respectful Conduct Advisor to assess the matters as either:
  - a) frivolous, vexatious or without reasonable foundation;

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<sup>1</sup> The Government initially agreed to do this but rescinded after consultation on the draft Bill. Feedback received suggested that a comprehensive Code of Conduct is the preferred option. The Government will introduce a new mandatory Code of Conduct for all Councils.

<sup>2</sup> Noting that the processes that Government has suggested could be further supported by such an additional assessment.

- b) minor breach; or
- c) serious breach.
- 2.3 Amend s.28ZA to allow Chairperson to have reference to the Respectful Conduct Advisor's assessment.
- 2.4 Have separate processes for the Code of Conduct Panel to conduct investigations for minor and serious breaches.
- 2.5 Allow Code of Conduct Panel to impose 'without fault' restrictions (up to and including suspension) upon Elected Representatives whilst investigating serious breaches
- 2.6 Strengthen sanctions for serious breaches – no requirement for 3 suspensions before removal of office is considered.
- 2.7 Allow Code of Conduct Panel to impose suspensions until training orders have been complied with.
- 2.8 Allow Code of Conduct Panel to determine breaches of matters already subject to training orders to be serious breaches.
- 2.9 Amend Model Code of Conduct to include additional matters as set out in Local Government (Governance and Integrity) Regulations 2020 (Vic) Schedule 1 – Standards of Conduct.
- 2.10 Confirm regulatory intent of the Model Code of Conduct is to promote and protect psychosocial safety.
- 2.11 Allow Code of Conduct Panel to provide permitted disclosures during the process to avoid 'silence' being used to 'weaponise' the process by preventing an Elected Representative who is responding to a complaint to declare their innocence and/or outline a basic summary of their defence.
- 2.12 Amend s.28ZN to allow a Code of Conduct Panel to award costs against either party or both.<sup>3</sup>
- 2.13 Change the "prescribed period" in s.28ZL(1) to be over the life of an Elected Representative's tenure – not just limited to consecutive terms.
- 2.14 Allow automatic removal of an Elected Representative without requiring Ministerial discretion in s.28ZL(3), after 3 suspensions.
- 2.15 Introduce specific statutory protection for complainants and witnesses generally similar to the intent of those contained Public Interest Disclosures Act 2002.

### 3. Third Party Framework

- 3.1 LGAT to coordinate with The Office of Local Government, Equal Opportunity Tasmania, Integrity Commission and WorkSafe Tasmania to review the status quo/ improvements in relation to behavioural management and publish annual results for the industry.

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<sup>3</sup> To be considered as part of TASCAT feasibility study.

- 3.2 LGAT (from the information above) provide clear guidance materials to Chair of Code of Conduct Panel.
- 3.3 LGAT (from the information above and direct information from Councils direct) to publish statistics on matters to demonstrate appropriate monitoring (eg due diligence) within the industry.
- 3.4 Independent Respectful Conduct Advisor position, with terms of reference, be created to assist GMs/ CEOs and the Mayor deal with behavioural matters informally and within Council.
- 3.5 Create standardised behavioural monitoring templates for Council to record and provide their behavioural management statistics to LGAT to publicly publish.
- 3.6 LGAT provide industry-wide examples of “what IS” and “what is NOT” acceptable behaviour in a council context for Elected Representatives, Council staff and members of the Community.
- 3.7 LGAT create standardised policies and processes for councils to deal with unreasonable complaints or inappropriate conduct from community members.
- 3.8 Introduce industry sponsored communication to the community to confirm what the Code of Conduct process or any other behavioural management process can and can’t be used for.
- 3.9 Create a community education campaign to set realistic expectations for the services Councils are able to deliver.
- 3.10 Create specific processes and expectations for Community participation in Council meetings.
- 3.11 Create standardised procedures for the conduct of meetings across the Local Government industry.
- 3.12 Implement a public Community education campaign to set behavioural expectations for the manner in which interactions with Council (Elected Representatives, GM/ CEO and Council staff) are to occur – similar to the Retail Industry campaign of “No one deserves a serve”.
- 3.13 Develop and introduce a Diversity campaign.
- 3.14 Extend EAP to Elected Representatives.
- 3.15 Extend Grievance Resolution and Workplace Behaviour Policies to Elected Representatives or create new ones voted on by Elected Representatives.
- 3.16 Councils to introduce practical measures which focus on building, maintaining and improving relationships between Elected Representatives (eg dinners, events, etc).
- 3.17 Councils to require full disclosure of any correspondence to prevent anonymous or unauthorised interactions and recommend to Elected Representatives to do the same for their personal accounts.

**4. Training**

- 4.1 Introduce additional training and education focused and tailored for 3 main stages of an Elected Representative's Journey - pre-election, induction; and refresher.
- 4.2 Clarify the role of GM as an officer of the PCBU with certain obligations under WHS laws which cannot be unreasonably interfered with.
- 4.3 Training for Mayors on the management of meetings and chairing meetings under the meeting regulations.
- 4.4 Introduce a requirement for qualification similar to Company Director's Course as a mandatory pre-condition for seeking election, an ongoing requirement for Continuing Professional Development (CPD) to be maintained throughout the term of an Elected Representative. The CPD to have a mandatory requirement for appropriate behavioural standards.
- 4.5 Provide opportunities for 'one on one' coaching for Elected Representatives

**Budget Impact**

This work was supported by funding from the Office of Local Government.

**Current Policy**

Strategic Plan Advocate

- Sector services

2022 – 23 Annual Priority

- Local government reform
- Health and wellbeing
- Sector development

## **Work Health and Safety Review – Elected Representatives**

Prepared by David Dilger

15 November 2022



297 Elizabeth St  
HOBART TAS 7000

P: 1300 77 3343

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**1 EXECUTIVE SUMMARY****1.1 Scope**

- (a) Edge Legal was engaged by the Local Government Association of Tasmania to undertake a review of the workplace health and safety of the local government sector for Elected Representatives.
- (b) The scope of this work was to investigate, understand and report on identified issues related to interactions between:
  - (i) Elected Representatives
  - (ii) Elected Representatives and senior staff
  - (iii) Elected Representatives and members of the public.with the aim of developing a series of recommendations for how any highlighted matters can best be addressed and further support provided to Elected Representatives in the performance of their functions.
- (c) The full Terms of Reference for this engagement are contained in Schedule 1.

**1.2 Existing perceptions of workplace culture amongst Elected Representatives**

- (a) Respondents consider that workplace culture has deteriorated more markedly over the last three years in comparison to any other timeframe they can remember and that it continues to deteriorate at an alarming rate.
- (b) Despite these worrying perceptions, the majority of Elected Representatives Respondents are likely to seek to continue their role after their current term if elected indicating faith in the system to address its current failings and a personal preference to be part of the 'solution' for the Community.<sup>1</sup> The Elected Representatives Respondents' views appear to be contrary to those outside the Respondent group with multiple external press sources indicating an 'exodus' trend.
- (c) Overwhelmingly Respondents, other than Elected Representatives, perceive the unsatisfactory workplace culture of Elected Representatives to be a result of a lack of leadership and capacity to reasonably resolve interpersonal conflict.

**1.3 Prevalence of harassment between Elected Representatives**

- (a) Harassment between Elected Representatives was the largest concern for Elected Representatives and was notably higher than harassment between Elected

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<sup>1</sup> Members of the community of a particular local government area

Representatives and Senior Management and/or Members of the Public.<sup>2</sup>

- (b) Personal conflict between Elected Representatives was perceived to be the most common cause of this Inappropriate Behaviour.

**1.4 Prevalence of harassment between Elected Representatives and Senior Management**

- (a) Harassment between Elected Representatives and Senior Management was the least concern for Elected Representatives.
- (b) Where there was any such harassment it almost always occurred between the Elected Representatives and the GM/ CEO – not other Council staff. Being 'politically unaligned' with the GM/ CEO and the prevailing Council 'faction' was the most common cause of harassment for Elected Representatives when it occurred with the GM/ CEO.

**1.5 Prevalence of harassment between Elected Representatives and Members of the Public**

- (a) Harassment between Elected Representatives and Members of the Public was the second largest concern for Elected Representatives despite the relatively low numbers of actual incidents or perpetrators.
- (b) Elected Representative Respondents,<sup>3</sup> considered the high personal impact of the Inappropriate Behaviour not the quantum of such behaviour to cause the most concern.
- (c) A significant majority of Senior Management Respondents indicated that their Council had not conducted a risk assessment regarding the impact of Inappropriate Behaviours against Elected Representatives.<sup>4</sup> There appeared to be no specific urgency regarding addressing this 'gap'. A separate statewide assessment of the health and safety hazards to Elected Representatives and appropriate risk mitigation actions (pursuant to the *Work Health and Safety Act 2012*) that can be taken by individual Councils, depending on local circumstances' has been developed to accompany this report.

**1.6 Level of existing awareness and understanding of Council and Elected Representatives' responsibilities prescribed under the Anti-Discrimination Act 1998**

- (a) Low.

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<sup>2</sup> Harassment throughout this Report has adopted the standard Oxford Dictionary definition of "aggressive pressure or intimidation" and not the technical term used in the Anti-Discrimination Act to denote unlawful conduct.

<sup>3</sup> Elected Representatives who participated in the Survey or Interview.

<sup>4</sup> GMs/ CEOs or other Senior Council Employees who participated in the Survey or Interview.

- (b) Comparatively, Elected Representatives Respondents tended to focus their attention on remedies under the Local Government and WHS Acts.

**1.7 Level of existing awareness and understanding of Council and Elected Representatives' responsibilities prescribed under the Work Health and Safety Act 2012 (WHS Act)**

- (a) Moderate, but there were a concerning minority of Elected Representatives who continue to maintain that the WHS Act has no application to them whatsoever.
- (b) The majority of Elected Representatives Respondents considered their understanding of WHS laws to be adequate or higher.

**1.8 Level of existing awareness and understanding of Council and Elected Representatives responsibilities prescribed under the Local Government Act 1993 including the Code of Conduct framework**

- (a) High, but there were a concerning number of Elected Representatives who misunderstood the fundamental aspect of their functions in that they conflated their election results as providing them with a mandate to be a particular activist for their purported constituents rather than to act in the interest of the whole of the Community.
- (b) The majority of Elected Representatives Respondents considered that the Code of Conduct process was totally ineffective in addressing Inappropriate Behaviours towards Elected Representatives which led to a significant majority of Elected Representatives Respondents choosing not to make a Code of Conduct complaint regarding Inappropriate Behaviour directed at them by other Elected Representatives.
- (c) The majority of Elected Representatives Respondents that made a Code of Conduct complaint were dissatisfied with the process, Panel and outcome.

**1.9 Responsibilities under the Anti-Discrimination Act 1998**

- (a) Elected Representatives must not engage in:
  - (i) discriminatory conduct on the basis of protected attributes;
  - (ii) prohibited conduct (offensive, humiliating, intimidating, insulting or ridiculing) on the basis of a particular protected attribute;<sup>5</sup>
  - (iii) sexual harassment;

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<sup>5</sup> An Elected Representative may engage in 'discriminatory conduct' generally but if it does not link to a protected attribute, it will not be unlawful discrimination within the scope of the Anti-Discrimination Act 1998.

- (iv) victimisation;
  - (v) inciting hatred, serious contempt, or severe ridicule on the basis of a particular protected attribute;
  - (vi) publishing or displaying discriminatory or prohibited conduct; or
  - (vii) knowingly causing, inducing or aiding another person to contravene the Anti-Discrimination Act.
- (b) Council, as an organisation, must ensure that Elected Representatives and staff are made aware of discrimination and prohibited conduct and take reasonable steps to ensure that these people don't engage in such conduct. This is set out in more detailed in Schedule 4.
- (c) Responsibilities for Elected Representatives under this legislation are contained and explained in more detail in Schedule 2.
- (d) Responsibilities for Council employees under this legislation are contained and explained in more detail in Schedule 3.

**1.10 Responsibilities under the Work Health and Safety Act 2012**

- (a) Elected Representatives, are not Officers or Workers but, have coverage under the WHS Act because whilst conducting Council-related 'work' they are Other Persons at the Workplace.
- (b) Elected Representatives must take reasonable care for their own health and safety and that of others.
- (c) Elected Representatives must comply, so far as is reasonably able, with any reasonable instruction given by Council to comply with the WHS Act.
- (d) Responsibilities for Elected Representatives under this legislation are contained and explained in more detail in Schedule 2.
- (e) Responsibilities for Council employees under this legislation are contained and explained in more detail in Schedule 3.
- (f) Responsibilities for Council as a PCBU under this legislation are contained and explained in more detail in Schedule 4.

**1.11 Existing information available to support Elected Representatives in understanding their obligations and supporting them in maintaining a safe workplace**

- (a) Elected Representative Respondents considered that Council policies were only partially effective in preventing Inappropriate Behaviour towards them. This was

nearly mirrored by Senior Management Respondents who considered the same level of protection.

- (b) A significant majority of Elected Representatives Respondents claimed to not have received any training as an Elected Representative in responding to Inappropriate Behaviour from others during the performance of their role and considered regular training to be an effective measure to support them. This appears to be contrary to the assessment of Senior Management Respondents.
- (c) Despite this, there is extensive information already available to support Elected Representatives from Councils, LGAT and the various regulators in their understanding of their obligations. The disconnect, according to the Elected Representative Respondents, is that the information is:
  - (i) complex and nuanced;
  - (ii) derived from multiple sources; and
  - (iii) involves a high administrative burden for implementation.
- (d) There has already been considerable support for Elected Representatives provided by Councils, LGAT and the various regulators to maintain a safe workplace however, for the reasons set out above, 'true' effective implementation in the views of the Elected Representative Respondents:
  - (i) is administratively burdensome;
  - (ii) is time-consuming;
  - (iii) lacks an obvious distinction between processes for serious and less serious matters; and
  - (iv) requires disciplined repetition in following multiple processes for the same factual basis.

**1.12 Cultural and/or structural barriers that may impede raising concerns, making complaints or otherwise seeking to resolve issues**

- (a) The disproportionate personal effort (time and emotional impact) that was required to achieve 'minimal or unsatisfactory' results remains the largest barrier which impedes raising concerns, making complaints or otherwise seeking to resolve issues.
- (b) Gender-based and tenure-based discrimination were also significant barriers.
- (c) Worryingly, 'known' Inappropriate Behaviour went unreported or was under reported

and only a small minority considered the reporting of Inappropriate Behaviour towards Elected Representatives to be fully or at least partially accurate.

- (d) The majority of Inappropriate Behaviour related disputes arose out of personal conflict and Council related conflict. Political conflict and random acts are not of significant concern despite a countervailing view being regularly expressed in the press.
- (e) Effective Council meetings provide appropriate 'protection' from Inappropriate Behaviour from Members of the Public but not towards Elected Representative to Elected Representative behaviour.
- (f) Effective remedies are required to address the Social Media impacts of Inappropriate Behaviour from Members of the Public to Elected Representatives and the personal conflict exhibited by Elected Representatives to Elected Representatives on Social Media and in Council Meetings.

**1.13 Mechanisms available to Councils to protect the health and safety of Elected Representatives and how they can be applied**

- (a) Training (internal and industry based);
- (b) Internal Policies and Procedures;
- (c) Internal advice;
- (d) Code of Conduct;
- (e) Local Govt Act
- (f) WHS Act;
- (g) Anti-Discrimination Act;
- (h) External Professional Advice;
- (i) Regulatory Assistance;
- (j) Self Help;
- (k) Integrity Commission;
- (l) Fair Work Act - Bullying Jurisdiction;
- (m) Magistrate Court - Restraint Orders;
- (n) Workers Compensation; and
- (o) Negligence (Common Law action)

**1.14 Other actions that can be taken by individual Councils or the sector to build or maintain workplace culture for Elected Representatives that is free from bullying and harassment**

- (a) The majority of Senior Management Respondents indicated that they have tried multiple avenues but there was no 'silver bullet' and that they were frustrated with the lack of a consolidated response mechanism – which occurs because of the way in which multiple pieces of legislation deal with different aspects.
- (b) Self-Help remedies are not effective enough and take a significant personal toil on individuals and their families.
- (c) The overriding emphasis on a preferred 'protective' mechanism is underpinned by the following approach, if it were possible under the current legislative framework:
  - (i) targeted training;
  - (ii) clear documentary expectations;
  - (iii) a single consolidated 'policing' avenue;
  - (iv) stricter enforcement of penalties; and
  - (v) further reinforcement training.

**1.15 Recommendations - Legislation**

- (a) If any current initiatives to ensure a more comprehensive Model Code of Conduct are not achieved, include a requirement in the Local Govt Act to have, in addition to the Model Code of Conduct and other existing provisions of the Local Govt Act, a Behavioural Management Policy and optional Behavioural Support Policy (similar to the current SA Framework).<sup>6</sup>
- (b) Express confirmation in any such Policies that the intention is to manage complaints under the Policies within Council with as little formality and technicality as reasonably possible and with the intent on early resolution without resorting to Code of Conduct complaints.<sup>7</sup>
- (c) Amend Part 12B of Local Govt Act (Performance Improvement Directions) to broaden the application upon which a Director can make recommendations including:
  - (i) breach of the WHS Act,

<sup>6</sup> The Government initially agreed to do this but rescinded after consultation on the draft Bill. Feedback received suggested that a comprehensive Code of Conduct is the preferred option. The Government will introduce a new mandatory Code of Conduct for all Councils. Councils, however, reserve the right to adopt a behaviour standards policy.

<sup>7</sup> See comments in footnote 5.

- (ii) referral from GM/ CEO or Mayor; or
- (iii) simply not meeting the Director's assessment of "not acting in the best interest of the Community".
- (d) Amend Local Govt Act to permit removal of an Elected Representative from office by Minister (upon recommendation of the Director) for matters more currently recognised as not meeting contemporary expectations of appropriate Community standards as to being a fit and proper person.
- (e) Include specific provisions in the Local Govt Act similar to those contained in Local Government (Meeting Procedures) Regulations 2015 and Police Offences Act regarding disrupting public meetings – but allow action to be immediately taken by GM/ CEO and/or Mayor to ban persons from future attendance
- (f) Amend Integrity Commission Act to allow Integrity Commissioner to:
  - (i) refer minor matters or matters, that in the opinion of the Integrity Commissioner would be more appropriately dealt with by another body, to Council or Code of Conduct Panel to deal with at the triage stage; and
  - (ii) facilitate its acceptance of referrals from Code of Conduct panels.

#### 1.16 Recommendations – Code of Conduct

- (a) Amend s.28Y to allow the initial assessment<sup>8</sup> to be conducted by an expert (with expertise in behaviour and local government related matters) and/ or independent Respectful Conduct Advisor (similar to the City of Melbourne) appointed by GM/ CEO.
- (b) Permit Respectful Conduct Advisor to assess the matters as either:
  - (i) frivolous, vexatious or without reasonable foundation;
  - (ii) minor breach; or
  - (iii) serious breach.
- (c) Amend s.28ZA to allow Chairperson to have reference to the Respectful Conduct Advisor's assessment.
- (d) Have separate processes for the Code of Conduct Panel to conduct investigations for:

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<sup>8</sup> Noting that the processes that Government has suggested could be further supported by such an additional assessment.

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- (i) minor; or
  - (ii) serious breaches.
- (e) Allow Code of Conduct Panel to impose 'without fault' restrictions (up to and including suspension) upon Elected Representatives whilst investigating serious breaches
  - (f) Strengthen sanctions for serious breaches – no requirement for 3 suspensions before removal of office is considered.
  - (g) Allow Code of Conduct Panel to impose suspensions until training orders have been complied with.
  - (h) Allow Code of Conduct Panel to determine breaches of matters already subject to training orders to be serious breaches.
  - (i) Amend Model Code of Conduct to include additional matters as set out in Local Government (Governance and Integrity) Regulations 2020 (Vic) Schedule 1 – Standards of Conduct (Set out in full in Schedule 5)
  - (j) Confirm regulatory intent of the Model Code of Conduct is to promote and protect psychosocial safety.
  - (k) Allow Code of Conduct Panel to provide permitted disclosures during the process to avoid 'silence' being used to 'weaponise' the process by preventing an Elected Representative who is responding to a complaint to declare their innocence and/or outline a basic summary of their defence.
  - (l) Amend s.28ZN to allow a Code of Conduct Panel to award costs against either party or both.<sup>9</sup>
  - (m) Change the "prescribed period" in s.28ZL(1) to be over the life of an Elected Representative's tenure – not just limited to consecutive terms.
  - (n) Allow automatic removal of an Elected Representative without requiring Ministerial discretion in s.28ZL(3).
  - (o) Introduce specific statutory protection for complainants and witnesses generally similar to the intent of those contained Public Interest Disclosures Act 2002.

#### 1.17 Recommendations – Third Party Framework

- (a) LGAT to coordinate with The Office of Local Government (OLG), Equal Opportunity

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<sup>9</sup> To be considered as part of TASCAT feasibility study.

Tasmania (**EOT**), Integrity Commission and WorkSafe Tasmania (**WST**) to review the status quo/ improvements in relation to behavioural management and publish annual results for the industry.

- (b) LGAT (from the information above) provide clear guidance materials to Chair of Code of Conduct Panel.
- (c) LGAT (from the information above and direct information from Councils direct) to publish statistics on matters to demonstrate appropriate monitoring (eg due diligence) within the industry.
- (d) Independent Respectful Conduct Advisor position be created to assist GMs/ CEOs and the Mayor deal with behavioural matters informally and within Council.
- (e) Panel of Respectful Conduct Advisors to be created so access can be provided to Councils fairly and transparently.
- (f) Create Respectful Conduct Advisor (terms of reference).
- (g) Create standardised behavioural monitoring templates for Council to record and provide their behavioural management statistics to LGAT to publicly publish.
- (h) LGAT provide industry-wide examples of "what IS" and "what is NOT" acceptable behaviour in a Council context for Elected Representatives, Council staff and members of the Community.
- (i) LGAT create standardised policies and processes for Councils to deal with unreasonable complaints or inappropriate conduct which specifically put Community complainants on notice regarding their conduct and allow them the opportunity to respond before implementation of any remedy (including alternative service remedy) [see joint project of Australasian Parliamentary Ombudsman examples].
- (j) Introduce industry sponsored communication to the Community to confirm that the Code of Conduct process or any other behavioural management process adopted in relation to Elected Representatives should not be used to:
  - (i) provide feedback in response to consultation or engagement on Council projects;
  - (ii) agitate disagreements about an Elected Representative's viewpoint on a particular matter;
  - (iii) requesting service or information from Council; or
  - (iv) complaining about a Council service provision.

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- (k) Create a public Community education campaign to set realistic expectations for the services Councils are able to deliver.
- (l) Create specific processes and expectations for Community participation in Council meetings.
- (m) Create standardised procedures for the conduct of meetings across the Local Government industry.
- (n) Implement a public Community education campaign to set behavioural expectations for the manner in which interactions with Council (Elected Representatives, GM/ CEO and Council staff) are to occur – similar to the Retail Industry campaign of “No one deserves a serve”.
- (o) Develop and introduce a Diversity campaign.
- (p) Extend EAP to Elected Representatives.
- (q) Extend Grievance Resolution and Workplace Behaviour Policies to Elected Representatives or create new ones voted on by Elected Representatives.
- (r) Introduce practical measures which focus on building, maintaining and improving relationships between Elected Representatives (eg dinners, events, etc).
- (s) More rigorous internal monitoring of behavioural standards, and external referral at the earliest stages where resolution has been unable to be reasonably achieved.
- (t) Councils to require full disclosure of any correspondence to prevent anonymous or unauthorised interactions and recommend to Elected Representatives to do the same for their personal accounts.

**1.18 Recommendations – Training Elected Representatives**

- (a) Introduce additional training and education focused and tailored for 3 main stages of an Elected Representative's Journey:
  - (i) pre-election,
  - (ii) induction; and
  - (iii) refresher.
- (b) Understanding of Elected Representative's obligation to move from activism (personal interest) to a whole of Council's approach (Community interest).
- (c) Understanding of genuine leadership and how to implement leadership in an Elected Representative's multi-faceted role.

- (d) Understanding of the role functions of the Mayor and GM/ CEO.
- (e) Understanding of meeting regulations.
- (f) Capacity to work constructively and collaboratively within the Council's framework.
- (g) Capacity to make decisions on merit.
- (h) Capacity to accept decisions made by Council and how to appropriately respond to constituents who continue to disagree with such decisions.
- (i) Understanding of psychosocial safety.
- (j) Bystander skills to 'respond' to unacceptable behaviour at the earliest opportunity.
- (k) Capacity to manage conflicts.
- (l) Understanding of the dispute resolution process.
- (m) Communication skills.
- (n) Civility skills.
- (o) Representation skills.
- (p) Media and Social Media skills.
- (q) Clarify the role of GM/ CEO as an Officer of the PCBU with certain obligations under WHS law which cannot be unreasonably interfered with.
- (r) Dealing with unreasonable complaints conduct.
- (s) Referrals to Respectful Conduct Advisor.

**1.19 Recommendations – Training GM/ CEOs/ CEOs**

- (a) Clarify the role of GM as an officer of the PCBU with certain obligations under WHS laws which cannot be unreasonably interfered with.
- (b) Dispute Resolution;
- (c) Dealing with unreasonable complaints conduct.
- (d) Referrals to Respectful Conduct Advisor.

**1.20 Recommendations – Training Mayors**

- (a) Management of meetings and chairing meetings under the meeting regulations.

**1.21 Recommendations – Qualifications and CPD**

- (a) Requirement for qualification similar to Company Director's Course as a mandatory

pre-condition for seeking election.

- (b) Ongoing requirement for Continuing Professional Development (CPD) to be maintained throughout the term of an Elected Representative.
- (c) CPD to have a mandatory requirement for appropriate behavioural standards.
- (d) Provide opportunities for 'one on one' coaching for Elected Representatives.

**15. Local Government Association of Tasmania - Elected Member  
Nominations for Voting Delegates  
File Ref: F22/109051; 13-1-2**

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Memorandum of the Chief Executive Officer of 15 November 2022.

Delegation: Council



City of **HOBART**

**MEMORANDUM: COUNCIL**

**Local Government Association of Tasmania - Elected  
Member Nominations for Voting Delegates**

Rule 13(b) of the Local Government Association of Tasmania (LGAT) Rules of Association dated 26 July 2017, states:

*13(b) In addition to the requirements set out in Rule 13(f), after each ordinary Council Election, the Chief Executive Officer shall request each Member to advise the name of its Voting Representative and proxy for the Voting Representative for Meetings of the Association until the next ordinary Council Elections.*

Therefore, Elected Member nominations are sought to fill the vacancies of Voting Delegate and Proxy Delegate to act on the behalf of the City of Hobart at upcoming LGAT meetings.

Please note that there is a General Meeting scheduled for Thursday, 8 December 2022 where the Voting Delegate or their Proxy will be required to attend.

This matter is delegated to the Council for determination.

**RECOMMENDATION**

***That Elected Member nominations be sought to fill the Voting Delegate and Proxy positions on LGAT on behalf of the City of Hobart, to commence as at 21 November 2022.***

*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: 15 November 2022  
File Reference: F22/109051; 13-1-2

**16. TasWater - Appointment of Owner's Representative**  
**File Ref: F22/109048; 13-1-2**

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Memorandum of the Chief Executive Officer of 15 November 2022.

Delegation: Council



City of **HOBART**

**MEMORANDUM: COUNCIL**

**TasWater - Appointment of Owner's Representative**

Under TasWater's governance arrangements, each Council is required to appoint a person (Owner's Representative) and proxy member to represent the Council in any matters pertaining to TasWater and act as a liaison between the Council and the TasWater Board.

The responsibilities of an Owner's Representative include attending and voting at General Meetings of the Owner's Representatives Group.

Under rule 9.1(b) of TasWater's Constitution, the Owner's Representative must be either an elected member of Council or the Chief Executive Officer. Therefore an appointment is required to fill the vacancies of Owner's Representative and proxy for a maximum term of three years.

This matter is delegated to the Council for determination.

**RECOMMENDATION**

***That an appointment be made to fill the TasWater Owner's Representative position and proxy for a maximum term of three years.***

*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: 15 November 2022  
File Reference: F22/109048; 13-1-2

**17. Southern Tasmanian Regional Waste Authority - Forum Representative**  
**File Ref: F22/112109; 2016-0192**

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Report of the Cleansing & Solid Waste Policy Coordinator and the Director City  
Life of 15 November 2022.

Delegation: Council

**REPORT TITLE: SOUTHERN TASMANIAN REGIONAL WASTE  
AUTHORITY - FORUM REPRESENTATIVE**

**REPORT PROVIDED BY:** Cleansing & Solid Waste Policy Coordinator  
Director City Life

**1. Report Purpose and Community Benefit**

- 1.1. The purpose of this report is to enable the Hobart City Council to elect a representative for the Southern Tasmanian Regional Waste Authority Local Government Forum.
- 1.2. The report also recommends that the Chief Executive Officer (CEO) be authorised to appoint a deputy representative to the Forum.

**2. Report Summary**

- 2.1. The Council resolved on 5 July 2021 to establish the Southern Tasmanian Regional Waste Authority (STRWA).
- 2.2. A required function to establish the STRWA is the Local Government Forum. The Forum is required to comprise of a representative from each participating Council, and a deputy representative.
- 2.3. The roles of the Forum are to:
  - 2.3.1. Elect a Chief Member Representative and Deputy Chief Member Representative from within Forum members
  - 2.3.2. Appoint Directors (to the STRWA Board), and:
  - 2.3.3. Receive information from, and provide feedback to, the Board and STRWA CEO on performance of the STRWA against its objectives, functions and Strategic Plan
- 2.4. The Chief Member Representative and Deputy Chief Member Representative elected by the Forum members will be appointed as Directors on the STRWA Board.
- 2.5. The Forum is expected to meet approximately 3 times per year.
- 2.6. A request for nominations for the forum has been received from the Local Government Association of Tasmania (LGAT), and must be provided by 30 November 2022.
- 2.7. The first meeting of the Forum is 8 December 2022, 9.00am to 10.00am, at the Hobart Town Hall.

**3. Recommendation**

***That:***

- 1. The Council elect a representative to participate in the Southern Tasmanian Regional Waste Authority (STRWA) Local Government Forum, and;***
- 2. The Chief Executive Officer be authorised to appoint a deputy representative to the STRWA Local Government Forum.***

- 3.1. Council resolved on 15 February 2022, inter alia to '*note its decision of 5 July 2021 to establish a Joint Authority, in accordance with Section 30 of the Local Government Act 1993, to be known as the Southern Tasmanian Regional Waste Authority, with other Southern Tasmanian councils to progress waste related issues*', and that '*the Chief Executive Officer be authorised to undertake all necessary actions to enable the establishment of the new Joint Authority to be progressed in accordance with Sections 30, 31, 32 and 33 of the Local Government Act 1993*'.
- 3.2. The purpose of the Southern Tasmanian Regional Waste Authority will be to:
  - 3.2.1. Provide a direct link to the State Government for discussion and collaboration and funding opportunities in the waste sector.
  - 3.2.2. Coordinate responses to proposed actions arising from the State's Draft Waste Action Plan (including proposed legislation), providing one source of negotiation on behalf of the 12 Councils.
  - 3.2.3. Provide a formal structure and administrative body to assist and/or take the place of regional projects and tenders across the region, whereby previously this has been left to a single Council to initiate, coordinate, request involvement of others, and administer (various examples of this being the recycling contract, FOGO processing, compostable bags, recycling units, education programs and collateral, state-wide communications programs).
  - 3.2.4. Improve the ability to secure/access funding, particularly through the waste levy and grant programs.
- 3.3. The Councils under the adopted rules of the STRWA are to appoint one (1) representative to attend the STRWA Local Government Forum (Forum) and the Annual General Meeting. The representative is the only person authorised to vote on behalf of a Member Council.

- 3.4. The purpose of the Forum is to
  - 3.4.1. Elect a Chief Member Representative and Deputy Chief Member Representative from within Forum members
  - 3.4.2. Appoint Directors, and:
  - 3.4.3. Receive information from, and provide feedback to, the Board and STRWA CEO on performance of the STRWA against its objectives, functions and Strategic Plan
- 3.5. The forum may, following consultation with the STRWA, develop working groups where these will help to deliver on the objectives of the STRWA or to deliver particular projects or programs.
- 3.6. The representative and one observer may attend meetings of the Forum. It is expected that the Forum will meet 3 times per year.
- 3.7. The Chief Member Representative and Deputy Chief Member Representative elected by the Forum (as per item 4.4.1) will be appointed as Directors on the STRWA Board.
- 3.8. The City has been requested to provide a representative, and a deputy representative to the Forum. Representatives can be either Elected Members or an officer of a participating Council.

#### **4. Proposal and Implementation**

- 4.1. The City of Hobart has been requested to provide a representative and deputy representative to the Forum by 30 November 2022.
- 4.2. It is proposed that the representative be an Elected Member, selected by the Council.
- 4.3. It is proposed that the deputy representative be appointed by the Chief Executive Officer and be a Council officer.
- 4.4. The first meeting of the Forum is scheduled for 8 December 2022, 9.00am to 10.00am, at the Hobart Town Hall.

#### **5. Strategic Planning and Policy Considerations**

- 5.1. The implementation of the *Waste Management Strategy 2015-2030* is identified in the City's Strategic Plan (3.2.5).
- 5.2. The actions contained within this report focus upon the key focus area of Advocating for change, (Section 1) of the *Waste Management Strategy 2015-2030*, in particular

*Action 1.6 – Support the establishment of, and be represented on an adequately resourced Regional Waste Authority.*

## 6. Financial Implications

### 6.1. Funding Source and Impact on Current Year Operating Result

6.1.1. Nil

### 6.2. Impact on Future Years' Financial Result

6.2.1. Nil

### 6.3. Asset Related Implications

6.3.1. Nil

## 7. Legal, Risk and Legislative Considerations

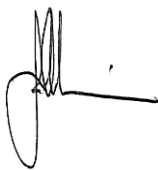
7.1. The Southern Tasmanian Regional Waste Authority was established pursuant to section 30 of the *Local Government Act 1993*. The Authority will be governed by a series of rules, which have been resolved by all participating Councils.

7.2. The rules detail the establishment of the STRWA Local Government Forum, with associated roles to undertake to ensure the establishment of the STRWA board and other functions.

## 8. Delegation

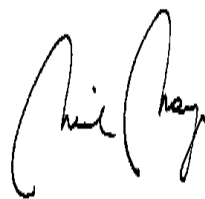
8.1. This matter is delegated to the Council.

*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.*



Jeff Holmes

**CLEANSING & SOLID WASTE POLICY  
COORDINATOR**



Neil Noye

**DIRECTOR CITY LIFE**

Date: 15 November 2022  
File Reference: F22/112109; 2016-0192

**18. Wellington Park Management Trust - Appointment of Elected Member  
Representatives  
File Ref: F22/109063; 13-1-2**

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Memorandum of the Chief Executive Officer of 15 November 2022 and  
attachment.

Delegation: Council



City of **HOBART**

## MEMORANDUM: COUNCIL

### **Wellington Park Management Trust - Appointment of Elected Member Representatives**

Following the recent Local Government Elections elected member nominations are sought in relation to vacant positions on the Wellington Park Management Trust. The Council occupies two member positions and two deputy member positions.

One deputy member position is currently occupied by the Deputy Lord Mayor Councillor Burnet and the term of that appointment is until 31 December 2024.

Therefore vacancies now exist for the positions of two members and one deputy member.

It is proposed that in accordance with the membership provisions of the Trust that elected member nominations be sought for one member and one deputy member position. The other member and deputy member position is proposed to be filled at officer level to provide the operational side of the organisation with a more direct engagement with the Trust.

The tenure for these positions may be up to a period of three years, and each incumbent must retain their position as an elected member of the City of Hobart to maintain their position on the Trust.

Trust members are paid a sitting fee of \$100 per meeting, with the Trust meeting at least five (5) times per year. Members are appointed by the Minister, therefore once nominations are determined by the Council, these nominations will be provided to the Trust for appointment by the Minister.

The functions, powers and membership of the Trust are set out in the *Wellington Park Act 1993*, as extracted in **Attachment A** for the information of elected members.

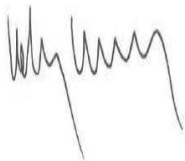
This matter is delegated to the Council for determination.

## **RECOMMENDATION**

***That:***

- 1. Elected member nominations be sought for one member and one deputy member on the Wellington Park Management Trust for a period of up to three years;***
- 2. The Chief Executive Officer be delegated with the authority to submit officer nominations for one member and deputy member on the Wellington Park Management Trust for a period of up to three years.***

*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: 15 November 2022  
File Reference: F22/109063; 13-1-2

Attachment A: Wellington Park Act 1993 - Functions and Membership ↓ 

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## Wellington Park Act 1993

Version current from 3 June 2013 to date (accessed 14 November 2018 at 11:55)

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### 11. Functions and powers of Trust

(1) The functions of the Trust are as follows:

- (a) to provide for the management and maintenance of Wellington Park in a manner that is consistent with the purposes for which it is set aside;
- (b) to give effect to any management plan in force for Wellington Park;
- (c) to prepare plans with a view to their submission to the Governor for approval as management plans for Wellington Park and to keep under review the provisions of management plans;
- (d) to ensure that any development undertaken in Wellington Park is consistent with the purposes for which it is set aside and with any management plan;
- (e) when required to do so by the Minister, to advise on any development proposed for Wellington Park;
- (f) to carry out, or arrange for the carrying out of, research and other activities that appear to it to be desirable in connection with the administration of this Act;
- (g) to be the managing authority of Wellington Park;
- (h) to perform such other functions as are imposed on it by or under this or any other Act.

(2) The Trust may do all things necessary or convenient to be done for or in connection with, or incidental to, the performance of its functions.

(3) Without limiting subsection (2), the Trust may use, or arrange for the use of, Wellington Park as it considers appropriate to promote the purposes for which it is set aside and may –

- (a) provide and maintain facilities and conveniences for the use or benefit of persons resorting to Wellington Park, and charge for the use of those facilities or conveniences; and
- (b) sell or let on hire to, or otherwise provide for the use of, those persons, goods and other articles and things; and
- (c) obtain and use for the purpose of the exercise of its powers under this section any produce of, or materials in, Wellington Park; and

(d) make arrangements with any other person for the doing of anything referred to in paragraph (a), (b) or (c); and

(e) erect or construct any buildings or other works and purchase or acquire any articles or other things.

(4) The arrangements referred to in subsection (3) (d) may be arrangements pursuant to which any person has the right or obligation to do any of the things referred to in that subsection, and those arrangements may provide for the furnishing of consideration in respect of the giving of that right or the imposition of that obligation.

(5) The Minister may give directions to the Trust with respect to the performance of its functions and, in performing its functions, the Trust must comply with any directions so given.

(6) The power conferred on the Minister by subsection (5) is not to be exercised so as –

(a) to require the Trust to do anything that it is not empowered to do by this Act; or

(b) to prevent the Trust from performing any function that it is expressly required by this Act to perform, whether conditionally or unconditionally; or

(c) to interfere with the formation by the Trust of any opinion or belief in relation to any matter that has to be determined as a prerequisite to the performance or exercise by the Trust of any of its functions or powers under this Act.

## **SCHEDULE 3 - Provisions with Respect to Constitution and Membership of the Trust**

### Section 10

#### **1. Term of appointment**

A member of the Trust is to be appointed for such term, not exceeding 3 years, as is specified in the member's instrument of appointment and, if otherwise qualified, is eligible for re-appointment.

#### **2. Provisions requiring devotion of whole of time to other duties**

Where, by or under any Act, provision is made requiring the holder of an office to devote the whole of his or her time to the duties of office under that Act, that provision does not operate to disqualify that person from holding that office and also the office of a member of the Trust.

#### **3. Terms and conditions of appointment**

(1) Subject to subclause (2), a member of the Trust is entitled to be paid such remuneration and allowances as the Governor may from time to time determine.

(2) A member of the Trust who is a State Service officer or State Service employee is not entitled to remuneration under subclause (1), except with the approval of the Minister administering the State Service Act 2000.

(3) An appointed member holds office on such terms and conditions not provided for in this Act as are determined by the Minister.

#### **4. Disclosure of interests**

(1) If a member of the Trust has or acquires an interest (whether pecuniary or otherwise) that would conflict with the proper performance of the member's functions in relation to a matter being considered or about to be considered by the Trust, the member must disclose the nature of that interest at a meeting of the Trust.

(2) A disclosure under subclause (1) is to be recorded in the minutes of the meeting of the Trust and the member must not, unless the Trust otherwise determines –

(a) be present during any deliberation of the Trust with respect to that matter; or

(b) take part in any decision of the Trust with respect to that matter.

(3) For the purpose of making a determination by the Trust under subclause (2) in relation to a member who has made a disclosure under

subclause (1) , a member who has a direct or indirect pecuniary interest in the matter to which the disclosure relates must not take part in the making by the Trust of the determination.

#### **5. Deputies of members**

- (1) The Minister may appoint a deputy of a member of the Trust.
- (2) The deputy of –
  - (a) the member referred to in section 10 (1) (b) must be nominated by the Director-General of Lands; and
  - (b) the member referred to in section 10 (1) (c) must be nominated by the Director of National Parks and Wildlife; and
  - (c) the member referred to in section 10 (1) (d) must be nominated by the chief executive officer of Tourism Tasmania; and
  - (d) a member referred to in section 10 (1) (e) must be nominated by the Hobart City Council; and
  - (e) the member referred to in section 10 (1) (f) must be nominated by the Glenorchy City Council; and
  - (f) the member referred to in section 10 (1) (g) must be nominated by the Hobart Regional Water Board.
- (3) If a member of the Trust is unable for any reason to perform the duties of a member, the member's deputy may perform those duties and, when doing so, is deemed to be a member.
- (4) A deputy member of the Trust holds office for such term, not exceeding 3 years, and on such conditions, as are specified in his or her instrument of appointment.

#### **6. Resignation**

A member of the Trust may resign by signed notice given to the Minister.

#### **7. Termination of appointment**

- (1) The Minister may terminate the appointment of a member if the member –
  - (a) becomes mentally or physically incapable of performing satisfactorily the duties of office; or
  - (b) is convicted in Tasmania, or elsewhere, of an offence punishable by imprisonment for 2 years or longer; or
  - (c) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors or compounds with his or her creditors or makes an assignment of his or her remuneration or estate for their benefit; or

(d) fails, without reasonable excuse, to comply with clause 4 .

(2) The Minister may remove a member referred to in section 10 (1) (b) , (c) , (d) , (e) , (f) or (g) from office if the Minister is satisfied, having regard to the information supplied by the person or body which nominated that member for appointment, that the member is no longer qualified to be appointed to the Trust.

#### **8. Validity of proceedings**

(1) An act or proceeding of the Trust or of any person acting pursuant to any direction of the Trust 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 Trust.

(2) All acts and proceedings of the Trust or of any person acting pursuant to any direction of the Trust are, notwithstanding the subsequent discovery of any defect in the appointment of any member of the Trust or that any person was disqualified from acting as, or incapable of being, a member of the Trust, as valid as if the member had been duly appointed and was qualified to act as, or capable of being, a member, and as if the Trust had been fully constituted.

(3) Where a member of the Trust does or purports to do, or omits or purports to omit to do, any act or thing in good faith for the purpose of administering or executing this Act, the member is not to be personally subjected to any action, liability, claim or demand in respect of that act or omission.

#### **9. Presumptions**

In any proceedings by or against the Trust, unless evidence is given to the contrary, no proof is required of –

- (a) the constitution of the Trust; or
- (b) any resolution of the Trust; or
- (c) the appointment of any member of the Trust; or
- (d) the presence of a quorum at any meeting of the Trust.

**2. Risk and Audit Panel - Appointment of Elected Members**  
**File Ref: F22/109399**

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Memorandum of the Chief Executive Officer of 15 November 2022.

Delegation: Council



City of **HOBART**

**MEMORANDUM: COUNCIL**

**Risk and Audit Panel - Appointment of Elected Members**

The Risk and Audit Panel is established under section 85 of the *Local Government Act 1993*.

Following the recent Local Government Elections and in accordance with the Panel's terms of reference nominations are sought for two elected member positions on the Panel for a period of two years.

To ensure there is no actual conflict of interest the Lord Mayor is ineligible to be an elected member on the Panel.

**RECOMMENDATION**

***That two elected member nominations be sought for membership on the Risk and Audit Panel for a period of two years.***

*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: 15 November 2022  
File Reference: F22/109399

## 20. CLOSED PORTION OF THE MEETING

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### RECOMMENDATION

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

- Minutes of a Closed Council meeting
- Leave of Absence

The following items are listed for discussion:-

Item No. 1	Minutes of the last meeting of the Closed Portion of the Council Meeting
Item No. 2	Communication from the Chairman
Item No. 3	Leave of Absence
Item No. 4	Consideration of supplementary Items to the agenda
Item No. 5	Indications of pecuniary and conflicts of interest