



# GEORGE TOWN COUNCIL AGENDA

Notice is hereby given  
that the next Ordinary Council Meeting  
will be held on  
**Tuesday 23 August 2022**

in the Council Chambers,  
16-18 Anne Street, George Town,

commencing at **1:00 pm.**

*In accordance with the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020, Part 4, Section 18, and as given notice by the Premier of Tasmania, Peter Gutwein, under the same Act and published in the Tasmanian Government Gazette No. 21 963, 3 April 2020, this meeting is being held face to face with limitations on public attendance to maintain social distancing.*

*Council will be allowing a maximum of 10 persons into the Ordinary Council Meeting. You must pre-register to attend this meeting of Council.*

*All documents presented, and recordings (audio) of this meeting are made available to the public in accordance with the above Act and Notice, and the standard applicable provisions of the Local Government Act 1993, and Local Government (Meeting Procedures) Regulations 2015.*

Shane Power  
**GENERAL MANAGER**

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**Meeting Commencing at 1:00 pm**

**Acknowledgement of Country**

*The George Town Council pays its respects to the traditional and original owners of the land in which we meet, their elders past, present and emerging and we pay respect to those that have passed before us and acknowledge today's Tasmanian Aboriginal people who are the custodians of this land.*

**AUDIO RECORDING OF COUNCIL MEETINGS**

The public is advised that it is **Council Policy** to record the proceedings of meetings of Council on digital media to assist in the preparation of Minutes, and to clarify any queries relating to the Minutes that is raised during a subsequent meeting under the section "Confirmation of Minutes".

The recording does not replace the written Minutes and a transcript of the recording will not be prepared.

All meetings of the Council shall be digitally recorded as provided for by Regulation 33 of the Local Government (Meeting Procedures) Regulations 2015 except for the proceedings of meetings or parts of meetings closed to the public in accordance with Regulation 15(2).

In accordance with the requirements of Council's Audio Recording of Council Meetings Policy No. 40, members of the public are not permitted to make audio recordings of Council meetings.

*In accordance with the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020, Part 4, Section 18, and as given notice by the Premier of Tasmania, Peter Gutwein, under the same Act and published in the Tasmanian Government Gazette No. 21 963, 3 April 2020, this meeting is being held face to face with limitation on public attendance to maintain social distancing.*

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## **1 PRESENT**

### **1.1 APOLOGIES AND LEAVE OF ABSENCE**

### **1.2 IN ATTENDANCE**

## **2 CONFIRMATION OF MINUTES**

### **2.1 ORDINARY COUNCIL MEETING HELD 26 JULY 2022**

#### **RECOMMENDATION**

That the Minutes of Council's Ordinary Meeting held on 26 July 2022 numbered 094/22 to 107/22 and 110/22 as provided to Councillors be received and confirmed as a true record of proceedings. (Attached)

#### **DECISION**

Moved:

Seconded:

#### **VOTING**

For:

Against:

**3 LATE ITEMS**

Nil.

## **4 PUBLIC QUESTION TIME**

### **4.1 PUBLIC QUESTION TIME PROCEDURE**

*[Refer to Minute No. 243/16. The period set aside for public question time will be at least 15 minutes. Questions given on notice will be addressed first. Once questions on notice have been addressed, persons who have registered their interest to ask a question will be called to do so in the order in which they have registered. Persons attending Council meetings will have the opportunity to register their interest to ask a question without notice prior to the commencement of the meeting. Council staff will be on hand to assist with this process.*

*Participants cannot ask more than 2 questions in a row with a maximum of 2 minutes per question. If a person has more than (2) questions, they will be placed at the 'end of the queue' and may, if time permits, ask their further questions once all other persons have had an opportunity to ask questions. Persons who have not registered their interest to ask a question will be given an opportunity to do so following all those who have registered. All questions must be directed to the Chairperson.*

*For further information on Council's Public Question Time Rules and Procedure, please refer to George Town Council Public Question Time Policy No. 18.]*

*Questions asked and answers provided may be summarised in the Minutes of the meeting.*

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Due to restrictions in place during the COVID-19 pandemic as enabled through the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020, public question time will be conducted in the following manner.

*George Town Council will be allowing members of the public that have submitted an objection to a planning matter (priority attendance) and questions from the public to a maximum of 10 persons (to maintain social distancing) into the Ordinary Meeting of Council.*

*Council will accept all other written questions which will be asked and responded to at the meeting. These questions will be recorded in Council's Minutes and will be available on the audio recording.*

*You must pre-register to attend this meeting of Council.*

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**4.2 PUBLIC QUESTIONS ON NOTICE**

Nil.



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**4.3 PUBLIC QUESTION TIME**

Commenced at:

Concluded at:

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**4.4 RESPONSE TO QUESTIONS FROM PREVIOUS PUBLIC QUESTION TIME**

*(Refer to Minute No. 425/00, which states in part, "that a copy of all written replies to questions from the Public Gallery be included in the following Council Agenda.")*

Nil.

## **5 DECLARATIONS OF INTEREST**

## **6 GENERAL MANAGER'S DECLARATION**

I certify that with respect to all advice, information or recommendations provided to Council with this Agenda:

- the advice, information or recommendation is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation; and
- where any advice is given directly to Council by a person who does not have the required qualifications of experience, that person has obtained and taken into account in that person's general advice, the advice from an appropriately qualified or experienced person.



Shane Power  
**GENERAL MANAGER**

### ***LOCAL GOVERNMENT ACT 1993 – SECTION 65***

#### ***65. Qualified persons***

- (1) A general manager 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) A 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 general manager certifies, in writing –
    - (i) that such advice was obtained; and
    - (ii) that the general manager 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 general manager's certificate.

**7 PLANNING AUTHORITY**

Nil.

## **8 OFFICE OF GENERAL MANAGER**

### **8.1 COUNCIL WORKSHOPS - JULY AND AUGUST 2022**

**REPORT AUTHOR:** General Manager – Mr S.Power  
**REPORT DATE:** 10 August 2022  
**FILE NO:** 14.10  
**ATTACHMENTS:** Nil

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#### **SUMMARY**

The purpose of this report is to provide a record of workshops held in accordance with the requirements of Section 8(2)(c) of the *Local Government (Meeting Procedures) Regulations 2015*.

#### **DATE AND PURPOSE OF WORKSHOP HELD**

##### **TUESDAY 26 JULY 2022**

- Remote meetings
- Planning and Building Update
- Potential lease of electric vehicle
- Local Government Elections
- Commercial-in-confidence presentation
- Dog Off-Lease Area Update
- Governance Issues
- Councillors/General Manager Discussions

**Present:** Mayor Kieser, Deputy Mayor Harris, Cr Barwick, Cr Dawson, Cr Mason, Cr Michieletto, Cr Parkes

**Apologies:** Cr Barraclough, Cr Gibbons

**In Attendance:** General Manager  
Director Corporate and Community  
Director Organisational Performance, Strategy & Engagement  
Statutory Planner  
Senior Administration Officer/Permit Authority  
Executive Support & Governance Officer

**Guests:** Representatives from Commercial-in-Confidence presentation

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**TUESDAY 9 AUGUST 2022**

- Unconfirmed Minutes 26 July 2022
- Candidate Sessions – Presentation
- Greater Launceston Plan Review – Presentation
- Draft Code of Conduct Bill
- Integrity Commission Act Reform
- Council Caretaker Period
- Draft Roadside Signage Policy
- Potential Strategic Land Acquisition
- Consideration of Governance Model for Northern Tasmanian Waste Management Group
- NRM North Group A Representative
- Annual Plan 2022/2023
- Legal Expenditure
- Depot Lease Update
- Governance Issues
- Councillors/General Manager Discussions

**Present:** Mayor Kieser, Deputy Mayor Harris, Cr Barwick, Cr Dawson, Cr Gibbons, Cr Mason, Cr Michieletto, Cr Parkes

**Apologies:** Cr Barraclough

**In Attendance:** General Manager  
Director Corporate and Community  
Director Organisational Performance, Strategy & Engagement  
Executive Support & Governance Officer

**Guests:** Representatives from Greater Launceston Plan Review

**STRATEGIC PLAN**

This action relates to the following components of the Community Strategic Plan 2020-2030:

**Future Direction Four - Leadership and Accountable Governance**

2. Planning and regulatory responsibilities are undertaken fairly and openly
  - i. Building knowledge and understanding of planning and regulatory responsibilities and processes.

**Future Direction Four - Leadership and Accountable Governance**

6. Difficult issues are managed in an open manner without conflict
- i. Building capacity in change management, understanding and responding to complexity.
  - ii. Fostering courage, kindness and determination in working through challenges and opportunities.
  - iii. Communicating well.

**STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS**

Local Government (Meeting Procedures) Regulations 2015.

**RISK CONSIDERATIONS**

This report is provided in accordance with Local Government (Meeting Procedures) Regulations 2015, Section 8(2)(c). Risk implications are there considered to be low.

**FINANCIAL IMPLICATIONS**

Nil.

**DIVERSITY, EQUITABLE ACCESS AND INCLUSION CONSIDERATIONS**

The Diversity, Equitable Access and Inclusion Policy aligns with the following goals and objects of the Community Strategic Plan 2020-2030.

George Town Council is committed to maximising access and inclusion to services, facilities, features and activities for all within the community, regardless of ability, literacy, numeracy and language limitations, age, race, religion or other, within all aspects of Council.

**CONSULTATION**

Nil.

**OPTIONS**

Council may choose to:

1. Support the motion as presented; or
2. Support the motion with amendment; or
3. Not support the motion.

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**OFFICER'S RECOMMENDATION**

That Council receives the report on the Council Workshops held on:

1. 26<sup>th</sup> July 2022; and
2. 9<sup>th</sup> August 2022.

**DECISION**

Moved:

Seconded:

**VOTING**

For:

Against:



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## **8.2 NRM NORTH ASSOCIATION 'GROUP A' REPRESENTATION**

<b>REPORT AUTHOR:</b>	General Manager – Mr S. Power
<b>REPORT DATE:</b>	10th August 2022
<b>FILE NO:</b>	14.35
<b>ATTACHMENTS:</b>	Nil

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### **SUMMARY**

To consider the nomination of a Council representative to the NRM North Association 'Group A' Representation.

### **BACKGROUND**

Natural resource management (NRM) refers to the management of natural resources such as land, water, soil, plants and animals with a particular focus on how management affects the quality of life for both present and future generations.

The regional model for natural resource management has been established all over Australia. It complements all the ongoing NRM work undertaken by federal, state and local governments, individuals, groups and businesses.

In Tasmania, the regional approach operates under the Tasmanian Natural Resource Management Act (2002). The Act established a framework that includes the Tasmanian Natural Resource Management Council, which advises the minister on NRM issues; and three regional committees, their main role being to develop and implement an NRM strategy for their region.

The Federal Government is involved through a number of national funding programs, most of which are undertaken in cooperation with the states.

NRM North works with the community to care for our natural resources - our water, land, seas and biodiversity. NRM North is one of three formally recognised natural resource management organisations in Tasmania and one of 56 across Australia. The NRM North region covers the sub-regions of Tamar, Break O'Day, Northern Midlands, Dorset, Flinders Island and Meander. Some of our key initiatives include management of our waterways through the Tamar Estuary and Esk Rivers (TEER) Program, property management planning (PMP) and environmental works with private landholders, assisting smallholders through the Small Farm Living Program and management of high priority weeds." (source: <https://www.nrmnorth.org.au/whats-nrm>).

The Annual General Meeting of NRM North is scheduled for the 28 September 2022 and the NRM North constitution requires that prior to each Annual General Meeting, 'Group A' organisations such as Council re-nominate their representative on the Association.

The criterion for Representatives and Proxies is that the nominated member must be an elected representative or a person within a senior role in Council. 'Group A' organisations must be financial members for their representative/s to have voting rights, the cost of which is \$20.00 per financial year.

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Council's representative to the Association is required to attend the AGM and invited to attend strategic meetings and events throughout the year. Proxy's can now be nominated on a meeting by meeting basis.

**STRATEGIC PLAN**

This action relates to the following components of the Community Strategic Plan 2020-2030:

**Future Direction Four - Leadership and Accountable Governance**

1. A culture of engagement and participation
  - iv. Understanding processes and participating in decision making.

**Future Direction Four - Leadership and Accountable Governance**

4. Positive and productive working relationship with all levels of government and their agencies
  - i. Ensuring the area's needs and priorities are understood.

**Future Direction Four - Leadership and Accountable Governance**

5. Collaborative working relationships with neighbouring Councils in the region and regional organisations
  - i. Playing an active role in regional development.

**STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS**

Local Government Act 1993.

**RISK CONSIDERATIONS**

No risks are identified.

**FINANCIAL IMPLICATIONS**

Annual membership fee of \$20.00.

**CONSULTATION**

Information was provided to elected members at the 9<sup>th</sup> August 2022 Council Workshop for consideration.

**OPTIONS**

Council may choose to:

1. Support the motion as presented; or
2. Support the motion with amendment; or

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3. Not support the motion.

**OFFICER'S COMMENTS**

At the 27 July 2021 Ordinary Council meeting, Council appointed Cr Harris as Council's Group A representative.

Council is entitled to one representative on the Group and this representative can either be a Councillor or a senior staff member. It is suggested that Council appoints a Councillor as the representative for NRM North Association "Group A" for the Annual General Meeting. The reappointment of a Councillor post 2022 elections will be presented to the Ordinary Council meeting on the 22<sup>nd</sup> November 2022.

**OFFICER'S RECOMMENDATION**

That Council:

1. Appoints Councillor.....as the George Town Council representative on the NRM North Association 'Group A' Representation at the 28 September 2022 Annual General Meeting.

**DECISION**

Moved:

Seconded:

**VOTING**

For:

Against:

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**8.3 DRAFT LOCAL GOVERNMENT AMENDMENT (CODE OF CONDUCT) BILL 2022**

<b>REPORT AUTHOR:</b>	General Manager – Mr S. Power Director – Organisational Performance, Strategy & Engagement
<b>REPORT DATE:</b>	10 August 2022
<b>FILE NO:</b>	14.25
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"><li>1. Local- Government- Amendment- Code-of- Conduct- Bill-v-10- Consultation-draft [8.3.1 - 44 pages]</li><li>2. Graphic- Design-of-the-plain- English-outline-of- proposed-changes- Final- WCA G-compliant- PDF [8.3.2 - 4 pages]</li><li>3. Graphic- Design-of-the-draft-prescribed-information- Final- WCA G-compliant- PDF [8.3.3 - 1 page]</li><li>4. DRAF T- Submission-form-for-consultation-on-the-draft- Local- Government- Amendment- Code-of- [8.3.4 - 8 pages]</li></ol>

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**SUMMARY**

This report is presented to Council to confirm its position on the draft *Local Government Amendment (Code of Conduct) Bill 2022*, and direct the General Manager to make a submission to the Department of Premier and Cabinet's Office on behalf of Council.

**BACKGROUND**

The Code of Conduct Framework embedded within the *Local Government Act 1993*, has received criticism from across the sector sufficient to prompt the State Government to amend the Act and the *Local Government (General) Regulations 2015*, in parallel with the Local Government Reform process, and ahead of an intended full review of Act.

'The framework was introduced in 2016 and provides a consistent, effective and enforceable means to address councillor misconduct. Under the framework, councils are required to adopt a single, statewide Model Code of Conduct developed in consultation with the local government sector and approved by the Minister for Local Government. Councils are able to apply make variations to the Code, however they must be consistent with the Model Code.

The Code of Conduct is enforced by an independent Code of Conduct Panel established to investigate and determine complaints involving alleged breaches of the Code and empowered to issue sanctions against councillors found in breach.

The Code of Conduct replaces the previous system of 29 separate council Code of Conduct Panels and the Local Government Association of Tasmania's Standards Panel. The Model Code of Conduct was amended in December 2018 following a review of its operation during the first 12 months since it commenced. The review was jointly conducted by the Government and the local government sector.

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A number of changes have been made to the Model Code to improve its operation and councils were required to adopt the revised Model Code of Conduct by 26 March 2019 (source: dpac.tas.gov.au).’

The code of conduct establishes the expected conduct of councillors in performing their duties in relation to:

- Decision making
- Conflicts of interest (including non-pecuniary)
- Use of Office
- Use of resources
- Use of information
- Gifts and benefits
- Relationships with community, councillors and council employees; and
- Representation

Any person can lodge a complaint against a councillors conduct believed to be in breach of the code. The complaint is assessed by the General Manager which is then referred (if assessed as having met prescribed requirements s.28Y) to the Code of Conduct Panel for consideration of investigation, hearing and determination and may lead to various sanctions being applied.

The draft Bill proposes a number of key changes to the *Local Government Act 1993* to address the sectors concerns with the Code of Conduct Framework.

Proposed changes include:

- a standard code of conduct for councils;
- voluntary adoption of a behaviour standard policy for councillors;
- mandatory local dispute resolution policy in councils;
- an improved process for the initial assessment of complaints, and the disclosure and management of interests by Panel members; and
- the disclosure and management of interests by Panel members.

‘Councils will be required to adopt a dispute resolution policy within 12 months after the commencement of the amendments. The draft Bill provides that a dispute resolution policy is to contain the prescribed information and include the processes to be followed in respect of prescribed matters.

In anticipation of the commencement of the amendments, the Government has prepared a draft of the prescribed information to be included in every council’s dispute resolution policy (the draft prescribed information) and is seeking public feedback on both the draft Bill and the draft prescribed information.

The feedback on both documents will inform concurrent amendments to the Act and the *Local Government (General) Regulations 2015* (source: dpac.tas.gov.au).’

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Once the legislation is enacted LGAT will prepare a template behaviour standard policy and local dispute resolution policy for councils. LGAT has commissioned Edge Legal to review and recommend workplace, health and safety for elected members which will inform the template policies.

### **STRATEGIC PLAN**

This action relates to the following components of the Community Strategic Plan 2020-2030:

#### **Future Direction Four - Leadership and Accountable Governance**

1. A culture of engagement and participation
  - i. Trusted, transparent and inclusive community engagement processes.
  - iv. Understanding processes and participating in decision making.
  
4. Positive and productive working relationship with all levels of government and their agencies
  - ii. Understanding the outcomes and directions sought by all levels of government.

### **STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS**

Division 3A of the *Local Government Act 1993* deals with the code of conduct framework including model codes of conduct, complaints and complaint resolution processes.

### **RISK CONSIDERATIONS**

Risks associated with any submission to the draft *Local Government Amendment (Code of Conduct) Bill 2022* are considered very low.

### **FINANCIAL IMPLICATIONS**

Costs associated with the proposed action are limited to officer time.

### **DIVERSITY, EQUITABLE ACCESS AND INCLUSION CONSIDERATIONS**

The Diversity, Equitable Access and Inclusion Policy aligns with the following goals and objects of the Community Strategic Plan 2020-2030.

George Town Council is committed to maximising access and inclusion to services, facilities, features and activities for all within the community, regardless of ability, literacy, numeracy and language limitations, age, race, religion or other, within all aspects of Council.

The proposed submission to the draft *Local Government Amendment (Code of Conduct) Bill 2022* does not consider Diversity, Equitable Access and Inclusion implications.

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## **CONSULTATION**

Consultation on the draft *Local Government Amendment (Code of Conduct) Bill 2022* is managed by the Department of Premier and Cabinet (DPAC), which commenced 1 August 2022 and concludes 5 September 2022.

Council has made prior submissions through the Local Government Association Tasmania (LGAT) to the State Government outlining its concerns with the Code of Conduct Framework.

Council has considered the draft Bill at its workshop 9 August 2022. This report aims to capture concerns raised by Council with the draft Bill, and guide the General Manager in preparation for a formal submission to DPAC as part of the consultation process.

## **OPTIONS**

Council may choose to:

1. Support the motion as presented; or
2. Support the motion with amendment; or
3. Not support the motion.

## **OFFICER'S COMMENTS**

The following concerns were identified by elected members of the Council at its workshop.

The draft Bill and subsequent amendments to the the *Local Government Act 1993* and/or changes to the *Local Government (General) Regulations 2015* should provide for:

1. The ability for the Code of Conduct Panel to award administrative costs associated with the assessment, hearing and determination process at the discretion of the Panel;
2. The ability for the Code of Conduct Panel to award costs for expenses incurred for legal representation of the Councillor/s associated with the defence of a complaint at the discretion of the Panel, should the Panel find in favour of the defendant;
3. The inclusion of insurance protections as is the case with Directors Liability Insurance for directors who preside voluntarily on boards of incorporated associations;
4. Establish a pool of professionally accredited mediators (through LGAT or DPAC) for the purposes of administering dispute resolution procedures (as is the case with the State's education sector);
5. Past elected representatives and employees cannot within two years of departure, act as mediator for a dispute resolution process or sit as a member of the code of conduct panel that is considering a complaint in relation to the Council in which they served.

## **OFFICER'S RECOMMENDATION**

That Council:

1. Request the General Manager to submit to the Department of Premier and Cabinet in relation to the draft *Local Government Amendment (Code of Conduct) Bill 2022*;

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seeking consideration for the following to be included in amendments to the *Local Government Act 1993* and/or *Local Government (General) Regulations 2015*:

- i. The ability for the Code of Conduct Panel to award administrative costs associated with the assessment, hearing and determination process at the discretion of the Panel;
- ii. The ability for the Code of Conduct Panel to award costs for expenses incurred for legal advice and/or representation of the Councillor/s associated with the defence of a complaint, awarded at the discretion of the Panel, should the Panel find in favour of the defendant;
- iii. The inclusion of insurance protections for Councillors as is afforded to directors who preside on boards of incorporated associations in a voluntarily capacity, through protections such as Directors Liability Insurance policies;
- iv. Establish a pool of professionally accredited mediators (through Local Government Association of Tasmania or the Department of Premier and Cabinet) for the purposes of administrating dispute resolution procedures (as is the case with the State's education sector);
- v. Past elected representatives and employees cannot within two years of last service, act as mediator for a dispute resolution process or sit as a member of the code of conduct panel that is considering a complaint in relation to the Council in which they served.

**DECISION**

Moved:

Seconded:

**VOTING**

For:

Against:



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**8.4 EMERGENCY MANAGEMENT ARRANGEMENTS**

<b>REPORT AUTHOR:</b>	General Manager – Mr S. Power
<b>REPORT DATE:</b>	10 August 2022
<b>FILE NO:</b>	45.6
<b>ATTACHMENTS:</b>	1. Emergency Management Structure [8.4.1 - 1 page]

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**SUMMARY**

This report seeks endorsement by the Council for the nomination to the Minister for Police, Fire and Emergency Management for the appointment of the Council's Municipal Emergency Management Coordinator and Deputy Coordinator positions.

**BACKGROUND**

George Town Council has undergone significant change in personnel which has required a review of its emergency management structure. This includes appointment of a new Municipal Emergency Management Coordinator and Deputy Municipal Emergency Management Coordinator.

These positions are nominated by councils and appointed by the relevant Minister under the Emergency Management Act 2006 (s23). Functions and powers of the positions are detailed in Section 24 of the same legislation.

The primary function of the Municipal Emergency Management Coordinator is to coordinate, advise on and assist council and the Regional Emergency Management Controller with emergency management matters relevant to the municipal area or combined municipal area.

Primary tasks include:

1. Coordinate council's response to emergency events in the municipal or combined area, in accordance with relevant plans including:
  - a) arranging access to council resources
  - b) advising council, the Regional Emergency Management Controller and/or SES Regional Manager regarding:
    - i) council's capacity for response and recovery
    - ii) the need or otherwise to sanction/withdraw emergency powers.
- 2 Act as the Executive Officer for the Municipal Emergency Management Committee.
- 3 Facilitate emergency risk management programs including the development, implementation and monitoring of appropriate risk treatment programs.
- 4 Advise the Municipal Committee on recommended approaches for comprehensive emergency management (PPRR), including membership of the committee, meeting council training needs and facilitating the delivery of community awareness programs.

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- 5 Develop, review and arrange the validation of relevant emergency management plans and/or arrangements for the municipal area/s in accordance with legislative requirements and the arrangements outlined in the relevant regional plan.
- 6 Liaise between council, State Emergency Service (SES) regional staff and the SES Unit Manager of the relevant SES Unit/s about developing and maintaining resource agreements, and the delivery of council responsibilities.
- 7 Represent council/the Municipal Committee at the Regional Committee, and as required at State forums, working cooperatively with the regional emergency management authorities; for example, Regional Community Recovery Coordinator, SES Regional Manager, Regional Emergency Management Controller.
- 8 Support other council emergency management officers, including the Deputy Coordinator and Municipal Community Recovery Coordinator/s.

There are many roles required to support effective emergency management through each stage of planning, response, relief and recovery. The attached structure aims to provide capacity for the organisation to meet its obligations under the Emergency Management Act 2006 having due consideration to available resources.

### **STRATEGIC PLAN**

This action relates to the following components of the Community Strategic Plan 2020-2030:

#### **Future Direction One - Community Pride**

6. Responsive emergency services
  - i. Having enough professional, para-professional and volunteer emergency services personnel and equipment.
  - ii. Maintaining equipment.
  - iii. Working together with all other agencies for prevention and if necessary co-ordinated responses.

### **STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS**

The Municipal Coordinator must have the authority and ability to make decisions relating to the coordination of emergency management in the municipal area during an emergency without first seeking the approval of the council (Emergency Management Act 2006 s23(8) and s24(1)(i)).

### **RISK CONSIDERATIONS**

The George Town Municipal Emergency Management Plan prescribes prevention and mitigation measures according to the municipal risk profile. The appointment of a new Municipal Emergency Management Coordinator and Deputy Municipal Emergency Management Coordinator is required for Council to meet its statutory obligations and to place the organisation and municipality in a position to manage risks associated with emergencies.

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**FINANCIAL IMPLICATIONS**

Financial implications of the appointment of a Municipal Emergency Management Coordinator and Deputy Municipal Emergency Management Coordinator are limited to costs associated in relation to any training required.

This report does not consider costs associated with prevention and mitigation measures or costs associated with emergency response, relief and recovery.

**DIVERSITY, EQUITABLE ACCESS AND INCLUSION CONSIDERATIONS**

Given the nature of the roles, the appointment process for the Municipal Emergency Management Coordinator and Deputy Municipal Emergency Management Coordinator have not been subject to Council's Diversity, Equitable Access and Inclusion Policy.

**CONSULTATION**

Consultation has been limited to Council Workshops, and direct liaison with the Regional Emergency Management Planner and individual staff and emergency services practitioners.

**OPTIONS**

Council may choose to:

1. Support the motion as presented; or
2. Support the motion with amendment; or
3. Not support the motion.

**OFFICER'S COMMENTS**

The proposed structure presents a sound model for emergency management for an organisation the size of George Town Council. The recommended appointment of the Director of Organisational Performance, Strategy and Engagement (DOPSE) has been based on the broad responsibilities associated with the role including risk management, governance, human resource management, regulatory services and communications. The DOPSE is well positioned to manage the strategic emergency management framework of Council while coordinating resources required for planning, response, relief and recovery for emergency events.

The recommendation to re-appoint Andrew Taylor as Deputy Municipal Emergency Management Coordinator is based on ensuring there is stability and continuity in local knowledge and emergency management practices. Mr. Taylor has been Deputy Municipal Emergency Management Coordinator since 1995 and has extensive experience at a local, regional and state level in various capacities in the State Emergency Service and Tasmanian Fire Service. Mr. Taylor's experience and knowledge is of high value to the George Town Council emergency management framework.

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**OFFICER'S RECOMMENDATION**

That Council:

1. Nominate Kristen Desmond, Director Organisational Performance, Strategy and Engagement for the appointment of Municipal Coordinator for a four-year term; and
2. Nominate Andrew Taylor for the appointment of Deputy Municipal Coordinator for a four-year term.

**DECISION**

Moved:

Seconded:

**VOTING**

For:

Against:

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**8.5 APPOINTMENT OF ACTING GENERAL MANAGER**

<b>REPORT AUTHOR:</b>	General Manager – Mr S. Power Mayor - Cr Greg Kieser
<b>REPORT DATE:</b>	10 August 2022
<b>FILE NO:</b>	66.80
<b>ATTACHMENTS:</b>	Nil

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**SUMMARY**

This report is provided to Council for their consideration to appoint two officers of Council as Acting General Managers in the case of absence of the General Manager and in accordance with the requirements of Section 61B of the Local Government Act 1993.

**BACKGROUND**

The Local Government Act 1993 Section 61B provides for the Council to appoint a person to act in the office of general manager during every absence of the general manager for a term not exceeding 5 years.

George Town Council appointed Mrs Cheryl Hyde as Acting General Manager resolution number 107/18 at a Special Meeting of Council 1 August 2018 in closed session.

Council (subject to the approval of agenda item 11.1) will enter into Caretaker Period commencing 3 September 2022 until 5 November 2022 encompassing two (2) Ordinary Council meetings. The General Manager has indicated that he may be on leave for an extended period during October 2022.

**STRATEGIC PLAN**

This action relates to the following components of the Community Strategic Plan 2020-2030:

**Future Direction Four - Leadership and Accountable Governance**

2. Planning and regulatory responsibilities are undertaken fairly and openly
  - i. Building knowledge and understanding of planning and regulatory responsibilities and processes.

**STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS**

Local Government Act 1993 Section 61B:

**61B. Acting general managers**

- (1) For the purposes of this section, a general manager is absent if –
- (a) he or she is absent from duty for any reason; or

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- (b) he or she is otherwise unavailable or unable to perform the functions of the office of general manager; or
  - (c) the position of general manager is vacant.
- (2) The mayor may appoint a person to act in the office of general manager if –
- (a) the general manager is absent and no person holds an appointment under subsection (4); or
  - (b) the general manager is absent and the person appointed under subsection (4) is absent from duty or otherwise unavailable or unable to act in the office of general manager.
- (3) An appointment under [subsection \(2\)](#) ends when the first of the following occurs:
- (a) the general manager returns to duty;
  - (b) the term of the appointment expires;
  - (c) the mayor or the council revokes the appointment;
  - (d) a person is appointed as general manager under [section 61](#) .
- (4) The council may appoint a person to act in the office of general manager during every absence of the general manager.
- (5) An appointment under [subsection \(4\)](#) is for the term, not exceeding 5 years, specified in the appointment and ends when the first of the following occurs:
- (a) the term of the appointment expires;
  - (b) the council revokes the appointment;
  - (c) if the appointment is to the holder of an office, the person ceases to hold that office.
- (6) While a person appointed to act in the office of general manager is acting as general manager, that person is taken to be the general manager.

### **RISK CONSIDERATIONS**

The appointment of an Acting General Manager is designed to minimise the risk to the organisation of having insufficient delegation particularly during caretaker period.

The recommendation also provides transparency to the elected members and the community.

### **FINANCIAL IMPLICATIONS**

Nil.

### **DIVERSITY, EQUITABLE ACCESS, AND INCLUSION CONSIDERATIONS**

The Diversity, Equitable Access, and Inclusion Policy aligns with the following goals and objectives of the Community Strategic Plan 2020-2030.

George Town Council is committed to maximising access and inclusion to services, facilities, features and activities for all within the community, regardless of ability, literacy, numeracy and language limitations, age, race, religion or other, within all aspects of Council. The aims are as follows:

- Encourage people to participate in the community by having fair and inclusive opportunities, including appropriate and equal access to facilities, services and activities.

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**CONSULTATION**

The appointment of an Acting General Manager was discussed at the 23<sup>rd</sup> August 2022 Council workshop.

**OPTIONS**

Council may choose to:

1. Support the motion as presented; or
2. Support the motion with amendment; or
3. Not support the motion.

**OFFICER'S COMMENTS**

The Local Government Act 1993 S61B provides Council with the opportunity to appoint an Acting General Manager for a period of five (5) years. The appointment of Mrs C. Hyde expires in September 2023. Council is likely to enter Caretaker Period on 3 September 2022 until 5 November 2022 encompassing two (2) Ordinary Council meetings. It may be prudent to review Council's delegation to reduce the risk of both the General Manager and Acting General Manager being absent and no person holds the appointment.

The Mayor may appoint a person to act as general manager if both the General Manager and Acting General Manager are absent which occurred at the 24 May 2022 Ordinary Council meeting.

It is however recommended that Council ensure sufficient arrangements are in place for an Acting General Manager to cover the Caretaker Period.

**OFFICER'S RECOMMENDATION**

That Council:

1. Appoint Mrs Cheryl Hyde as Acting General Manager during the absence of the General Manager Mr Shane Power in accordance with the requirements of Section 61B(4) of the Local Government Act 1993; and
2. Appoint Mrs Kristen Desmond as Acting General Manager in accordance with the requirements of Section 61B (2) (b) if:
  - (b) *the general manager is absent and the person appointed under subsection (4) is absent from duty or otherwise unavailable or unable to act in the office of general manager.*

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**DECISION**

Moved:

Seconded:

**VOTING**

For:

Against:



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**8.6 DRAFT 2022/2023 ANNUAL PLAN**

<b>REPORT AUTHOR:</b>	General Manager – Mr S. Power Director – Organisational Performance, Strategy and Engagement – Ms K. Desmond
<b>REPORT DATE:</b>	10th August 2022
<b>FILE NO:</b>	17.4
<b>ATTACHMENTS:</b>	1. 2483 George Town Council Annual Plan 2022-23 - V 7 [8.6.1 - 40 pages]

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**SUMMARY**

This report seeks Council endorsement of the draft 2022/2023 Annual Plan.

**BACKGROUND**

Council's Community Strategic Plan 2020-2030 guides future planning and investment decisions based on the four Future Directions being:

- Community Pride
- Prosperity - *for all in all aspects of life*
- Progressive - *well-resourced communities*
- Leadership - *and accountable governance*

The Community Strategic Plan 2020-2030 establishes Strategic Priorities to achieve the Desired Outcomes for each Future Direction.

The draft 2022/2023 Annual Plan is the third plan that has been developed to deliver the Community Strategic Plan 2020-2030. The Annual Plan incorporates 2022/2023 budget estimates in accordance with the provisions of the *Local Government Act 1993* and applicable Australian Accounting Standards. The Annual Plan includes specific actions to be delivered in 2022/2023 and continues Council's journey to achieve the Future Directions of its Community Strategic Plan 2020-2030.

The actions within the Annual Plan range from strategic planning, infrastructure projects, economic development, tourism, enhanced cultural awareness and reconciliation efforts, support and participation in key community and business groups and seeks to achieve greater social and health outcomes for the community.

The Annual Plan also establishes the performance measures in which the community will hold Council to account.

**STRATEGIC PLAN**

This action relates to the following components of the Community Strategic Plan 2020-2030:

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**Future Direction Four - Leadership and Accountable Governance**

1. A culture of engagement and participation
  - i. Trusted, transparent and inclusive community engagement processes.
  - iv. Understanding processes and participating in decision making.

**Future Direction Four - Leadership and Accountable Governance**

2. Planning and regulatory responsibilities are undertaken fairly and openly
  - i. Building knowledge and understanding of planning and regulatory responsibilities and processes.

**STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS**

*Section 71 of the Local Government Act 1993 requires:*

- (1) *A council is to prepare an annual plan for the municipal area for each financial year.*
- (2) *An annual plan is to –*
  - (a) *be consistent with the strategic plan; and*
  - (b) *include a statement of the manner in which the council is to meet the goals and objectives of the strategic plan; and*
  - (c) *include a summary of the estimates adopted under section 82; and*
  - (d) *include a summary of the major strategies to be used in relation to the council's public health goals and objectives.*
- (3) *As soon as practicable after a council adopts an annual plan, the general manager is to –*
  - (a) *make a copy of the annual plan available for public inspection at the public office during ordinary business hours; and*
  - (b) *provide the Director and the Director of Public Health with a copy of the annual plan.*

**RISK CONSIDERATIONS**

Risk associated with the adoption of the draft 2022/2023 Annual Plan is considered low.

The Annual Plan has been developed in direct alignment with the Council's 2020-2030 Community Strategic Plan and Council's adopted budget for 2022/2023.

**FINANCIAL IMPLICATIONS**

Costs associated with the delivering actions within the 2022/2023 Annual Plan have been accommodated in the 2022/2023 budget.

**DIVERSITY, EQUITABLE ACCESS AND INCLUSION CONSIDERATIONS**

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The Diversity, Equitable Access and Inclusion Policy aligns with the following goals and objects of the Community Strategic Plan 2020-2030.

George Town Council is committed to maximising access and inclusion to services, facilities, features and activities for all within the community, regardless of ability, literacy, numeracy and language limitations, age, race, religion or other, within all aspects of Council.

### **CONSULTATION**

The 2022/2023 Annual Plan has been developed to deliver on Council's 2020-2030 Community Strategic Plan. Extensive community consultation was undertaken in the development of the strategic plan.

The draft 2022/2023 Annual Plan was presented to elected members at the Council Workshop on 9 August 2022 for feedback.

The draft 2022/2023 Annual Plan is presented to Council for adoption at its August 2022 Ordinary Council Meeting.

Once endorsed, a copy will be provided to the Director of Local Government and the Director of Public Health. A copy will be made available for inspection and will be released to the public through various media channels.

### **OPTIONS**

Council can choose to:

1. Adopt the 2022/2023 Annual Plan as presented.
2. Adopt the 2022/2023 Annual Plan with amendments.
3. Defer the decision to adopt the 2022/2023 Annual Plan to a later meeting.

### **OFFICER'S COMMENTS**

The draft Annual Plan meets Council's statutory and strategic obligations and establishes the performance measures for the organisation and Council for the 2022/2023 year.

### **OFFICER'S RECOMMENDATION**

That Council:

1. Adopts the 2022/2023 Annual Plan.

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**DECISION**

Moved:

Seconded:

**VOTING**

For:

Against:

**9 INFRASTRUCTURE AND DEVELOPMENT**

Nil.

**10 CORPORATE AND COMMUNITY**

Nil.

## **11 ORGANISATIONAL PERFORMANCE, STRATEGY & ENGAGEMENT**

### **11.1 COUNCIL ELECTION CARETAKER POLICY**

<b>REPORT AUTHOR:</b>	Director Organisational Performance, Strategy & Engagement – Ms K. Desmond
<b>REPORT DATE:</b>	10 August 2022
<b>FILE NO:</b>	14.18
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"><li>1. Caretaker Period for Elections Policy - draft [11.1.1 - 6 pages]</li><li>2. Planner's Comments - re Caretaker Period for Elections Policy - draft [11.1.2 - 4 pages]</li><li>3. George Town Draft LPS - Extension of Time for Submission of S 35 F Report, 15 August 2022 [11.1.3 - 1 page]</li></ol>

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### **SUMMARY**

This report is to provide Council with a draft Council Election Caretaker Policy for its consideration and adoption.

### **BACKGROUND**

There is currently no formal statutory 'caretaker period' in relation to Local Government Elections in Tasmania, however the Minister for Local Government has encouraged Councils to voluntarily adopt a Caretaker Policy.

On Wednesday the 8<sup>th</sup> of June 2022 during budget estimates the Minister said:

*"One of the things LGAT asked for was the caretaker provisions around local government and the fact that they do not exist at the moment. Either LGAT or my office brought to my attention the fact that Kingborough have already voluntarily submitted themselves to a caretaker provisions policy. I wrote to all 29 mayors either yesterday or the day before with a copy of Kingborough's policy, encouraging them to take that up before this year's council elections and also indicated that once we get past this year's elections we will look at legislatively making that something they have to take up in the future as well. They will have an opportunity to take it up voluntarily this year and I would hope that councils will see the benefit of doing that, but if they don't there will be legislation progressed to formalise that process as well."*

If endorsed by Council, the Caretaker Period would commence on the 3 September 2022 and finish on the 5 November 2022 encompassing two (2) Ordinary Council meetings.

### **STRATEGIC PLAN**

This action relates to the following components of the Community Strategic Plan 2020-2030:

#### **Future Direction Four - Leadership and Accountable Governance**

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1. A culture of engagement and participation
  - i. Trusted, transparent and inclusive community engagement processes.
  - ii. Engaging over things that matter to the community.

**Future Direction Four - Leadership and Accountable Governance**

2. Planning and regulatory responsibilities are undertaken fairly and openly
  - i. Building knowledge and understanding of planning and regulatory responsibilities and processes.

**Future Direction Four - Leadership and Accountable Governance**

4. Positive and productive working relationship with all levels of government and their agencies
  - i. Ensuring the area's needs and priorities are understood.

**STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS**

Whilst there are currently no legislative requirements in Tasmania relating to Councils for the upcoming local government election, the State Government has proposed the following as part of its review of the *Local Government Act 1993*:

*Electoral Integrity 10:*

*Introduce caretaker provisions to reduce major policy and contractual decisions that may bind an incoming council and avoid the inappropriate use of ratepayer resources during an election. Caretaker provisions are commonplace in other levels of government and local government in other jurisdictions. Caretaker provisions would apply to all councils from the time candidate nominations open. They would limit councils making major policy or contractual decisions during an election period. The operational business of councils must still continue, and caretaker provisions would provide for this, including where councils have to meet statutory timeframes and obligations. Caretaker provisions would also limit the use of council resources from being used to promote or support candidates, including sitting councillors. This is consistent with the notion that public funds should not be used to unfairly support one or more candidates over others.*

**RISK CONSIDERATIONS**

The policy addresses the potential risk that a Council in caretaker mode will make a decision that unfairly binds the incoming Council. It also addresses the risk of inappropriate use of Council resources during an election period.

**FINANCIAL IMPLICATIONS**

There are no financial implications.



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**DIVERSITY, EQUITABLE ACCESS AND INCLUSION CONSIDERATIONS**

The Diversity, Equitable Access and Inclusion Policy aligns with the following goals and objects of the Community Strategic Plan 2020-2030.

George Town Council is committed to maximising access and inclusion to services, facilities, features and activities for all within the community, regardless of ability, literacy, numeracy and language limitations, age, race, religion or other, within all aspects of Council.

The Draft Policy provides the Community with a clear understanding of how the Council will operate during the election period.

**CONSULTATION**

Consultation has been held with Elected Members on the 12 July 2022 and 9 August 2022 Council Workshops.

Council released the Draft Election Caretaker Policy for public consultation directly after the 12 July Workshop. No submissions were received.

**OPTIONS**

Council may choose to:

1. Support the motion as presented; or
2. Support the motion with amendment; or
3. Not support the motion.

**OFFICER'S COMMENTS**

The proposed policy provides guidance for Council, employees and Councillors in relation to decision making, use of Council resources and expected standards of conduct in the lead up to an election period. Under the proposed policy it states:

- 5.1.3 Planning Instruments – Council will not make, amend or repeal a local planning instrument under the Land Use Planning and Approvals Act 1993 (i.e. a planning scheme, a temporary local planning instrument or a planning scheme policy);

In considering the Draft Election Caretaker Policy the following advice has been received from Council's Planner in relation to George Town Council's Local Provisions Scheme.

Council's Planner believes that the Council's Local Provisions Schedule will require Council to consider and endorse a section 35F report at either the September or October 2022 Ordinary Council Meeting, which would conflict with the requirement in the Caretaker Policy to not undertake any changes to local planning instruments.

In response to the planners' feedback the General Manager has written to the Planning Commission seeking an extension to its s35F report submission date. The Planning Commission confirmed an extension of time is granted until Thursday 24 November 2022.

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**OFFICER'S RECOMMENDATION**

That Council:

1. Adopt the Election Caretaker Period Policy.

**DECISION**

Moved:

Seconded:

**VOTING**

For:

Against:

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**11.2 SUBMISSION TO THE INTEGRITY COMMISSION ACT 2009 LEGISLATIVE REFORM DISCUSSION PAPER**

<b>REPORT AUTHOR:</b>	Director Organisational Performance, Strategy and Engagement – Ms K. Desmond
<b>REPORT DATE:</b>	16 August 2022
<b>FILE NO:</b>	15.16
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"><li>1. 2022-07-08 - Letter - D Lester - LGAT - Consultation on the Integrity Commission Act 2009 Leg [11.2.1 - 2 pages]</li><li>2. Integrity Commission Act 2009 Legislative Reform Discussion Paper 2022 [11.2.2 - 50 pages]</li></ol>

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**SUMMARY**

The purpose of this report is to provide Council with an opportunity to consider a submission to the Department of Premier and Cabinet in response to the Integrity Commission Act 2009 reform discussion paper (attached).

**BACKGROUND**

Local Government Association of Tasmania have provided Councils the opportunity to review and provide comment on the remaining recommendations from the Cox Review of the Integrity Commission Act 2009.

The object of the Integrity Commission Act 2009 (the Act) is to promote and enhance standards of ethical conduct by public officers by the establishment of an Integrity Commission.

The Act provides the Commission with a number of functions and powers including to educate public officers about integrity in public administration and to investigate complaints about misconduct.

LGAT has provided a deadline of 12 August 2022 for councils to provide feedback to LGAT in order for LGAT to provide a submission on behalf of the sector. This deadline does not in the officers opinion afford sufficient time for a resolution of Council.

However, should Council wish to make an individual submission, the deadline for submissions to the Department of Justice is 16 September 2022.

**STRATEGIC PLAN**

This action relates to the following components of the Community Strategic Plan 2020-2030:

**Future Direction Four - Leadership and Accountable Governance**

4. Positive and productive working relationship with all levels of government and their agencies

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- i. Ensuring the area's needs and priorities are understood.
- ii. Understanding the outcomes and directions sought by all levels of government.
- iii. Building skills in attracting funding and investment.

**STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS**

As per Local Government Act 1993.

**RISK CONSIDERATIONS**

Risk associated with any submission to the Department of Justice is considered low.

**FINANCIAL IMPLICATIONS**

Nil.

**CONSULTATION**

Consultation was limited to discussion at Council Workshop 9 August 2022.

**OPTIONS**

- Council can consider submitting a submission in response to Integrity Commission Act 2009 reform discussion paper.
- Council may choose not to make a submission in response to Integrity Commission Act 2009 reform discussion paper.

It is the view of the Director – Organisational Performance, Strategy and Engagement that George Town Council make its own submission to the Department of Justice in response to the Integrity Commission Act 2009 reform discussion paper.

Council may choose to:

1. Support the motion as presented; or
2. Support the motion with amendment; or
3. Not support the motion.

**OFFICER'S COMMENTS**

After reviewing the discussion paper the following issues have been identified as relevant to local government and are brought forward for Councillors to consider in determining whether to make a submission to the Department of Justice in response to Integrity Commission Act 2009 reform discussion paper.

The following recommendations have been identified to be considered for response by Council in any submission made to the Department of Justice:

**Recommendation 10**

That the Commission expedite the processing of complaints by:

- (a) adopting a robust attitude to the triaging of complaints;
- (b) so far as practicable confining its investigative function to serious misconduct by public officers, misconduct by designated public officers (DPO), and serious misconduct by police officers under the rank of inspector.

This recommendation has been identified by the Commission as being of priority.

The Government has accepted this recommendation noting that (a) is a matter for the Commission and cannot be set out in legislation. In relation to part (b) of the recommendation, the Government response indicated that consultation would be required with the Commission to determine the best means of implementing this recommendation (including potential legislative amendment).

**Recommendation 11**

That the Act be amended to require mandatory notification by public authorities of serious misconduct and misconduct by Designated Public Officers to the Commission in a timely manner.

The Cox Review Report noted the findings of the Joint Standing Committee Three Year Review that mandatory notification of serious misconduct is important in assisting the Commission to achieve its investigative and educative functions.

The Commission has identified this recommendation as being of priority to implement.

The Government has accepted this recommendation noting that it would require further consultation with a wide range of stakeholders and careful consideration to ensure that any legislative obligation or requirement does not unduly fetter the responsibilities of the Heads of Agency, Tasmania Police or other investigative authorities.

**Recommendation 19**

That the privilege against self-incrimination be excluded from the Act. This might be achieved by amending section 4 to except that particular privilege from paragraph (a) of the definition of "privilege".

The Government accepted this recommendation, noting concerns raised by many, including the legal community, about the operation of privilege against self-incrimination particularly where people make admissions without understanding their rights.

The Government indicated it would amend the Act to exclude the privilege of self-incrimination and provide the protections in Recommendation 20.

**Recommendation 20**

That the Act be amended to provide that any statement or document made or produced by a witness under compulsion shall be inadmissible against that person in any civil or criminal

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proceedings against him or her, other than proceedings for an offence against the Act or perjury in respect of that statement without his or her consent.

In its response to this recommendation, the Government indicated that this protection is an important safeguard: Given the Government's position that the Commission should only investigate or deal with criminal conduct in very exceptional circumstances, the inclusion of such an amendment will protect subject officers and clarify the Commission's role.

The Government noted that there had been recent High Court authorities about the use and derivative use of evidence that is coerced in an investigative process and stated that any amendments would need to be drafted in light of these High Court decisions. There will be further consideration and consultation with the Commission and other relevant stakeholders in relation to this matter.

**Recommendation 48**

That the Local Government Act 1993 be amended to provide for referrals from the Commission to be dealt with without the requirements of sections 28V(3)(b), (f) or (g) of that Act, and that amendments be made to that Act to ensure that such referrals be made directly to the Executive Officer and (as has been recommended in Recommendation 12(b) in relation to ED5) on such referral the Code of Conduct Panel may treat the evidence gathered by the Commission as part of its investigation

During the Cox Review, the Commission raised concerns in relation to the referral of complaints involving Local Government councillors back to the authority. The Commission noted that if the Board determines to refer the report of an investigation in relation to a councillor back to the authority it has to go to the relevant Mayor (as the principal officer). On receipt of such a referral, the Mayor has no means of action other than to initiate a Code of Conduct process under the Local Government Act 1993 (the Local Government Act) as a complainant.

The Commission noted that the Code of Conduct process under the Local Government Act does not align with the Integrity Commission Act in requiring the name and address of the complainant (i.e., not allowing anonymous complaints (section 28V(3)(b)), providing a 6 month time limit (section 28V(3)(f) and requiring payment of a fee (section 28V(3)(g)).

The Commission submitted that an alternative would be to provide for a referral by the Commission to be made directly to the Executive Officer of the Code of Conduct Panel as if the referral had been made under section 28Z(1)(a) of the Local Government Act, making it clear that the referral would not need to comply with the requirements of section 28V(3). The Commission also suggested that it may be appropriate to specifically provide for evidence obtained by the Commission to be utilised by the Code of Conduct Panel. The Independent Reviewer agreed with these suggestions and made recommendations for amendments to the Local Government Act accordingly.

The Government indicated that it would consult with Local Government and the Local Government Association of Tasmania but was not minded to agree to this recommendation noting that: Accepting this recommendation would allow referrals directly from the Integrity Commission to the Code of Conduct Panel Executive Officer, without going through the normal process of a complainant making a complaint, with the prescribed fee, to the general manager of the relevant council. While the concept of allowing direct referrals to the Panel from the Commission may have some merit, there is concern that the proposed amendments may lead to complainants circumventing the framework established in the Local Government Act and

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allow abuse of the provisions that were brought in following significant consultation with local government and the Integrity Commission.

**Recommendation 49**

That Audit Panels be included explicitly in the definition of a local authority in section 4(1) of the Act. In its submission to the Cox Review, the Local Government Association of Tasmania raised the issue of whether the definition of 'local authority' in section 4(1) of the Act should include audit panels established under section 85 of the Local Government Act.

The Local Government Act requires a council to establish an audit panel (section 85). Under section 85A of the Local Government Act, an audit panel has the function of reviewing the council's performance in relation to various matters in relation to the council's administration, including its financial system, financial governance arrangements and financial management.

The Independent Reviewer recommended that audit panels be explicitly included in the definition of 'local authority'. The Government accepted this recommendation in principle but noted that the proposed amendment would bring independent members of Audit Panels within the remit of the Act. The Government noted that there will need to be further consultation with Local Government.

**General Issues identified:**

The Act applies to Councillors as 'members' of a public authority and are included as 'Designated Public Officers' under the Act. The Act also extends to the General Manager of a Council.

The Discussion Paper refers to the Mayor as the Principal Officer of the public authority, however Schedule 1 of the Act refers to the General Manager as the Principal Officer.

Amendments to allow the Integrity Commission to accept referrals from the Local Government Association Code of Conduct Panel.

**OFFICER'S RECOMMENDATION**

That Council; in response to the Integrity Commission Act 2009 reform discussion paper submit to the Department of Justice expressing that it:

1. Supports recommendation 10 for the same reasons outlined by the State Government, noting that there should be significant consultation on any definition of serious misconduct.
2. Supports recommendation 11 and supports the State Governments position in relation to the need for wide consultation.
3. Does not support recommendation 19.
4. Supports recommendation 20 for the same reasons outlined by the State Government.
5. Does not support recommendation 48 for the same reasons outlined by the State Government.

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6. Does not support recommendation 49 in that the proposed amendment would bring independent members of Audit Panels within the remit of the Integrity Commission Act.
7. Seeks clarity with regard to the definition of Principal Officer of a public authority in further communications and any resultant change in the Integrity Commission Act.

**DECISION**

Moved:

Seconded:

**VOTING**

For:

Against:



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**12 MAYOR**

**12.1 MATTERS OF INVOLVEMENT - MAYOR**

**REPORT DATE:** 16 August 2022

**FILE NO:** 14.11

<b>Mayor Cr Greg Kieser</b>		
<b>July</b>	17	Attended RSL Luncheon
	18	Meeting with NTDC Board member
	20	Anzac Day 2023 Discussions with RSL and General Manager
	20	Attended Tamar Valley Leaders Lunch with Adam Mostogl
	26	Chaired Council Workshop
	26	Chaired Ordinary Council Meeting
	27	Tamar FM Interview
	27	Tasmania Talks Interview
	27	Media event with Lara Alexander re George Town school holiday/after school program
	27	Media event with Minister for Energy
	27	Meeting with proponent for Hydrogen
	27	Meeting with Hydrogen developer
	29	Attended official launch of Launceston UNESCO City of Gastronomy
<b>August</b>	1	Met with the Minister for Energy
	2	Attended NTDC Board Meeting
	4	Attended NEBHUB Launch
	5	Attended Meet and Greet with the Minister for Local Government and Councillors
	9	Chaired Council Workshop
	9	Met with Residents re concern on planning matter
	15	Attended meeting with the General Manager and BBA
	15	Attended industry roundtable with Shadow Minister for Climate Change & Energy
	16	Met with Low Head Roadkill president
	16	Attended George Town Chamber of Commerce
	17	Met with the Federal Deputy Leader of the Opposition the Hon Susan Ley with George Town Chamber of Commerce
	17	Attended Catholic Education Week Mass Celebration
	17	Attended Women Only Potential Local Government Candidate Workshop (part of)
	18	Attended Potential Local Government Candidate Workshop (part of).

*Note: The Mayor has maintained regular contact with the General Manager and key staff to keep abreast of and respond to the COVID-19 crisis.*

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**OFFICER'S RECOMMENDATION**

That the information report from the Mayor on Matters of Involvement be received and the information noted.

**DECISION**

Moved:

Seconded:

**VOTING**

For:

Against:

**13 PETITIONS**

Nil.

**14 NOTICES OF MOTIONS**

Nil.

**15 COUNCILLORS' QUESTIONS WITH OR WITHOUT NOTICE**

Nil.

## **16 COUNCIL COMMITTEE REPORTS**

### **16.1 GEORGE TOWN COMMUNITY SAFETY GROUP COMMITTEE - MINUTES 7 JUNE 2022**

<b>REPORT AUTHOR:</b>	Executive Support and Governance Officer – Louise Dickenson
<b>REPORT DATE:</b>	16 August 2022
<b>FILE NO:</b>	22.24
<b>ATTACHMENTS:</b>	1. 2022 06 07 George Town Safety Group Confirmed Minutes [ <b>16.1.1</b> - 5 pages]

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#### **SUMMARY**

The purpose of this report is to provide information to Council on the confirmed Minutes and any recommendations from the George Town Community Safety Group Committee for accepting and noting, and any recommendation from the Committee for consideration of Council.

#### **BACKGROUND**

The George Town Community Safety Group Committee met on 2 August 2022 and accepted the Minutes as a true and accurate record of the meeting held on 7 June 2022.

#### **STRATEGIC PLAN**

This action relates to the following components of the Community Strategic Plan 2020-2030:

##### **Future Direction One - Community Pride**

4. Safe and secure communities
  - i. Focusing on prevention.

#### **STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS**

Local Government Act 1993 and Council Policy GTC-16 Special Committees.

George Town Community Safety Group Committee Terms of Reference.

#### **RISK CONSIDERATIONS**

The following risks have been identified in accordance with Council's adopted Risk Management Framework and Risk Matrix.

The scope of the George Town Community Safety Group Committee is governed by Council Policy GTC-16 Special Committees and the George Town Community Safety Group Committee Terms of Reference. Risk implications are therefore considered to be low.

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**FINANCIAL IMPLICATIONS**

There are no identified financial implications.

**CONSULTATION**

The Minutes were discussed at the George Town Community Safety Group Committee meeting held on 2 August 2022.

**OPTIONS**

That Council:

1. Accepts the Minutes of the George Town Community Safety Group Committee held on 7 June 2022; or
2. Does not accept the Minutes of the George Town Community Safety Group Committee held on 7 June 2022.

**OFFICER'S COMMENTS**

The George Town Community Safety Group Committee is established as a Special Committee of Council in accordance with Section 24 of the Local Government Act 1993.

**OFFICER'S RECOMMENDATION**

That Council:

1. Notes the Minutes of the George Town Community Safety Group Committee meeting held on 7 June 2022 as an accurate record of that meeting.

**DECISION**

Moved:

Seconded:

**VOTING**

For:

Against:

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**16.2 GEORGE TOWN PLACEMAKING COMMITTEE MINUTES 4 JULY 2022**

<b>REPORT AUTHOR:</b>	Arts and Culture Officer – Ms Demesa-Meraz
<b>REPORT DATE:</b>	16 August 2022
<b>FILE NO:</b>	14.7
<b>ATTACHMENTS:</b>	1. Placemaking Minutes 4 JUL Y-22 - Confirmed [16.2.1 - 2 pages]

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**SUMMARY**

The purpose of this report is to provide Council the confirmed Minutes of George Town Placemaking Committee for noting, and any recommendations from the Committee for consideration.

**BACKGROUND**

The George Town Placemaking Committee met on 1 August 2022 and accepted the Minutes as a true and accurate record of the meeting held on 4 July 2022.

**STRATEGIC PLAN**

This action relates to the following components of the Community Strategic Plan 2020-2030:

**Future Direction One - Community Pride**

1. All are valued and included
  - i. Taking a ‘whole of community’ approach to everything.

**Future Direction One - Community Pride**

2. All communities take pride in their place
  - ii. Maintaining public spaces so they are clean, tidy and appealing.
  - iii. Developing well-designed public spaces which are attractive, safe and support the area’s identity and reputation.

**Future Direction One - Community Pride**

3. A strong, recognisable, positive reputation
  - iii. Promoting the area as the place to live, work, play and invest.

**STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS**

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Local Government Act 1993 and Council Policy GTC-16 Special Committees.

George Town Placemaking Committee Terms of Reference.

**RISK CONSIDERATIONS**

The following risks have been identified in accordance with Council's adopted Risk Management Framework and Risk Matrix.

The scope of the George Town Placemaking Committee is governed by Council Policy GTC-16 Special Committees and the George Town Placemaking Committee Terms of Reference. Risk implications are therefore considered to be low.

**FINANCIAL IMPLICATIONS**

There are no identified financial implications.

**CONSULTATION**

The Minutes were discussed at the George Town Placemaking Committee meeting held on 1 August 2022.

**OPTIONS**

That Council:

1. Accepts the Minutes of the George Town Placemaking Committee held on 4 July 2022;  
or
2. Does not accept the Minutes of the George Town Placemaking Committee held on 4 July 2022.

**OFFICER'S COMMENTS**

The George Town Placemaking Committee is established as a Special Committee of Council in accordance with Section 24 of the Local Government Act 1993.

**OFFICER'S RECOMMENDATION**

That Council:

1. Notes the Minutes of the George Town Placemaking Committee meeting held on 4 July 2022 as an accurate record of that meeting.

**DECISION**

Moved:

Seconded:

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**VOTING**

For:

Against:

## **17 CLOSED MEETING**

### **17.1 INTO CLOSED MEETING**

That Council move into closed meeting at ...pm to discuss the following items:

**Agenda Item 17.2     Minutes of the Closed Ordinary Council Meeting held on 26 July 2022**

*As per the provisions of Regulation 34(6) of the Local Government (Meeting Procedures) Regulations 2015.*

**Agenda Item 17.3     Strategic Land Acquisition**

*As per the provisions of Regulation 15(2)(f) of the Local Government (Meeting Procedures) Regulations 2015.*

**Agenda Item 17.4     Consideration of New Governance Model for Northern Tasmania Waste Management Group**

*As per the provisions of Regulation 15(2)(g) of the Local Government (Meeting Procedures) Regulations 2015.*

**Agenda Item 17.5     RFT 05/22 Trevor Street Extension**

*As per the provisions of Regulation 15(2)(d) of the Local Government (Meeting Procedures) Regulations 2015.*

**Agenda Item 17.6     Periodic Standing Contract (1 July 2022 – 30 June 2024)**

*As per the provisions of Regulation 15(2)(d) of the Local Government (Meeting Procedures) Regulations 2015.*

## **DECISION**

Moved:

Seconded:

## **VOTING**

For:

Against:

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## **17.2 OUT OF CLOSED MEETING**

*In accordance with the requirements of the Local Government (Meeting Procedures) Regulations 2015, Regulation 15(8), while in a closed meeting the Council is to consider whether any discussions, decisions, reports or documents relating to that closed meeting are to be kept confidential or released to the public, taking into account privacy and confidentiality issues.*

### **DECISION**

Moved:

Seconded:

That:

1. The General Manager is authorised to release the information contained in Council resolutions:
  - (a) Agenda Item 17.5 RFT 05/22 Trevor Street Extension -1 to the public at the discretion of the General Manager; and
  - (b) Agenda Item 17.6 Periodic Standing Contract (1 July 2022 - 30 June 2024) - 1 to the public at the discretion of the General Manager; and
2. Council moves out of Closed Meeting at ....pm and endorses those decisions taken while in Closed Meeting and the information remains Confidential.

### **VOTING**

For:

Against:

## **18 CLOSURE**

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

**Cr Greg Kieser**  
**MAYOR**