



The City with Spirit

NOTICE OF MEETING

Notice is hereby given that the **2022 Annual General Meeting** of the Devonport City Council will be held in the Mersey Room, Level 3 paranple centre, 137 Rooke Street, Devonport on 24 October 2022, commencing at 5:00pm.

The meeting will be open to the public and live streamed from 5:00pm.

QUALIFIED PERSONS

In accordance with Section 65 of the *Local Government Act 1993*, I confirm that the reports in this agenda contain advice, information and recommendations given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.

Matthew Atkins
GENERAL MANAGER

19 October 2022

**Agenda for the 2022 Annual General Meeting of Devonport City Council
held on 24 October 2022, in the Mersey Room, Level 3 paranaple centre, 137 Rooke Street,
Devonport at 5:00pm**

Item	Page No.
1 ANNUAL GENERAL MEETING GUIDELINES	4
2 APOLOGIES	5
3 DECLARATIONS OF INTEREST.....	5
4 CONFIRMATION OF MINUTES.....	5
4.1 CONFIRMATION OF MINUTES - ANNUAL GENERAL MEETING - 8 NOVEMBER 2021.....	5
5 PRESENTATION OF ANNUAL REPORT.....	6
6 SUBMISSIONS/QUESTIONS TO THE ANNUAL REPORT	7
7 MOTIONS ON NOTICE	8
7.1 NOTICE OF MOTION FROM MR VELLACOTT - ACKNOWLEDGEMENT OF COUNTRY	8
7.2 NOTICE OF MOTION FROM MR VELLACOTT - 50 YEAR + RATEPAYERS PARKING CONCESSIONS	9
7.3 NOTICE OF MOTION FROM MR VELLACOTT - REQUEST FOR REPRESENTATION TO STATE GOVERNMENT BY COUNCIL - PARANAPLE CENTRE.....	10
7.4 NOTICE OF MOTION FROM MR VELLACOTT - REQUEST FOR MORE DETAIL IN AGENDA RE-CLOSED SESSION ITEMS.....	12
7.5 NOTICE OF MOTION FROM MR GARDAM - REQUEST FOR INCLUSION OF PUBLIC DISCLOSURE CLAUSES IN CONTRACTS AND/OR AGREEMENTS	13
8 GENERAL BUSINESS.....	15
9 CLOSURE	16

ACKNOWLEDGEMENT OF COUNTRY

Council acknowledges and pays respect to the Tasmanian Aboriginal community as the traditional and original owners and continuing custodians of this land.

WELCOME AND INTRODUCTIONS

Welcome and introductions by Mayor, Councillor Annette Rockliff

IN ATTENDANCE

All persons in attendance are advised that it is Council policy to record Council Meetings, in accordance with Council's Digital Recording Policy. The digital recording of this meeting will be made available to the public on Council's website. The meeting is being live streamed on Council's YouTube channel.

1 ANNUAL GENERAL MEETING GUIDELINES

1. The Annual General Meeting will be conducted as far as practicable in a manner similar to an ordinary Council meeting and generally align with processes in the *Local Government (Meeting Procedures) Regulations 2015*.
2. The Mayor will Chair the meeting or in their absence the Deputy Mayor.
3. All discussion is to be addressed through the Chair.
4. Submissions and questions relating to the Annual Report should where possible be submitted in writing for inclusion in the agenda, however an opportunity is to be provided at the meeting for questions from the floor.
5. Motions
 - a) Motions must be submitted by the advertised cut-off date for inclusion in the agenda.
 - b) Motions (other than those related to an existing agenda item) will not be accepted from the floor.
 - c) The Motion must be moved and seconded before debate is permitted.
 - d) Only one motion may be before the Chair at a time.
 - e) Only electors in the Devonport Local Government Area are entitled to vote.
 - f) A resolution is passed by a majority of votes taken by a show of hands.
 - g) In speaking to a motion, each person may speak only once and for a maximum of three minutes.
 - h) The mover of the motion has a final right of reply.
 - i) A motion passed at the Annual General Meeting will be considered at the next available meeting of Council.
6. The process for questions without notice will generally be in accordance with Council's Public Question Time policy.
7. Those wishing to speak at the meeting are to come to the lectern and identify themselves by providing their name and address and to limit any comments/questions to no more than 3 minutes on an item.
8. No person may:
 - a) Make any personal reflection on any councillor, council employee or any member of the public;
 - b) Disrupt the meeting; or
 - c) In the opinion of the Chair, use any offensive expression.

Endorsed by Council at the Ordinary Council Meeting held 21 December 2020 – min 20/168 refers.

2 APOLOGIES

3 DECLARATIONS OF INTEREST

4 CONFIRMATION OF MINUTES

4.1 CONFIRMATION OF MINUTES - ANNUAL GENERAL MEETING - 8 NOVEMBER 2021

RECOMMENDATION

That the minutes of the Annual General Meeting held on 8 November 2021 as attached, be confirmed.

ATTACHMENTS

1. Unconfirmed-Minutes- AGM-8-November-2021 [**4.1.1** - 14 pages]

5 PRESENTATION OF ANNUAL REPORT

The General Manager will provide an overview of the 2022 Annual Report. A copy of the Annual Report is available [on Council's website](#).

6 SUBMISSIONS/QUESTIONS TO THE ANNUAL REPORT

RECOMMENDATION

That submissions and questions, and the subsequent answers, on the 2021/22 Devonport City Council Annual Report, be noted.

OFFICER'S COMMENTS

The attached submissions and questions were received prior to the close of the agenda and written responses have been drafted by the General Manager and are attached for information.

ATTACHMENTS

1. AGM 2022 RBV Questions on Notice to send [**6.1.1** - 1 page]
2. Response to Question on Notice - AGM - Mr Vellacott [**6.1.2** - 2 pages]
3. Annual Report Submission and QoN to 2022 AGM [**6.1.3** - 3 pages]
4. Response to Question on Notice - AGM - Mr Gardam [**6.1.4** - 5 pages]

7 MOTIONS ON NOTICE

7.1 NOTICE OF MOTION FROM MR VELLACOTT - ACKNOWLEDGEMENT OF COUNTRY

Author: **Claire Jordan, Governance Officer**

Endorser: **Matthew Atkins, General Manager**

MOTION

That we the electors and ratepayers here present request council's **Acknowledgement Of Country** statement within each council ordinary meeting Agenda i.e." *Council acknowledges and pays respects to the Tasmanian Aboriginal Community as the traditional and original owners and continuing custodians of this land*" to be amended so as to include after .. "*custodians of this land.*" the following words, or similar, "**We also acknowledge their efforts along with other citizens past and present in providing a city which we can all be proud and thank especially those who have and those who continue to serve in protecting us from tyranny and thus ensuring our freedoms and democratic rights are preserved.**"

So as in the future the suggested Agenda heading of the Acknowledgement statement and content **will be in to:**

ACKNOWLEDGEMENT OF COUNTRY, CITIZENS OF OUR CITY AND THOSE WHO SERVED
Council acknowledges and pays respects to the Tasmanian Aboriginal Community as the traditional and original owners and continuing custodians of this land; we also acknowledge their efforts along with other citizens past and present in providing a city which we can all be proud and thank especially those who have and those who continue to serve in protecting us from tyranny and thus ensuring our freedoms and democratic rights are preserved.

SUPPORT

It must be accepted that local government being an all inclusive part of our society and representative of all citizens no matter what race or creed should give credit where credit is due. The present Acknowledgement of Country statement is somewhat restrictive in only acknowledging about original ownership and custodians of the land and it is considered recognition of other aspects of their contribution that have been made and being made to our society, not only them, but also by others and these should be incorporated into the statement. For instance the aboriginal community have and continue to have, along with others, contributed in general to our city and also served with distinction in times when our country and way of life has been under threat from outside forces. By including in the statement the suggested words would indeed make the statement more inclusive.

7.2 NOTICE OF MOTION FROM MR VELLACOTT - 50 YEAR + RATEPAYERS PARKING CONCESSIONS

Author: **Claire Jordan, Governance Officer**

Endorser: **Matthew Atkins, General Manager**

MOTION

That we the electors and ratepayers here present request Council to at the next appropriate meeting ensure the continuation of providing all ratepayers of 50 years or more with parking vouchers/concessions as provided to pensioners.

SUPPORT

It is understood the providing of concessions by council for parking to those who have paid rates for more than 50 years or more was to be trialled for 12 months. It is noted, because of the very low number of those who have applied for the concession and subsequent minimal loss of revenue to council there is no good reason why it should not be continued.

7.3 NOTICE OF MOTION FROM MR VELLACOTT - REQUEST FOR REPRESENTATION TO STATE GOVERNMENT BY COUNCIL - PARANAPLE CENTRE

Author: **Claire Jordan, Governance Officer**

Endorser: **Matthew Atkins, General Manager**

MOTION

That - because the Tasmanian State Government has taken advantage of council in regard to the sale of part of the paranaple centre at an estimated discount of some six million and six hundred thousand Dollars (\$6,600,000) - that Council make representation on behalf of the ratepayers to the State Government to make good the stated amount or more for the Strata Title to that part of the building now in their possession.

SUPPORT

Devonport Council now has debt of over \$46 million the majority of which can be attributed to the Living City Project; at the time of the inception of Living City, the State Government gave much encouragement to the council however they were not willing to support the project by providing a loan via their Tascorp fiancé facility, they did however provide some \$13 million in cash towards construction and transfer the old library property to council. Part of the smoke and mirrors deal was council would rent to the state government part of the ground floor and first floor for the grand annual rental of a pepper corn lease. For reasons unknown, the State Government decided to take ownership of the agreed area by obtaining a Strata Title to it. From available information and simple deduction the Government did not pay a fair price to Council for that part of the paranaple centre which they now have title.

DETAILS ABOUT THE DEAL -

Simple calculations based on the Auditor-General's report of the paranaple centre building cost being 45 million six hundred thousand dollars, (\$45.6 million) **not including the cost of land.**

Also, the assessed area of the building being 43% purchased by the State Government for 13 million dollars this reveals that the State Government has been subsidised by ratepayers for some six million six hundred thousand dollars (\$6.6 million) or in round figures with other costs approx seven million dollars. (\$7 million).

In other words it looks like the Deputy Premier The Honourable Jeremy Rockliff as the responsible minister (who signed the 2016 development agreement on behalf of the State Government) paid thirteen million dollars (\$13m) to Devonport Council with one hand but has taken over part of the building costing nineteen million six hundred thousand dollars (\$19,600,000) with the other.

Obviously - a good sleight of hand and a great deal for the Tasmanian Government.

One could say it looks like the State Deputy Premier, at that time and now Premier, let the people of Devonport down. Or to use good old Aussie lingo **he took us all for a ride then pulled a swiftie on the Council and diddled us ratepayers of approximately seven million dollars. (\$7m)**

Given the above that council now has a debt /loan balance of some \$46.9 million FYE 30 June 2022 much of which is attributed to the living city project; there is however an opportunity now to rectify the imbalance - simply if councillors are fair dinkum in looking after Ratepayers best interests will, as requested in my motion, make representation on behalf of Ratepayers and ask the State Government to pay a fair price for the 43% of the parnaple building and land from the funds allocated for the "Northern Cities Major Development Initiative " or by other available funds . **Incidentally the government presently has no qualms of expending some hundreds of millions on football stadiums.**

Also I note -The Premier is on record (Adv Dec 2015) as saying the government **was prepared to "play its role" to see the Living City Plan come to fruition. Well here is the opportunity for councillors to advise the now Premier to uphold that promise.**

Note - a similar request was made by Question without notice at a DCC Dec 16th 2019 ordinary meeting for council on behalf of ratepayers to request assistance in reducing the debt.

The Response from the Mayor was – *"Taken on notice and suggests you will have to take that up with Mr Jeremy Rockliff. "(The then Deputy Premier and now Premier)*

A written response was received (24 Dec 2019) from the General Manager Mr Matthew Atkins stating *"Council does not support your view on the value of the development agreement with the State Government and does not intend to make the suggested representation "*

However, Council provided no evidence at the time or since to support its statement.

Also a further question on notice request was made 26 January 2020 for **council to provide the evidence to prove the State Government paid a fair price.**

The **Response** was *"These questions were answered last month and council has nothing further to add."*

Well may the General Manager and councillors at that time state they do not support my view, **I contend they have failed to provide the evidence to counter my assertion** which was based on government transfer and other official documentation and confirmed by persons well qualified to do so.

7.4 NOTICE OF MOTION FROM MR VELLACOTT - REQUEST FOR MORE DETAIL IN AGENDA RE-CLOSED SESSION ITEMS

Author: **Claire Jordan, Governance Officer**

Endorser: **Matthew Atkins, General Manager**

MOTION

That we the electors and ratepayers here present in regard as to what details are listed in each of council's ordinary meeting Agenda to be dealt with in Closed Session – (i.e. secret committee); noting some local state and interstate councils includes in their ordinary council meeting Agenda **more explicit** details than just very basic /minimum details than Devonport Council > therefore we request the new councillors (when elected) for the sake of openness and transparency to instruct the General Manager to provide more detail in the agenda about what he recommends will go into closed session in the future, so councillors and ratepayers will be better informed.

SUPPORT

In regard to what business will be dealt with in closed sessions Council's Mission Statement among other things include Values such as excellence in leadership and service, professionalism and integrity and that they (Council) will continually evaluate current practises and changing needs to foster an adoptive and innovative environment. Also Council's Public Interest Disclosure Statement includes > Council also recognises the value of transparency and accountability. The Mayor has previously advised that the information would be provided when and if Council decides to do so. The motion, if carried, will give council the, opportunity in future to prove their willingness to meet the ever increasing demands of electors for even more openness, transparency when administering the affairs of ratepayers and will thus gain more respect for council.

7.5 NOTICE OF MOTION FROM MR GARDAM - REQUEST FOR INCLUSION OF PUBLIC DISCLOSURE CLAUSES IN CONTRACTS AND/OR AGREEMENTS

Author: **Claire Jordan, Governance Officer**

Endorser: **Matthew Atkins, General Manager**

MOTION

That we the electors here present request the incoming Council to initiate a policy, similar to that of the state government, whereby legally binding clauses are written into contracts and or agreements that will ensure Council has at its sole discretion a right to make public disclosures of arrangements it commits to under contract; particularly where ratepayer cash or borrowings, public money and/or generous benefits or concessions are afforded to a private enterprise by Council.

SUPPORT

At the DCCI Candidates' Forum for the Local government elections ten of the eleven candidates attending indicated their commitment to have less secret deals and have more openness, transparency and accountability from Council should they be elected.

This Notice of Motion seeks AGM support for our incoming councillors to improve openness, transparency and accountability surrounding Council dealings which it enters into under contracts or agreements on behalf of ratepayers. Council has advised that it is unable to make certain disclosures (in response to ratepayer questions or Right to Information Requests) because it has to gain approval from the other party to make such disclosure or breach the Privacy Act.

To be clear, the consideration here is as to who should have the sole discretion to make a public disclosure, particularly where ratepayer cash or borrowings, public money and/or generous benefits or concessions are afforded to a private enterprise by Council – put simply should it be Council supposedly acting on behalf of ratepayers or the beneficiary acting on behalf of its own self-interest?

It is not intended that Council would be disclosing aspects of negotiations with private operators but moreover that the sole discretion resides with Council to make disclosures relating to the final arrangements and commitments / concessions made by Council to private businesses.

Nor does the requested change of policy automatically mean that Council must or will make those disclosures, as existing legislation still provides mechanisms for Council to refuse certain disclosures; but it will and should ensure that Council has, under contract, the sole right/discretion to do so where it is in the best interests of the ratepayers and/or Council, as a public entity, has at least a good governance obligation to do so.

Council currently maintains a position of overwhelmingly not releasing details around arrangements it makes with private entities, which are predominantly approved in Closed Sessions, in relation to leasing council properties; including periods of waived or written off rentals or reduced rental amounts and fully-funded or subsidized fit outs.

When questioned by ratepayers on arrangements made with private operators, Council firstly stated the Local Government Act (LGA) precluded it from releasing such details, but this is not totally correct – Council has also offered confidentiality and commercial-in-confidence as other reasons for withholding such details. Another offering for not releasing

details is that it is unable to do so due to the Privacy Act which is not strictly correct unless Council allows itself to be locked into confidentiality by not contractually excluding some specifics of its arrangements from confidentiality. This should be established when negotiating and formalising arrangements and particularly those that involve expenditure of public money and other benefits Council offers up on behalf of ratepayers to private businesses.

As it stands Council does not insist on the sole right to make a public disclosure of funding (ratepayer dollars) or other benefits it provides to private businesses within its agreements, thereby leaving it open for the beneficiary to veto any disclosure of those benefits provided by Council. This almost always relates to businesses in competition with other similar rate paying businesses.

The community including other businesses have a right to know where and how ratepayer funds are being allocated to private businesses by Council.

Government departments for some years now have included in their contracts a right to disclose information, including under RTI, if necessary, thereby removing a right of veto by the other contracted party.

Council can also do the same if it has a will to do so. Staff will not recommend or do this without specific instruction from Council. Of course, as it stands the current situation provides councillors and senior staff an additional ready-made barrier to having funding aspects of its Closed Session and contractual arrangements publicly disclosed; being it is out of Council's control.

The resulting "secret" arrangements foster suspicion in the community. If it is a fair deal to Council, then there cannot be a problem in disclosing it and arguably Council has a good governance obligation to disclose the use of public monies and benefits afforded to private businesses.

Good governance is not just spruiking the words but in demonstrating it through actions. Council should position itself to be the sole arbiter of what is publicly disclosed, or not, but it will take a majority of councillors to champion this change.

Currently, Council is going cap in hand to a private beneficiary of council handouts after the event when it should have stipulated up front which disclosures may be necessary and that disclosure of any of those handouts will be at the sole discretion of Council.

This approach does not automatically mean that Council must or will make those disclosures. However, it is suspected the status quo is valued by Council as an added reason to refuse release of unpalatable information including under Right to Information Requests (RTI's).

It is reiterated, the consideration here is as to who should have the sole discretion as to making a public disclosure, particularly where ratepayer cash or borrowings, public money and/or generous benefits or concessions are afforded to private enterprise – should it be Council supposedly acting on behalf of ratepayers or the beneficiary acting on behalf of its own self-interest?

8 GENERAL BUSINESS

9 CLOSURE