



*The City with Spirit*

## NOTICE OF MEETING

Notice is hereby given that a Governance, Finance & Community Service Committee meeting of the Devonport City Council will be held in the Aberdeen Room, Level 2, paranaple centre, 137 Rooke Street, Devonport, on Monday 15 July 2019, commencing at 5:30pm.

The meeting will be open to the public at 5:30pm.

## 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.

Paul West  
GENERAL MANAGER

10 July 2019

AGENDA FOR A MEETING OF THE GOVERNANCE, FINANCE & COMMUNITY SERVICE  
COMMITTEE OF DEVONPORT CITY COUNCIL HELD ON MONDAY 15 JULY 2019 IN THE  
ABERDEEN ROOM, paranaple centre, 137 ROOKE STREET, DEVONPORT AT 5:30PM

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Agenda of a meeting of the Devonport City Council's Governance, Finance & Community Service Committee to be held in the Aberdeen Room, paranapple centre, 137 Rooke Street, Devonport on Monday 15 July 2019 commencing at 5:30pm.

## PRESENT

		Present	Apology
Chair	Cr A Jarman		
	Cr J Alexiou		
	Cr G Enniss		
	Cr L Laycock		✓
	Cr S Milbourne		
	Cr A Rockliff		

## IN ATTENDANCE

All persons in attendance are advised that it is Council policy to record Council Meetings, in accordance with Council's Audio Recording Policy. The audio recording of this meeting will be made available to the public on Council's website for a minimum period of six months. Members of the public in attendance at the meeting who do not wish for their words to be recorded and/or published on the website, should contact a relevant Council Officer and advise of their wishes prior to the start of the meeting.

## 1.0 APOLOGIES

The following apology was received for the meeting.

Cr L Laycock	Leave of Absence
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2.0 DECLARATIONS OF INTEREST

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### 3.0 PROCEDURAL

#### 3.1 PUBLIC QUESTION TIME

Members of the public are invited to ask questions in accordance with Council's Public Question Time Policy (Min No 159/17 refers):

1. Public participation shall take place at Council meetings in accordance with Regulation 31 of the *Local Government (Meeting Procedures) Regulations 2015*.
  2. Public participation will be the first agenda item following the formal motions: Apologies, Minutes, Declarations of Interest.
  3. Questions without notice will be dependent on available time at the meeting (with a period of 30 minutes set aside at each meeting).
  4. A member of the public who wishes to ask a question at the meeting is to state their name and address prior to asking their question.
  5. A maximum of 2 questions per person are permitted.
  6. A maximum period of 3 minutes will be allowed per person.
  7. If time permits, a third question may be asked once all community members who wish to ask questions have done so. A time limit of 2 minutes will apply.
  8. Questions are to be succinct and not contain lengthy preamble.
  9. Questions do not have to be lodged prior to the meeting, however they will preferably be provided in writing.
  10. A question by any member of the public and an answer to that question are not to be debated.
  11. Questions without notice and their answers will be recorded in the minutes.
  12. The Chairperson may take a question on notice in cases where the questions raised at the meeting require further research or clarification, or where a written response is specifically requested.
  13. Protection of parliamentary privilege does not apply to local government and any statements or discussion in the Council Chambers, or any document produced, are subject to the laws of defamation.
  14. The Chairperson may refuse to accept a question. If the Chairperson refuses to accept a question, the Chairperson is to give reason for doing so in accordance with the Public Question Time Policy.
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3.2 QUESTIONS ON NOTICE FROM COUNCILLORS

At the time of compilation of the agenda no questions on notice from Councillors were received.

## 4.0 GOVERNANCE REPORTS

### 4.1 COUNCIL POLICIES - BIENNIAL REVIEW

File: 26315 D576074

#### RELEVANCE TO COUNCIL'S PLANS & POLICIES

##### Council's Strategic Plan 2009-2030:

- Strategy 5.3.1 Review and amend governance structures, policies and procedures to adapt to changing circumstances

#### SUMMARY

To review Council policies to ensure that they are current, up to date and relevant.

#### BACKGROUND

Council policies are in place to facilitate and ensure effective and consistent administration of operations, legislation and practices.

To guarantee the relevance, practicality and currency of Council policies (including uniformity in content and format), documents are regularly reviewed. Council is committed to a biennial review of its policies.

To streamline the process, the majority of Council policies will have the same review date (irrespective of when they are/were originally adopted). This assists in ensuring that policies are reviewed within a designated timeframe and ensures that review timeframes do not lapse, which may be the case when there are individual review dates.

A small number of Council policies are not included in this review as they require review in line with external factors, such as Local Government elections. This includes policies such as **Code of Conduct Policy** and **Payment of Councillor's Allowances, Expenses and Provision of Facilities Policy**.

If there are significant changes to legislation, processes or scope relating to a policy within the two-year review cycle, changes to the policy may be made as required. The date of next review will, however, remain in line with all other Council policies.

#### STATUTORY REQUIREMENTS

Some policies are based on best practice provisions, whilst some are mandated under legislation.

#### DISCUSSION

A review of Council policies has been undertaken and revised policies are attached.

The Purchasing Policy and the Devonport Regional Art Gallery Acquisition and Collection Policy are not included in this report as they have significant changes proposed and have therefore been presented to Council via a separate report on this agenda. The Asset Management Policy will be presented to Council for review at the August Infrastructure, Works & Development Committee meeting.

Any policies reviewed in the last two months are also not included but will be included in the next two year review. The Rates and Charges Policy is reviewed every year in June in line with the adoption of the annual budget.

All changes to the Policies, including amendments to the strategy reference in line with the recently reviewed and adopted Strategic Plan 2009-2030, and changes to the terminology

of elected members from Aldermen to Councillors, have been highlighted in the attached. Significant changes have been summarised below as follows:

Policy	Changes
Audio Recording Policy	<ul style="list-style-type: none"> <li>• Clause 1 – Removed the statement that audio recordings will be archived in Council's Electronic Content Management System as the authoritative published version.</li> </ul> <p>This is not a requirement of the Tasmanian Archives and Heritage Office (TAHO). The audio file is not the official record of the meeting and does not have to be stored in the Records Management System. The <i>Local Government (Meeting Procedures) Regulations 2015</i> state that audio recordings are to be retained for at least 6 months.</p> <ul style="list-style-type: none"> <li>• Clause 2 – Removed “Any subsequent request to access an archived file must be made in writing to the General Manager detailing the basis for the request.”</li> </ul> <p>Council is not required to archive past 6 months as per the TAHO and the <i>Regulations</i>.</p>
Boundary Fencing Policy	<ul style="list-style-type: none"> <li>• Inserted Definitions.</li> <li>• Re-worded scope but no change to policy intent.</li> <li>• Several changes have been made to this Policy to clarify legislative requirements in accordance with the <i>Building Act 2016</i> and the <i>Devonport City Council Reserves, Parks &amp; Gardens By-Law No. 1 of 2017</i>, however there is no change to the intent of the policy.</li> </ul>
Commemorative Seat Policy & Procedure	<p>Policy - minor changes to wording that do not impact on the intent of the Policy.</p> <p>Procedure:</p> <ul style="list-style-type: none"> <li>• removal of clause, ‘Specifications for Commemorative Seats’.</li> <li>• Clause 1 – added that all commemorative seats must be approved by Council and must be consistent with Council's current public seating assets.</li> </ul>
Community, Childcare & Commercial Lease Policy	<ul style="list-style-type: none"> <li>• Clause 5.3 – changed to say that commercial tenants will be charged rental at a market rate determined by a Council.</li> </ul>

Policy	Changes
	<ul style="list-style-type: none"> <li>• Clause 9 – added in that commercial lease terms will apply to commercial rental agreements.</li> <li>• Clause 11.1 – amended to say that lessees of commercial properties will be responsible for all outgoings, unless otherwise agreed to in the lease.</li> <li>• Clause 12.1 – removed.</li> <li>• Minor edits that do not change the intent of the Policy.</li> </ul>
Community Engagement Policy	<ul style="list-style-type: none"> <li>• Minor edits that do not change the intent of the Policy.</li> </ul>
Complaint Handling Policy	<ul style="list-style-type: none"> <li>• Minor changes to the Purpose and Scope.</li> <li>• Minor edits throughout document that do not change the intent of the Policy.</li> </ul>
Council Committees Policy	<ul style="list-style-type: none"> <li>• Updated only to reference change of elected members from aldermen to councillors.</li> <li>• Inserted Training Requirements section.</li> </ul>
Credit Card Policy	<ul style="list-style-type: none"> <li>• No significant changes.</li> </ul>
Customer Service Charter	<ul style="list-style-type: none"> <li>• Minor edits that do not change the intent of the Policy.</li> <li>• Edited so that document is now written in the third person (for example, removal of "you", "your" etc.).</li> <li>• Clause 8 – Removed the 4<sup>th</sup> paragraph of this clause as information is available in the Complaint Handling Policy.</li> </ul>
Dealing with Difficult Customers Policy	<ul style="list-style-type: none"> <li>• Clause 5 – removed reference to Tasmanian Ombudsman.</li> <li>• Inserted Clause 6 – Right of Review.</li> <li>• Minor edits that do not change the intent of the policy.</li> </ul>
Dilapidated Buildings Policy	<ul style="list-style-type: none"> <li>• Amendments made to section references in accordance with the updated <i>Building Act 2016</i>.</li> <li>• Scope – the policy does not apply to buildings listed on the State Heritage Building Register or buildings referenced as a local heritage building under <b>Council's Planning Scheme</b> unless the GM first obtains the written approval of the Heritage Council of Tasmania to require specific building works to be carried out to such a building.</li> </ul>

Policy	Changes
	<ul style="list-style-type: none"> <li>• Clause 6 – Removed.</li> </ul> <p>Section 265-4 of the <i>Building Act 2016</i> does not reference a fine or power to issue infringement notice.</p>
Driveway Policy	<ul style="list-style-type: none"> <li>• Relocated Definitions in accordance with template standard.</li> <li>• Minor edits that do not change the intent of the Policy.</li> <li>• Clause 3 Council Projects that affect Driveways: <ul style="list-style-type: none"> <li>◦ The new construction material will be the greater of the existing materials or the minimum standard required by the Tasmanian Standard Drawings,</li> <li>◦ Added in - Decorative patterns and finishes will not be replaced within the road reserve.</li> </ul> </li> <li>• Clause 5 Existing Driveways <ul style="list-style-type: none"> <li>◦ Added in – Steel plates or similar devices will not be approved for use. Devices that pose a safety risk may be removed.</li> <li>◦ Added words to reflect that Council does not approve of the installation of mirrors by others in the road reserve.</li> <li>◦ Removed reference to property owners wishing to install a mirror and being required to demonstrate that it will not negatively impact road safety and seek Council approval prior to installation.</li> </ul> </li> </ul>
Equal Employment Opportunity (EEO) & Diversity Policy	<ul style="list-style-type: none"> <li>• Relocated Definitions in accordance with template standard.</li> </ul>
Financial Assistance Policy	<ul style="list-style-type: none"> <li>• No significant changes.</li> </ul>
Fitness for Work Policy & Procedure	<ul style="list-style-type: none"> <li>• Policy – no significant changes.</li> </ul> <p>Procedure:</p> <ul style="list-style-type: none"> <li>• Clause 2.4 – inserted that contractors, consultants or labour hire staff who return a positive alcohol or drug test will immediately be asked to leave the work site and asked to address the issue.</li> <li>• Various minor edits that do not change the intent of the procedure.</li> </ul>

Policy	Changes
Gifts and Donations Policy	<ul style="list-style-type: none"> <li>• Clause 8 – amended to clarify that only the Register of Gifts and Donations received by Councillors will be available on Council's website – the <i>Local Government Act 1993</i> does not require Council to display the register relating to gifts and donations received by employees on the website.</li> <li>• Attachment – inserted updated Councillor Declaration Form.</li> <li>• Minor edits that do not change the intent of the Policy.</li> </ul>
Harassment, Bullying & Anti-Discrimination Policy and Procedure	<ul style="list-style-type: none"> <li>• Policy - Updated Definitions to reflect the <i>Anti-Discrimination Act 1998</i> and inserted the definition for Disability as per the Act. Edits do not change the intent of the policy.</li> <li>• Procedure – minor edits that do not change the intent of the procedure.</li> </ul>
Information Disclosure & Right to Information Policy	<ul style="list-style-type: none"> <li>• Clause 5 – updated website address.</li> <li>• Attachment – inserted updated RTI Form.</li> <li>• Minor edits that do not change the intent of the Policy.</li> </ul>
Investment Policy	<ul style="list-style-type: none"> <li>• Clause 2 – <b>added in</b> “Rates and terms supplied by an investment broker will constitute one quote for the purposes of this Policy. Another two quotes from institutions will be required to fulfil the Policy requirements.</li> </ul>
Personal Information Protection Policy	<ul style="list-style-type: none"> <li>• Clause 1 – <b>removed</b> “Social Security Number”.</li> <li>• Changes made in order to clarify the requirements of the Personal Information Protection Principles, however there is no change to the original intent of the policy.</li> </ul>
Public Question Time Policy	<ul style="list-style-type: none"> <li>• No significant changes.</li> </ul>
Recruitment & Selection Policy and Procedure	<ul style="list-style-type: none"> <li>• Definitions moved in accordance with policy template standard.</li> <li>• Minor changes to both policy and procedure that do not impact the intent of the documents.</li> </ul>
Related Parties Disclosure Policy	<ul style="list-style-type: none"> <li>• In clause 1, added that new Councillors will be provided with training on this Policy as soon as practicable following the election.</li> </ul>

Report to Governance, Finance & Community Service Committee meeting on 15 July 2019

Policy	Changes
	<ul style="list-style-type: none"> <li>• Minor edits that do not change the impact of the Policy.</li> </ul>
Rooke Street Mall Policy	<ul style="list-style-type: none"> <li>• Title is now Rooke Street Mall and Market Square Policy.</li> <li>• Changes throughout policy to reflect the inclusion of Market Square.</li> <li>• Clause 3 - "Registered BBQs for charity groups" removed.</li> </ul>
Sponsorship Policy	<ul style="list-style-type: none"> <li>• Definitions moved in accordance with policy template standard.</li> <li>• Minor edits that do not change the intent of the policy.</li> </ul>
Sport & Recreation Groups Lease Policy	<ul style="list-style-type: none"> <li>• Minor edits that do not change the intent of the policy.</li> </ul>
Street Trading Policy	<ul style="list-style-type: none"> <li>• Minor edits that do not change the intent of the policy.</li> </ul>
Stormwater Connection Policy	<ul style="list-style-type: none"> <li>• Minor edits that do not change the intent of the policy.</li> <li>• Moved Definitions in accordance with policy template standard.</li> </ul>
Subdivision Maintenance Bond Policy	<ul style="list-style-type: none"> <li>• Minor edits that do not change the intent of the policy.</li> <li>• Moved Definitions in accordance with policy template standard.</li> </ul>
Subdivision Outstanding Works Bond Policy	<ul style="list-style-type: none"> <li>• Clause 5 – changed to approval by City Engineer rather than General Manager.</li> <li>• Minor edits that do not change the intent of the policy.</li> </ul>
Tree Policy	<ul style="list-style-type: none"> <li>• Expanded scope to include trees on land to be donated to Council (subdivisions being developed) and trees on private land that may impact on Council owned, leased or managed land.</li> <li>• Clauses 2.6, 2.7 &amp; 2.8 combined and simplified.</li> <li>• Minor edits throughout the document that do not change on the intent of the Policy.</li> </ul>

#### COMMUNITY ENGAGEMENT

There has been no community engagement undertaken as a result of this report. Community engagement may be undertaken as part of the policy's original development.

#### FINANCIAL IMPLICATIONS

There are no financial implications as a result of this report.

**RISK IMPLICATIONS**

Without policies in place, Council is exposed to the risk of inconsistent and ineffective management and operations, and may fail to comply with legislation or standards that subsequently affect operations, service provision and compliance. Likewise, out of date or **defunct policies pose a risk to Council's performance, direction and operations, particularly** if they are no longer aligned with legislative or best practice requirements or that do not support community expectations.

**CONCLUSION**

Council policies required to be reviewed as part of the biennial review cycle are presented for re-adoption. Minor changes to formatting of the policies may be required post adoption.

**ATTACHMENTS**

- [1.](#) Audio Recording Policy - Revision July 2019
- [2.](#) Boundary Fencing Policy - Revision July 2019
- [3.](#) Commemorative Seat Policy and Procedure - Revision July 2019
- [4.](#) Community, Childcare & Commercial Lease Policy - Revision July 2019
- [5.](#) Community Engagement Policy - Revision July 2019
- [6.](#) Complaint Handling Policy - Revision July 2019
- [7.](#) Council Committees Policy - Revision July 2019
- [8.](#) Credit Card Policy - Revision July 2019
- [9.](#) Customer Service Charter - Revision July 2019
- [10.](#) Dealing with Difficult Customers Policy - Revision July 2019
- [11.](#) Dilapidated Buildings Policy - Revision July 2019
- [12.](#) Driveway Policy - Revision July 2019
- [13.](#) Equal Employment Opportunity (EEO) and Diversity Policy
- [14.](#) Financial Assistance Policy - Revision July 2019
- [15.](#) Fitness for Work Policy & Procedure - Revision July 2019
- [16.](#) Gifts and Donations Policy - Revision July 2019
- [17.](#) Harassment Bullying and Anti-Discrimination Policy and Procedure - Revision July 2019
- [18.](#) Information Disclosure & Right to Information Policy - Revision July 2019
- [19.](#) Investment Policy - Revision July 2019
- [20.](#) Personal Information Protection Policy - Revision July 2019
- [21.](#) Public Question Time Policy - Revision July 2019
- [22.](#) Recruitment & Selection Policy - Revision July 2019
- [23.](#) Related Party Disclosures Policy - Revision July 2019
- [24.](#) Rooke Street Mall & Market Square Policy - Revision July 2019
- [25.](#) Sponsorship Policy - Revision July 2019

- [26.](#) Sport and Recreation Groups Lease Policy - Revision July 2019
- [27.](#) Stormwater Connection Policy - Revision July 2019
- [28.](#) Street Trading Policy - Revision July 2019
- [29.](#) Subdivision Maintenance Bond Policy - Revision July 2019
- [30.](#) Subdivision Outstanding Works Bond Policy - Revision July 2019
- [31.](#) Tree Policy - Revision July 2019


## RECOMMENDATION

That it be recommended to Council that the following reviewed Council policies be adopted with immediate effect:


1. Audio Recording Policy
2. Boundary Fencing Policy
3. Commemorative Seat Policy and Procedure
4. Community, Childcare & Commercial Lease Policy
5. Community Engagement Policy
6. Complaint Handling Policy
7. Council Committees Policy
8. Credit Card Policy
9. Customer Service Charter
10. Dealing with Difficult Customers Policy
11. Dilapidated Buildings Policy
12. Driveway Policy
13. Equal Employment Opportunity (EEO) & Diversity Policy
14. Financial Assistance Policy
15. Fitness for Work Policy & Procedure
16. Gifts & Donations Policy
17. Harassment, Bullying & Anti-Discrimination Policy
18. Information Disclosure & Right to Information Policy
19. Investment Policy
20. Personal Information Protection Policy
21. Public Question Time Policy
22. Recruitment & Selection Policy
23. Related Parties Disclosure Policy
24. Rooke Street Mall & Market Square Policy
25. Sponsorship Policy

- 26. Sport & Recreation Groups Lease Policy
- 27. Stormwater Connection Policy
- 28. Street Trading Policy
- 29. Subdivision Maintenance Bond Policy
- 30. Subdivision Outstanding Works Bond Policy
- 31. Tree Policy

Author:	Jacqui Surtees	Endorsed By:	Paul West
Position:	Executive Officer	Position:	General Manager

	<b>AUDIO RECORDING POLICY</b>		
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM):
Council	24 July 2017	13142	142352
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Executive Manager Corporate, Community & Business Services	Executive Manager Corporate, Community & Business Services	5.3.1 Review and amend governance structures, policies and procedures to adapt to changing circumstances	July 2019
<b>PURPOSE</b>	This policy provides the Council adopted guidelines for the transparent management of the audio recording of Council and Council Committee meetings.		
<b>SCOPE</b>	This policy applies: <ol style="list-style-type: none"> <li>1. To all formal Council meetings (including special meetings) held at the Council Chambers.</li> <li>2. To all formal meetings (including special meetings) and the following committees:               <ul style="list-style-type: none"> <li>• Governance, Finance and Community Services Committee</li> <li>• Infrastructure, Works &amp; Development Committee</li> </ul> </li> </ol> This policy does not apply to any other meetings at Council.		
<b>POLICY GUIDELINES</b>	<p><b>1.</b> All meetings of the Council and its Committees <u>referred to in the scope (refer to 1.1)</u> shall be recorded and the audio file made available on Council's website as soon as practicable following the meeting (usually the next business day).</p> <p>In accordance with regulation 33 of the <i>Local Government (Meeting Procedures) Regulations 2015</i>, audio recordings will be made of all meeting proceedings except for the proceedings of meetings or parts of meetings closed to the public in accordance with Regulation 15(2).</p> <p>At the commencement of each meeting, the Mayor or <del>chairperson</del> <u>Chairperson</u> shall notify those present, including members of the public, that an audio recording will last the length of the open meeting unless terminated in accordance with this policy.</p> <p>A Council Officer will be responsible for the operation of the audio recording equipment including the commencement and termination of the recording in accordance with meeting procedures or as directed by the Mayor or Chairperson.</p> <p>The Mayor or Chairperson has the discretion and authority at any time to direct the termination of the audio recording of the meeting. Such direction however shall only be given in exceptional circumstances (e.g. if a person's safety may be placed at risk by the continuation of the audio recording).</p> <p>The original recordings of meetings are to remain unmodified and stored for a period of not less than 6 months from the date of the</p>		

	<p>recording. A compressed version of the original audio recording shall be created (preserving adequate voice quality) and made available for download from Council's website, <del>and also archived in Council's Electronic Content Management (ECM) system as the authoritative published version.</del></p> <p>There may be situations where due to technical difficulties, audio recording will not be available. If such circumstances occur, the Mayor or Chairperson will advise those present that audio recording is not available. In the event that an audio recording file becomes corrupt for any reason and is therefore not available in Council's archives, this information will be displayed on the website.</p> <p>2. The closed session section of any meeting <del>(refer to 1.1)</del> will not be recorded.</p> <p>The audio recording of a meeting <del>(refer 1.1)</del> may be used by staff in the preparation of minutes or by Council (at the discretion of the Mayor or Chairperson) during the 'Confirmation of Minutes' section of a subsequent meeting to clarify a matter relating to the minutes being confirmed.</p> <p>In relation to the above, audio recording of the previous meeting should be accessible at the meeting where the minutes will be confirmed.</p> <p>The audio recording of a meeting does not supersede the written minutes, therefore a direct transcript (text version) of the recording will not be prepared.</p> <p>Audio recordings shall be removed from Council's website after a period of six months from the date of recording. <del>Any subsequent request to access an archived file must be made in writing to the General Manager detailing the basis for the request.</del></p> <p>In response to a formal request from an appropriate authority (i.e. Ombudsman, Tasmania Police, Integrity Commission), <del>archived</del> audio recordings are to be made available, providing such requests are permissible under the laws of the State of Tasmania.</p> <p>Unlike Parliament, Council meetings are not subject to parliamentary privilege and both Council and the individual may be liable for comments that may be regarded as offensive, derogatory and/or defamatory.</p>								
LEGISLATION AND RELATED DOCUMENTS	Local Government (Meeting Procedures) Regulations 2015 (Regulation 33)								
ATTACHMENT/S (IF APPLICABLE)	N/A								
TRAINING REQUIREMENTS (IF APPLICABLE)	<table><tr><td colspan="2">Is training required as result of this Policy</td><td>YES</td><td>NO</td></tr><tr><td>Training required by:</td><td>Councillors</td><td>Staff</td><td>Department</td></tr></table>	Is training required as result of this Policy		YES	NO	Training required by:	Councillors	Staff	Department
Is training required as result of this Policy		YES	NO						
Training required by:	Councillors	Staff	Department						

	<b>BOUNDARY FENCING POLICY</b>		
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM)
Council	24 July 2013	53/147	047666
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Infrastructure & Works Manager	Deputy GM – Infrastructure, Works & Development	2.1.2 – Provide high quality consistent and responsive development assessment and compliance processes	July 2019 July 2021
<b>PURPOSE</b>	The purpose of this policy is to ensure that fencing contributions, fence construction requirements and Reserves By-Law provisions are administered in accordance with applicable legislation, in a consistent manner to all property owners within the municipality <del>and within budget allocations.</del>		
<b>SCOPE</b>	This Policy <del>applies to all</del> <u>is relevant to all boundary fences which adjoin Council land, including areas of public reserve irrelevant of the classification, and areas of land leased from Crown with unlimited public access.</u> Council owned or leased property within the municipality which <u>currently, or may in the future as a result of development, border private property.</u> Council property includes considerable areas of public reserve in classifications such as road reserves and public open space. Areas include land leased from the Crown with unlimited public access, and public reserves which are undeveloped in so far as buildings are established and access to the public is not hampered in the course of restricted sports events or other regular exclusive events, shall be regarded as public reserves for the purposes of compliance with the <u>Boundary Fences Act 1968</u> Section 6.		
<b>DEFINITIONS</b>	<u><b>Road reserve:</b> The area between two property boundaries occupied by a road or set aside for future road construction.</u>  <u><b>Public Reserve:</b> means any part of a reserve, beach, coastal or river foreshore, rocky area of bushland, natural area, planted embankment, plantation, sports ground, recreation ground, swimming pool, park or garden owned, or under the control of the Council, including:</u> <u>(1) any road, path or car parking area within any of those areas;</u> <u>(2) any structure or building erected on those areas;</u> <u>(3) the exterior grounds of any building owned, leased or otherwise under the control of the Council that is not in those areas.</u>  <u>(definition from Devonport City Council Reserves Parks and Garden By-Law No. 1 of 2017)</u>		
<b>POLICY</b>	1. Council will make a contribution to an adjoining property owner's fence in accordance with the <del>metric table</del> below:		

Where a private property abuts:	Council contribution is given if requested	Compliance
A road, <del>space</del>	No	Boundary Fences Act 1998, Section 7
A park or public reserve where public access is unrestricted, e.g.: <ul style="list-style-type: none"> <li>• Fern Reserve</li> <li>• Mairaki Park</li> <li>• Rydell Park</li> </ul>	No	Boundary Fences Act 1998, Section 8 Boundary Fences Act
A <del>boundary</del> between <del>properties</del> located in a public reserve or road	No	Boundary Fences Act 1998, Sections 4-7
A public car park, e.g.: <ul style="list-style-type: none"> <li>• Keating St car park</li> <li>• Wetmore St car park</li> </ul> <del>highway between properties leading to a gate, intersection road</del>	Yes/No	Boundary Fences Act
A developed Council property, e.g.: <ul style="list-style-type: none"> <li>• Airport Res Centre</li> <li>• Mann Hill</li> </ul>	Yes	Boundary Fences Act
A park or public reserve with exclusive or partial exclusive access (e.g. sporting ground or developed property with building)	Yes	Boundary Fences Act
A Council car park abutting private property	Yes – car park may not be fenced subject to agreement between Council and the property owner. Bollards or other measures may be used to close public thoroughfare.	Boundary Fences Act
A Council building abutting private property, e.g. the recreation centre	Yes	Boundary Fences Act

Council may choose to contribute to fencing outside what is defined in the above table if it is the best interest of Council to do so. Examples include security, public safety, amenity, operational efficiencies.

Council have previously made contributions to fencing adjacent to sports fields. This should continue where it can be demonstrated to be in the best interest of Council.

2. Where an application request meets the criteria for a Council contribution, Council will contribute funds upon completion, based on the applicable rate published annually as part of Council's fees and charges schedule. ~~Costs for determining the value of Council's contribution will be based on 80% the estimated cost of a 1.5 metre high twin rail green timber fence and will be reviewed and amended annually to remain consistent with current market conditions.~~

2.

3. Council's contribution will not exceed the actual cost of the fence, ~~e.g. if a fence was constructed for \$50/m, then Council's contribution will be \$50/m, rather than the higher where a proposed fence is of a lower value than a 1.5 metre high twin rail green hardwood minimum style, e.g. simple bollards, a contribution shall be~~


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	<p>regulated but shall not exceed the rate in the current fees and charges schedule).</p> <p><del>3.4. In locations where Council requires a fence, but no request has been made from the adjacent property owner, Council may pursue the construction of a fence in accordance with Part II of the Boundary Fences Act 1908.</del></p> <p><del>3.5. Property owners may choose the style of fence appropriate to their needs where Council do not otherwise have a preference. In these circumstances, materials shall be good quality and the workmanship shall be tradesman-like.</del></p> <p><del>4.6. Boundary fences at the rear of properties within new subdivisions that are owned or managed by Council shall not have vehicular access gates to Council property unless by written permission of the General Manager. Vehicular access to reserves and open spaces promotes the degradation of reserves through wood cutting and collection in bushland and unregulated motor vehicle use in public open spaces that are not designed for such traffic movement.</del></p> <p><del>4.7. Where a gate exists in a fenced boundary with a reserve that does not contain bushland, access through the gate will be in accordance with the provisions of the Reserves By-Law.</del></p> <p><del>4.8. Replacement of fences forming a boundary with a reserve shall not include a gate even if a gate existed in the fence being replaced unless the property owner has written permission from the General Manager.</del></p> <p><del>7. Boundary fences on street corners shall be limited to a maximum height of 1.2 metres. Any fence proposing to exceed this height requires independent assessment by a qualified person to ensure that adequate sight distances are maintained and approval by the General Manager.</del></p> <p><del>8. Where access to or from private property may be gained from a Council car park, fences or other mechanisms like bollards shall be maintained where:</del></p> <p><del>At the property owners discretion if it is in their interest to do so:</del></p> <p><del>To reduce risk to the public through fire hazards or the like</del></p> <p><del>9. To reduce the incidence of damage to Council infrastructure resulting from traffic traversing the boundary.</del></p> <p><del>10. Property owners may choose the style of fence appropriate to their needs where Council do not otherwise have a preference. In these circumstances, materials shall be new and the workmanship shall be tradesman-like. In all circumstances, Council's contribution rate shall remain the same.</del></p> <p><del>10. Where required to meet building regulations, property owners must seek appropriate permits before commencing construction.</del></p> <p><del>11. Where Council has made a contribution to the cost of fencing the fence will be maintained to a mutually acceptable standard.</del></p>
LEGISLATION AND RELATED DOCUMENTS	<p>Boundary Fences Act 1908</p> <p>Local Government (Highways) Act 1982</p> <p>Devonport City Council 'Reserves, Parks &amp; Gardens By-Law No. 1 of 2007/2012'</p> <p>Building Act 2006/2016</p> <p>Building Code of Australia</p>


	Interim Planning Scheme 2013		
<b>ATTACHMENTS (IF APPLICABLE)</b>	N/A		
<b>TRAINING REQUIREMENTS (IF APPLICABLE)</b>	Is training required as result of this Policy	<b>YES</b>	<b>NO</b>
	Training required by:	<b>Staff</b>	Department
	Councillors		

REVIEW

	<b>COMMEMORATIVE SEAT POLICY</b>		
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM):
Council	22 July 2017	13/17	000006
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Governance Coordinator Executive Manager Organisational Performance	General Manager	5.2.3 - Encourage community action and participation that results in increased well-being and engagement. Participation initiatives that support two-way communication and consultation which results in increased engagement.	July 2019 / July 2021
<b>PURPOSE</b>	This Policy stipulates guidelines regarding the placement of a commemorative seat within a public open space <u>within the In-Devonport municipal area</u> , that commemorates individuals, organisations, businesses or clubs who have made a significant contribution to the community or to recognise a significant milestone.		
<b>SCOPE</b>	This Policy applies to all applications for Commemorative Seats and/or plaques to be located within Devonport.		
<b>POLICY</b>	<p><b>1. Objective</b> This Policy provides an opportunity to:</p> <ul style="list-style-type: none"> <li>Recognise individuals, organisations, businesses and/or clubs who have made a significant contribution to the Devonport community, or a significant milestone.</li> <li>To provide a cost effective and meaningful approach to increasing the supply of street furniture.</li> <li>To ensure a consistent and managed approach to improving public amenity/street furniture and open space.</li> </ul> <p><b>2. Applications</b> All applications must be submitted in writing using the 'Application for Commemorative Seat' form and will be reviewed by Council's Governance Department. Formal approval will be <u>given required by</u> <u>from</u> Council.</p> <p>This Policy is discretionary in that no precedent will be set and each application will be determined on an individual basis. Council is under no obligation to accept an applicant's proposal.</p> <p>Applications for Commemorative Seats will not be accepted if a person, event or place is already memorialised.</p> <p><b>3. Assessment Criteria</b> Council will consider applications for the installation of a Commemorative Seat where:</p> <ul style="list-style-type: none"> <li>it recognises individuals, organisations, clubs or businesses who have made a significant contribution to the Devonport community;</li> </ul>		

	<ul style="list-style-type: none"> <li>the location of the seat does not compromise existing Council policies or development plans for the long term maintenance or upgrading of the respective open space.</li> </ul> <p>An assessment of associated risks involved in commissioning, <del>creating</del> <u>placing</u> and maintaining the Commemorative Seat will be undertaken by Council's Risk and Compliance Coordinator, and will form part of the decision-making process.</p> <p>If deemed necessary, stakeholder and community consultation may be undertaken, where relevant, to provide information and enable feedback and advice on the proposed Commemorative Seat.</p>		
	<p><b>4. Provision of Commemoratives Seats</b></p> <p>Sponsorship of the supply of street furniture by an <del>private</del> individual's family, organisations, clubs or businesses for the purpose of a commemoration is encouraged as a way of increasing the supply of street furniture for the community's use.</p> <p>The cost of purchasing and installing the Commemorative Seat shall be borne by the applicant and upon <del>a replacement</del> <u>eraction</u>, the Commemorative Seat shall become the property of the Devonport City Council.</p> <p>Council reserves the right to remove the Commemorative Seat, without referral or compensation, should the seat fall into disrepair, become vandalised, or pose a risk to the public.</p>		
	<p><b>5. Location</b></p> <p>Opportunities for the placement of seats includes:</p> <ul style="list-style-type: none"> <li>Public gathering places;</li> <li>Places of quiet solitude <del>for individuals</del>;</li> <li><del>resting</del> <u>Resting</u> places for pedestrians, especially the aged and parents with children.</li> </ul> <p>Seats should be located in positions of relative and perceived safety.</p> <p>Consultation will be undertaken with the applicant to assess preferred <del>siting</del> <u>siting</u>, however, the siting of infrastructure is to be at the discretion of Council, after giving consideration to master plans, site management plans, traffic and pedestrian mobility, risk and public safety.</p> <p>Any application which includes a proposed specific site for the commemorative seat, must demonstrate justification for the memorial being in that <del>specific</del> <u>specific</u> location.</p>		
<b>LEGISLATION AND RELATED DOCUMENTS</b>	Public Open Space Strategy Public Art Policy "Park Furniture Register" (D444435)		
<b>ATTACHMENT/S (IF APPLICABLE)</b>	Commemorative Seat Procedure Commemorative Seat/Plaque Application Form		
<b>TRAINING REQUIREMENTS (IF APPLICABLE)</b>	<u>Is training required as result of this Policy</u>	<u>YES</u>	<u>NO</u>
	<u>Training required by:</u>	<u>Councillors</u>	<u>Staff</u>
		<u>Staff</u>	<u>Department</u>

## COMMEMORATIVE SEAT PROCEDURE

	<h2 style="text-align: center;">COMMEMORATIVE SEAT PROCEDURE</h2>
	<p><b>1. Provision of Commemorative Seats/Plaques:</b></p> <p>A particular location may be requested for the installation of a Commemorative Seat, however final approval rests with Council. All costs associated with the purchasing and installation of the seat are to be borne by the applicant.</p> <p>Council's Infrastructure and Works department will arrange for the purchase and installation of the seat, with associated expenses to be on-charged to the applicant prior to its installation. <u>All Commemorative Seats must be approved by Council and must be consistent with Council's current public seating assets.</u></p> <p>Where Council allocates a specific location, this location will be held for a period of 60 days.</p> <p>If a plaque is to be mounted on the Commemorative Seat, it must be:</p> <ul style="list-style-type: none"> <li>• restricted to a maximum dimension of 120mm x 80 mm;</li> <li>• made of stainless steel;</li> <li>• up to 3mm in thickness;</li> <li>• limited to 20 words.</li> </ul> <p>Costs for purchasing the plaque and its engraving will also be borne by the applicant. Only one plaque per seat is to be affixed, unless Council <del>deems desirable</del> otherwise. Council will be responsible for affixing any plaques to the seating, with the cost being borne by the applicant.</p> <p><b>2. Specifications for Commemorative Seats:</b></p> <p><del>The following conditions will apply to all commemorative seats located within the Devonport municipality:</del></p> <ul style="list-style-type: none"> <li>• <del>All Commemorative Seats must be approved by Council.</del></li> <li>• <del>Commemorative Seats must be ergonomically designed to provide comfort and ease of use (particularly for the elderly and very young). Armrests are required.</del></li> <li>• <del>Materials should maximise comfort, amenity and safety.</del></li> <li>• <del>Seats should provide for maximum flexibility to enable a variety of configurations (e.g. with/without backrests, straight/curved).</del></li> <li>• <del>Fixtures and fittings should be unobtrusive and tamper resistant.</del></li> <li>• <del>Design should minimise opportunities for vandalism and/or graffiti (e.g. accessible surface areas should be minimised and metal rails should not be accessible to discourage skateboard or other non-permitted use).</del></li> <li>• <del>Commemorative Seats installed in close proximity to the sea/water should consider the corrosive action of sea air and wind.</del></li> <li>• <del>Pending design elements, the Seat may be assessed against Council's Public Art Policy.</del></li> </ul> <p><b>3.2. Location:</b></p> <p>The positioning of Commemorative Seats should <del>consider</del> <u>avoid</u> the following:</p> <ul style="list-style-type: none"> <li>• Unwanted proximity between individual users of a single seat.</li> <li>• Forced eye contact between seat users.</li> </ul>

## COMMEMORATIVE SEAT PROCEDURE

- Surface treatments surrounding seats should provide ease of access for those with disabilities. Consideration should be given to providing access for wheelchair users to draw up at the end of seats.

Positioning will consider the following:

- A clear 180-degree line of sight when in open space.
- A protected back when in a confined space.
- Safe lighting levels.
- Clear movement areas.

Seats will be located to:

- Maximise available shade in summer.
- Minimise undue noise.
- Minimise prevailing wind conditions.
- Maximise shelter from rain.

Consideration will be given to the outlook, including:

- An interesting outlook/view.
- Views of the "passing parade".
- Options for more than one vista.

Seats should also be located with a clear line of sight to litter bins.

## COMMEMORATIVE SEAT APPLICATION FORM



## DEVONPORT CITY COUNCIL

## COMMEMORATIVE SEAT/PLAQUE APPLICATION FORM

A complete form is to be returned by email or post.

Devonport City Council

Email: [council@devonport.tas.gov.au](mailto:council@devonport.tas.gov.au)

PO Box 604

Devonport TAS 7310

The Devonport City Council provides residents, organisations, clubs or businesses with the opportunity to commemorate significant contributions to the City of Devonport, or recognise significant milestones or achievements through the placement of a Commemorative Seat and/or plaque in a public open space within the Devonport municipality.

APPLICANT'S DETAILS			
NAME:			
ADDRESS:			
			POSTCODE:
POSTAL ADDRESS (IF DIFFERENT FROM ABOVE):			
			POSTCODE:
TELEPHONE:			MOBILE:
EMAIL:			
MEMORIAL/COMMEMORATION			
NAME OF INDIVIDUAL/S, ORGANISATION, CLUB OR BUSINESS:			
CONTRIBUTION TO THE DEVONPORT COMMUNITY:			
PLAQUE DETAILS (IF APPLICABLE)			
PLEASE DETAIL THE EXACT WORDING YOU WOULD LIKE TO APPEAR ON THE PLAQUE:			
NOTE: You may wish to liaise with your local engraver to ensure your chosen wording will fit the plaque size. The Devonport City Council takes no responsibility in this regard and approves this application on the basis that the applicant has taken this into consideration.			

DEVONPORT CITY COUNCIL -  
COMMEMORATIVE SEAT/PLAQUE APPLICATION FORM

## COMMEMORATIVE SEAT APPLICATION FORM

LOCATION DETAILS
DO YOU HAVE A PREFERRED LOCATION WHERE YOU WOULD LIKE THE COMMEMORATIVE SEAT AND/OR PLAQUE PLACED, AND IF SO, PLEASE PROVIDE JUSTIFICATION FOR YOUR REQUEST:
If location is not deemed suitable by Council due to operational circumstances and Policy compliance, an alternative available site will be suggested for consideration
DEVONPORT CITY COUNCIL APPROVAL
This Application has been approved in accordance with the Commemorative Seat Policy and Council Resolution: _____ (Resolution Number and Date Endorsed)
The following additional conditions have also been applied to this Application (if applicable):
The following seat/location has been designated for this plaque, which will be held for a period of 60 days. Should a plaque and this application not be returned to the Council within this timeframe, the Council reserves the right to reallocate this seat and award the location to another applicant, if requested.

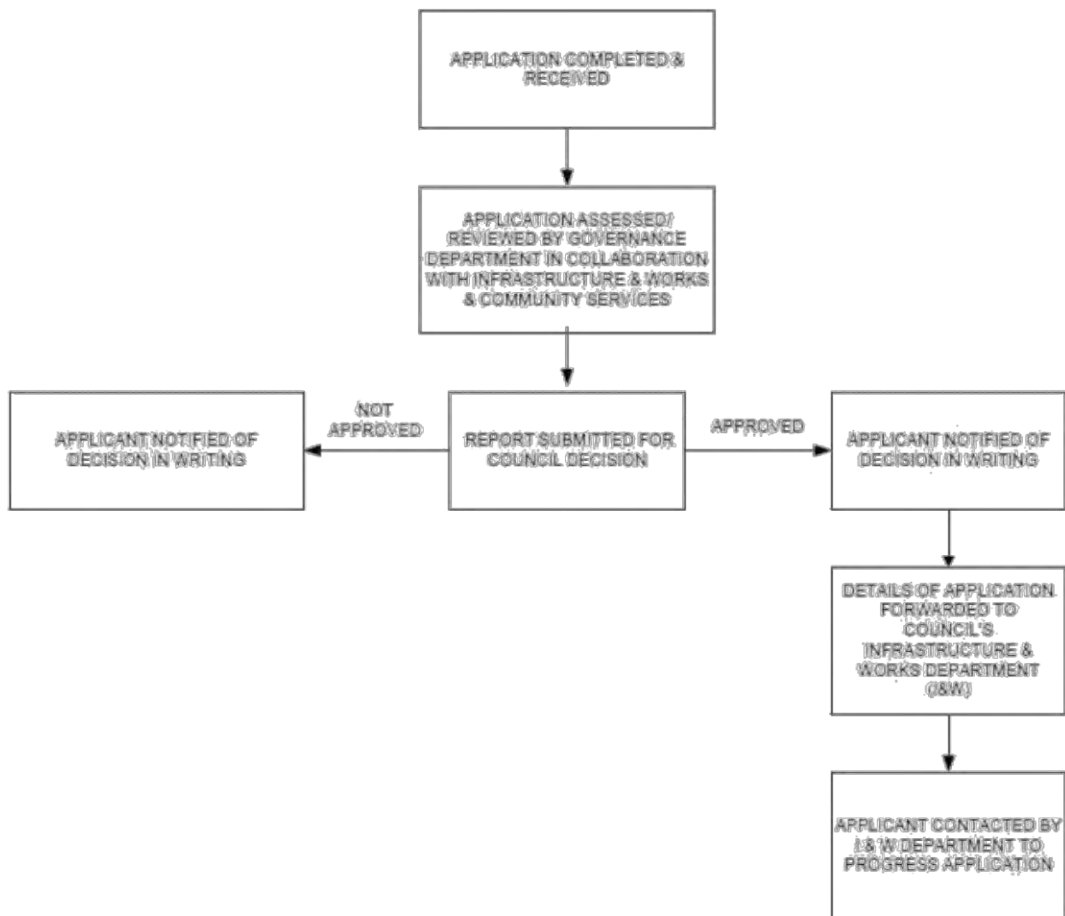
AUTHORISATION:
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Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
 General Manager

CHECKLIST:			
ACTION:	DATE:	ACTION:	DATE:
Applicant advised of outcome		Council Resolution No & Date of Meeting	
Plaque Wording Approved YES/NO		Plaque returned to DCC	
Location Approved YES/NO		Plaque affixed to Seat	
Application Approved		TRIM Reference:	
Returned to Applicant			

	DEVONPORT CITY COUNCIL – COMMEMORATIVE SEAT/PLAQUE APPLICATION FORM
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## COMMEMORATIVE SEAT APPLICATION FLOWCHART



	<b>COMMUNITY, CHILDCARE &amp; COMMERCIAL LEASE POLICY</b>		
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM)
Council	<del>24 July 2017</del>	<del>131/17</del>	<del>D479558</del>
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
<del>Governance Coordinator</del> <del>Executive Manager</del> <del>Organisational Performance</del>	General Manager	5.3.1 – Review and amend <del>governance</del> structures, policies and procedures to adapt to changing circumstances	<del>July 2019</del> <u>July 2021</u>
<b>PURPOSE</b>	To establish a consistent and equitable approach to the development of leases and licences <del>from of Council property</del> to community groups, childcare facilities and commercial tenants.		
<b>SCOPE</b>	<p><del>This Policy applies to</del> All community groups and commercial tenants who lease <del>or licence</del> Council owned buildings, or who conduct their operations on or from Council owned or leased land. The terms and conditions of this Policy <del>will be applied apply</del> to all new lease and licence agreements and upon the renewal of any existing lease or licence <del>arrangement</del>.</p> <p>The conditions of this Policy will not be varied unless it is essential to meet the special needs of the property or lessee.</p>		
<b>POLICY</b>	<ol style="list-style-type: none"> <li><b>Community Groups and Organisations:</b> Organisations whose primary objective is to serve the community (including service clubs and community-based agencies) are supported by Council. Council recognises the benefit of supporting community groups and organisations.</li> <li><b>Child Care:</b> Child Care facilities refer to Council owned buildings that are utilised to care for children. Council acknowledges the not-for-profit status of these child care facilities.</li> <li><b>Full Commercial Use:</b> Full Commercial use property refers to Council owned buildings or land intended to generate income. Council has a number of properties that are leased on fully commercial terms.</li> <li><b>Private Licence Agreements:</b> Businesses, landowners and/or residents who licence Council land for exclusive private purpose, may also be charged a fee.</li> <li><b>Fee Schedule/Determination of Rent:</b> <ol style="list-style-type: none"> <li><b>Community groups:</b> The amount payable for community groups will be reviewed annually and form part of Council's Fees and Charges. This rate will commence at a peppercorn rental (if demanded).</li> <li><b>Childcare facilities:</b></li> </ol> </li> </ol>		

Childcare facilities will be charged an amount equalling 50% of the rates charged against the property per annum.

**5.3. Commercial properties:**

Commercial tenants will be charged rental at a market rate determined by Council. ~~Council's external property management adviser on independent market rental valuation.~~

**6. Validation of Lease Agreement:**

Council land and/or buildings shall only be occupied pursuant to a formal signed lease.

Failure to validate the lease agreement by signature may result in the discontinuation of lease negotiations with the ~~lessee/tenant~~.

Once lease terms have been finalised, Council reserves the right to commence rental charges even if the agreement remains unsigned.

If the lease remains unsigned for a period of more than 30 days, 90 days notice to vacate the premises (building and/or land) ~~will~~ may be given to the tenant who currently occupies the premises.

**7. Risk Management Obligations:**

Lessees of Council owned or managed buildings will be required to have Public liability insurance for a minimum of \$20 million. A copy of the organisation's Certificate of Currency is to be provided to Council at the commencement of the agreement, upon a lease renewal, and annually for the duration of the lease.

It is the responsibility of the lessee, in conjunction with Council, to ensure the minimisation of all risks including public safety, hazardous materials and waste removal. The lessee is also required to comply with emergency evacuation procedures and risk management practices at the direction of Council.

**8. Maintenance Schedules/Issues:**

Prior to an agreement being made, a condition statement shall be produced to determine the condition of the facility, and maintenance responsibilities determined.

~~Building Maintenance Schedules (BMS) have been~~ developed to ensure consistency and clarity regarding maintenance of Council premises and stipulate responsibilities of both Council and the lessee.

Where an organisation has exclusive use of a Council owned facility, there is an expectation that they assist in funding maintenance costs and contribute towards capital improvement of the facility.

Where improvements on the leased land are owned by the lessee, they have sole responsibility for internal and external maintenance.

**9. Term:**

Lease agreements will be granted for a period of no more than five years, with a further five-year term option offered.

~~Commercial lease terms will apply to commercial rental agreements.~~

**10. Rent Reviews/Increases:**

Rental fees for community groups and childcare facilities will be reviewed annually in conjunction with budget preparation and the setting of annual rates, fees and charges.

Commercial properties may be subject to periodic market reviews/evaluations.

Council reserves the right to amend the rental if a lessee gains access to other commercial means of income, other than fundraising, that is generated during the term of the agreement.

#### **11. Outgoings:**

11.1. Lessees will be responsible for the costs of all utilities, including electricity, phone and all other outgoings related to the property including water usage charges. Lessees of commercial properties will be responsible for all outgoings, unless otherwise agreed to in the lease.

11.2. Council will be responsible for water and sewerage service charges; rates (100% of annual rate charges for community groups; 50% of annual rate charges for child care facilities); and land tax for community groups and child care facilities.

#### **12. Determination of Leases:**

When a facility or building premises becomes vacant, Council will consider the ongoing future use of the premises in determining a suitable tenant. Factors to consider include: most appropriate use; local community needs; activities within the community that are unrepresented or under-represented; historical connection to the facility/location; and Council's strategic direction.

~~12.1. Tenancy of Council's commercial properties/premises will be determined by tenders or expression of interests.~~

#### **13. Sub Leases:**

Terms and conditions of any sub-lease must be in accordance with the terms and conditions of the head lease, including the length of the lease. Council may require the sub-lessee to contribute to charges incurred by Council from Crown or third party, for the head lease.

Lessees who wish to sub-let the leased premises are required to seek written permission from Council prior to making such arrangements.

Any group to whom a property is sub-let, ~~to~~ must provide Council with a copy of their Certificate of Currency and must have public liability insurance of at least \$20million.

Any subleasing arrangements made must not extend beyond the term of the head lease.

#### **14. Other Provisions:**


Other lease provisions may be negotiated as required.

#### **15. Delegation and Signing:**

15.1. The General Manager is delegated by Council to finalise and sign lease agreements.

15.2. An authorised signatory of the lessee will be required to execute the lease and a copy of the agreement, once duly executed

	<p>by both parties, will be returned to the lessee for their safekeeping. The other copy will be recorded as a Legal Document by Council and placed in the Legal Document Register.</p> <p><b>16. Legislation and Statutory Compliance:</b>  It is necessary for lessees and Council in the development of lease agreements to ensure compliance with Council's corporate and statutory responsibilities.</p> <p>Legislative requirements need to be determined and stipulated in the lease. Compliance may also extend to the obtaining of permits from Council; liquor licensing requirements; place of assembly licences; adherence to food handling guidelines; and relevant Council by-laws.</p>		
<b>LEGISLATION AND RELATED DOCUMENTS</b>	<p>Local Government Act 1993  Local Government (Building and Miscellaneous Provisions) Act 1993  Building Act <del>2000</del>2016  Building Regulations <del>2004</del>2016  Public Health Act 1997  Food Act 2003 (<del>where#</del> applicable)  Place of Assembly Licence (<del>where#</del> applicable)  Food Licensing (<del>if where</del> applicable)</p>		
<b>ATTACHMENTS (IF APPLICABLE)</b>	N/A		
<b>TRAINING REQUIREMENTS (IF APPLICABLE)</b>	Is training required as result of this Policy	<b>YES</b>	<b>NO</b>
	Training required by:	Councillors	Staff
			Department

	<h2 style="text-align: center;">COMMUNITY ENGAGEMENT POLICY</h2>		
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM)
Council	24 July 2017	18147	C479659
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Cultural & Community Development Manager Community Services Manager	Executive Manager Corporate Community & Business Services	5.2.1 – Review policies and implement initiatives to ensure strategic objectives are met. Encourage community participation initiatives that support two-way communication and consultation with the community.	July 2019 July 2021
<b>PURPOSE</b>	To outline a framework for community engagement activities conducted by Council, other than notification and consultation in accordance with statutory requirements.		
<b>SCOPE</b>	This policy applies to Aldermen Councillors, employees, volunteers, consultants and contractors in the course of Council's operations requiring community engagement.  It outlines the principles underpinning Council's engagement activities with the community and the methods which Council may use.		
<b>DEFINITIONS</b>	<p><b>Definitions:</b></p> <p>To assist in the interpretation the following definitions shall apply:</p> <p><b>"Aldermen Councillors"</b> shall mean the Mayor and Aldermen Elected Members Councillors of Devonport City Council.</p> <p><b>"Community Engagement"</b> shall mean a planned process with the specific purpose of working with identified groups of people whether they are connected by geographic location, special interest or affiliation, to address issues affecting their wellbeing. The approach is based on a spectrum of engagement from inform, consult, involve, collaborate and empower, as defined by the International Association for Public Participation (IAP2).</p> <p><b>"Council"</b> shall mean Devonport City Council.</p> <p><b>"IAP2"</b> shall mean International Association for Public Participation (IAP2).</p> <p><b>"Stakeholder"</b> shall mean any individual, group of individuals, organisations or entities that have or feel they have an interest, can affect or be affected by an outcome of issue or decision.</p>		
<b>POLICY</b>	<p>Council recognises that community engagement and participation processes are an important part of democracy. Effective engagement is good practice and critical to good local government.</p> <p><b>1. The benefits of engagement include, but are not limited to:</b></p> <ul style="list-style-type: none"> <li>Increased community awareness of Council's services, planning and program delivery;</li> <li>Increased awareness across Council of community views and the issues that should be considered as part of decision making;</li> </ul>		

- Increased awareness of the needs, priorities and diversity of the local community, which in turn ensures that Council's service provision and planning functions are aligned appropriately;
- Increased level of community ownership and acceptance of decisions;
- Council and community working together to address local issues;
- Potential for time, resource and cost savings for Council;
- A tool to assist in managing reputational risk.

The level of community engagement undertaken relates directly to the level of community involvement required, and should always be appropriate to the nature, complexity and impact of the issue, plan or strategy.

Council will endeavour to ensure that its engagement processes are appropriate, accessible, well planned and adequately resourced.

## 2. Principles

The following principles will underpin Council's approach to community engagement.

### a) Open and inclusive

- Recognise community participation as a right of all citizens and an integral component of informed decision making;
- Create, support and promote opportunities for the community to actively participate;
- Encourages involvement from a wide cross section of the community using engagement processes that are accessible and inclusive;
- Openness and a commitment to ensuring that the community is well informed of Council's service delivery and decision making processes.

### b) Mutual trust, respect and accountability

- Treat all participants in the engagement process with respect and dignity;
- Approach engagement from an impartial perspective, free from bias toward any stakeholder involved in the process;
- Is accountable, accessible and ethical in all dealing with the community.

### c) Engage early and be clear

- Seek early engagement and regularly involves the community in decision making;
- Communicate clearly the objectives of the engagement process and provide community members with all available and relevant information as part of the engagement process to ensure informed discussions;
- Communicate the parameters of the engagement process with participants from the outset including legislative requirements, Council's sphere of influence, conflicting community views, policy frameworks and context, budget restraints etc;
- Acknowledge that planning is a critical process to deliver successful outcomes and is committed to developing and implementing community engagement plans.

### d) Consideration and feedback


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	<ul style="list-style-type: none"> <li>• <del>Committed</del> to demonstrating that Council have considered all community contributions and relevant data, prior to making any decisions that affect the local community;</li> <li>• Committed to providing participants with feedback at key stages throughout the projects and upon completion and how community input influenced the decision.</li> </ul> <p><b>e) Skills and resources</b></p> <ul style="list-style-type: none"> <li>• Endeavour to ensure that sufficient timeframes and adequate resources are allocated to engagement processes;</li> <li>• Co-ordinate its community engagement processes where possible to optimise resources and ensure efficiency and avoid duplication.</li> </ul> <p><b>3. Community Engagement Framework</b> This policy forms part of a broader Community Engagement Framework, which includes the following elements:</p> <ul style="list-style-type: none"> <li>• This <i>Community Engagement Policy</i>;</li> <li>• <i>Community Engagement Matrix</i>; and</li> <li>• <i>Community Engagement Toolkit</i>.</li> </ul> <p><b>4. Privacy</b></p> <p><b>a) General</b> Personal information obtained during and as a result of community engagement will be managed in accordance with the <i>Personal Information Act 2004</i>.</p> <p><b>b) Public Submissions</b> In circumstances where the involvement requires members of the public to make submissions to Council, all submissions received will be regarded as public and made available for general access, including personal details (e.g. name, address, email address etc.), unless there are overriding public interest considerations against the disclosure of the personal details – refer to <i>Public Interest Disclosure Act 2002</i>).</p> <p><b>5. Reporting</b> Reports submitted to ordinary Council meetings and Council Section 23 Committee meetings shall include a standard reporting section on Community Engagement.</p>
<b>LEGISLATION AND RELATED DOCUMENTS</b>	<p><i>Local Government Act 1993</i>  <i>Public Interest Disclosures Act 2002</i>  <i>Personal Information Act 2004</i>            Quality Assurance Standard For Community and Stakeholder Engagement, IAP2, 2015            Community Engagement Matrix            Community Engagement Toolkit            Communication and Media Policy            Model Code of Conduct Policy  <u><a href="#">Staff Code of Conduct Policy</a></u>            Risk Management Framework            Customer Service Charter</p>
<b>ATTACHMENTS (IF APPLICABLE)</b>	N/A

TRAINING REQUIREMENTS (IF APPLICABLE)	Is training required as result of this Policy		YES	NO
	Training required by:	Councillors	Staff	Department

REVIEW

	<b>COMPLAINT HANDLING POLICY</b>		
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM):
Council	24 July 2012	133/13	0479541
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Customer Services Coordinator	Executive Manager Corporate, Community & Business Services	5.4.3 – Manage customer requests and complaints with a view to continual improvement of service delivery	July 2019 July 2021
<b>PURPOSE</b>	To ensure a standardised method of <del>registering, responding and reporting</del> recording, reporting on complaints made to Council, for the purpose of <del>giving service delivery improvement to the community, and using complaints to improve service to the community.</del>		
<b>SCOPE</b>	This Policy recognises that effective complaint handling is <del>central</del> essential to ensuring the consistent delivery of providing quality services. <del>Complaints give Council the opportunity to review service delivery procedures and implement improvements where necessary. A complaint also allows Council employees, where possible, to resolve issues arising from the recent delivery of services. An organisation is often judged by the way in which complaints are handled. The benefit to Council includes being able to identify areas needing improvement, creating a second chance to provide service to the satisfaction of a dissatisfied customer and an opportunity to strengthen public support for the Council.</del>		
<b>POLICY</b>	<p><b>1. Why do people complain?</b> Complaints are often made because someone is dissatisfied with a decision, the level of service or the conduct of a Council Officer. Many complaints <del>can occur due to simply because of</del> poor communication or as a result of inadequate publicity about the services provided and the policies of <del>the</del> Council. Many complaints can be resolved in the first instance by explaining how a decision came about or <del>outlining a</del> particularly reviewing a relevant policy. <del>At times it may be appropriate to provide a complainant with a copy of the relevant policy for their information. Most complaints are specific and actionable and can be easily resolved.</del></p> <p><b>2. Complaints Defined</b> A 'Complaint' is defined as an expression of dissatisfaction, <del>however made,</del> about the standard of service, <del>an</del> action or <del>the</del> lack of <del>an</del> action by Council, which can be investigated and acted upon where no right of appeal or review is available under any other legislation. In some instances, legislation specifically makes provision for an appeal, or an internal or external review of a decision.</p> <p>Complaints often fall into one of four basic types:</p> <ul style="list-style-type: none"> <li>• Decisions made by Council;             <ul style="list-style-type: none"> <li>a. Complaints alleging a decision was beyond the powers of the Council or that it was made without following due process; or</li> <li>b. Complaints alleging that with knowledge of all available information no reasonable person could have reached the decision made regarding the issue.</li> </ul> </li> </ul>		

- The inappropriate behaviour of staff such as rudeness, discrimination or harassment;
- Allegations that the stated standard of service of Council has not been met or was of inferior quality; and
- Decisions of officers.

Most initial contacts with Council are not complaints and can be dealt with through the action request processes. In such instances, the issue **will not be registered as a complaint**:

- Requests for services (initial contact with the Council, unless the request is assessed by the relevant Manager that the issue is significantly important or sensitive to warrant immediate registration as a complaint and unless Council officers failed to complete actions to which they had indicated they would complete);
- Requests for information or explanations of policies or procedures;
- The lodging of an appeal in accordance with standard procedure or policy;
- An appeal or request for internal or external review of a decision for which a structured process applies;
- An expression concerning the general direction and performance of Council;
- Disagreement with a policy of the Council;
- Reports of damaged or faulty infrastructure; and
- Reports about neighbours, noise, dogs, nuisances, unauthorised building work or similar issues that fall into the regulatory aspect of Council's responsibilities.

### 3. Lodging a Complaint

A formal complaint may be lodged:

- In person - at the counter or at a prearranged meeting with a relevant Manager;
- By phone ~~and~~ and
- In writing via email, letter or Council's website.

To assist Council in dealing with a complaint, a customer should include the following:

- Name and address (including contact details);
- Date, times and location of events;
- ~~What happened and~~ Description of the ~~event~~ issue;
- ~~The name of the Council officer to~~ whom the customer has spoken ~~to within Council~~;
- Copies or references to letter or documents relevant to the complaint; and
- State what the customer hopes to achieve as an outcome to the complaint.

### 4. Complaints Management

#### 4.1. Complaints Management Process

In most instances, the Manager of each Department of Council is to handle complaints relevant to their specific area of responsibility.

While ~~it is possible to achieve a quick resolution to most~~ problems, ~~can usually be resolved promptly~~, there are times when ~~a complaint may~~ require a more detailed investigation.

~~Appropriate escalation procedures will be followed by Council officers depending on the seriousness of the complaint. If a complaint is of a serious nature, it will be referred directly to the General Manager.~~

For complaints made about a decision of Council, an explanation of the facts, policy and reasons for the decision is to be given to the complainant. If the decision is found to have been made without following due process or without ~~all of~~ the available information, it will be referred back to the appropriate ~~the~~ manager for review.

If an ~~Alderman/Councillor~~ has submitted a complaint on a customer's behalf, a status report will also be provided to the ~~Alderman/Councillor~~.

Complaints against staff will be handled with discretion and will be notified to the General Manager. ~~Council's disciplinary procedures will be applied to any complaint that requires disciplinary action. Any disciplinary action will be determined as a result of a complaint will be undertaken in line with Council's disciplinary procedures.~~

#### 5. Response Times

Every effort is to be made when dealing with complaints to:

- Acknowledge the complaint within five (5) working days; and
- Resolve the complaint and provide a response within ten (10) working days.

If complex investigations are required, the response will provide an indication of the timeframes associated with the investigation process and contact information for the complainant to obtain feedback on the status of the complaint.

#### 6. Consideration of a Complaint

In considering a complaint the responsible ~~the~~ manager will:


- Examine and analyse the information ~~already~~ available and ~~ask for more information where clarification is required follow up points requiring clarification;~~
- Review ~~relevant~~ Council policies ~~that relate to the complaint; which might have a bearing on the complaint;~~
- ~~Consider Determining whether or not the Council's ownership of the issue is at fault;~~
- Consider any necessary action to be taken to correct any issues identified. Ensure that any remedy given to resolve a complaint is appropriate and reasonable;
- ~~Where considered appropriate, the relevant Manager may attempt mediation on a complaint with the intention to provide a resolution;~~
- Consider a review of ~~the~~ Council's procedures to avoid recurrence of ~~any~~ similar complaints ~~in the future if necessary.~~

~~Where considered appropriate the relevant manager may attempt mediation on a complaint with a view to resolution.~~

#### 7. Treatment of Complainants

	<p>Complaints are to be treated, respectfully, professionally and with confidentiality.</p> <p><b>8. Vexatious/Malicious Complaints</b> All complaints received by Council will be treated with seriousness. If a complaint is determined to be malicious, frivolous or generated purely to cause annoyance the matter will be referred to the General Manager for review and response.</p> <p><b>9. Anonymous Complaints</b> Anonymous complaints will generally only be acted upon where the matter is <del>considered to be identified as being</del> serious and there is sufficient information in the complaint to enable an investigation to be undertaken.</p> <p><b>10. Protection of Customer</b> <del>Information that identifies the complainant personally identifiable information concerning the complainant will only be made available</del> only as needed for the purposes of addressing the complaint.</p> <p><b>11. Registration and Reporting of Complaints</b> An integral part of the complaint policy is the requirement for all complaints received by Council to be registered into a central database for tracking and <del>follow up resolution</del>.  Council will be provided with a report <del>at least</del> once a year <del>that details</del> of the number and nature of complaints received in accordance with section 339F(5) of the Local Government Act 1993.  The Executive team will review the complaints register on a regular basis.</p> <p><b>12. Responsibility for Dealing with Complaints</b> <b>12.1. Council Officers</b></p> <ul style="list-style-type: none"> <li>• Receive complaints whether in writing, <del>by facsimile</del> email, internet, or in person;</li> <li>• Record detailed information of the complaint;</li> <li>• Refer details of the complaint electronically for registration in Council's records system;</li> <li>• Inform the appropriate <del>MP</del> manager of the receipt of a complaint and any initial action taken; and</li> <li>• Take remedial action as authorised by a <del>MP</del> manager.</li> </ul> <p><b>12.2. Managers</b> Managers are responsible for the same actions as detailed above, with the addition of:</p> <ul style="list-style-type: none"> <li>• Review remedies carried out and recommended;</li> <li>• Ensuring responses are made within the required times;</li> <li>• Ensuring complaint and responses are appropriately recorded;</li> <li>• Report information or recommendations for changes of policy and procedures to the General Manager; and</li> <li>• If a complaint is directed towards more than one issue, then following registration co-ordinate a combined response so the complainant receives only one reply addressing all of the issues if appropriate.</li> </ul> <p><b>13. Customer Dissatisfaction with Complaint</b> <b>13.1. Internal Review</b></p>
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	<p>The majority of complaints can usually be resolved by the relevant Manager. However, a person who is not satisfied with the outcome may request <del>escalation for review</del> <u>a review of the complaint by the General Manager</u>. A request for a review of the complaint by the General Manager is to be in writing.</p> <p><b>13.2. Further Investigation</b></p> <p>If a complaint remains unresolved or a customer is dissatisfied with the process <del>followed in managing the complaint</del>, <u>a customer may elect to have their complaint actioned through</u>, <del>in dealing with a complaint other avenues remain for the customer to consider</del>. <u>Customers can also contact external agencies</u>. <del>These following agencies which</del> can review actions and decisions taken by the Council. <del>These which include:</del></p> <ul style="list-style-type: none"> <li>• The Ombudsman who is an officer responsible to Parliament for investigating complaints made about administrative actions (or inactions) of Tasmanian Government Departments, most Statutory Authorities and Local Government. The Ombudsman is located at Ground Floor, 99 Bathurst Street, Hobart, 7000, phone free call 1800 001 170, email <a href="mailto:ombudsman@ombudsman.tas.gov.au">ombudsman@ombudsman.tas.gov.au</a>.</li> <li>• Local Government Division, Department of Premier and Cabinet, Level 5, 15 Murray Street, Hobart (GPO Box 123 HOBART 7001), phone (03) 6232 7022, email <a href="mailto:lgsem@dpac.tas.gov.au">lgsem@dpac.tas.gov.au</a></li> <li>• Integrity Commission, Surrey House, Level 2, 199 Macquarie Street Hobart (GPO Box 822 Hobart 700), phone 1300 720 289, e-mail <a href="mailto:integritycommission@integrity.tas.gov.au">integritycommission@integrity.tas.gov.au</a>.</li> </ul> <p>While a customer is entitled to refer a complaint directly to these bodies at any time, customers are encouraged to allow the Council to investigate the complaint first.</p>		
<b>LEGISLATION AND RELATED DOCUMENTS</b>	Personal Information Protection Act 2004 Right to Information Act 2009 Local Government Act 1993 Customer Service Charter Dealing With Difficult Customers Policy		
<b>ATTACHMENT/S (IF APPLICABLE)</b>	N/A		
<b>TRAINING REQUIREMENTS (IF APPLICABLE)</b>	<u>Is training required as result of this Policy</u>	<u>YES</u>	<u>NO</u>
	<u>Training required by:</u>	<u>Councillors</u>	<u>Staff</u>
			<u>Department</u>

	<b>COUNCIL COMMITTEES POLICY</b>												
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM):										
Council	<del>23 November 2013</del>	<del>26/4/13</del>	<del>0504/13</del>										
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW										
General Manager	General Manager	5.3.4 – Ensure effective administration and operation of Council's committees	<del>July 2019, July 2021</del>										
<b>PURPOSE</b>	To provide information and guidance in relation to Committees established by Council in accordance with Section 23 of the <i>Local Government Act 1993</i> . <ol style="list-style-type: none"><li>1. Council operates its decision-making process around a formalised Committee structure.</li><li>2. This Policy covers the meeting schedule of Council and its Section 23 Committees, the structure of Committees, and delegations by Council to the Committees incorporating respective areas of responsibility.</li></ol>												
<b>SCOPE</b>	This Policy applies to all meetings of Council's established Section 23 Committees which will be utilised to formulate decisions on specific areas of its operations for Council's ratification except in cases where a delegation has been provided for the Committee to make a determination.												
<b>POLICY</b>	<p>The usual meeting schedule will be as follows:</p> <table><tr><th>Meeting Format</th><th>Frequency</th></tr><tr><td><b>Planning Authority Committee</b></td><td>Mondays (when required).</td></tr><tr><td><b>Infrastructure, Works &amp; Development Committee</b></td><td>Bi-monthly – 2<sup>nd</sup> Monday</td></tr><tr><td><b>Governance, Finance and Community Services Committee</b></td><td>Bi-monthly – 3<sup>rd</sup> Monday</td></tr><tr><td><b>Workshops</b></td><td>1<sup>st</sup> Monday (additional workshop convened on an as needed basis)</td></tr></table> <p>Note: When a meeting falls on a public holiday, it will normally be postponed to the next available working day. The Chairman of a Committee in consultation with the General Manager can alter the date and time of scheduled meetings.</p> <ol style="list-style-type: none"><li><b>1. Committee Functions:</b> A guide to the roles and functions of Section 23 Committees are outlined in Attachment 1.</li><li><b>2. Delegations by Council to Council Committees:</b> Pursuant to Section 22(1) of the <i>Local Government Act 1993</i>, Council delegates the following powers and functions to the following Section 23 Committees, subject to the following:<ol style="list-style-type: none"><li>a) Any <del>Alderman Councillor</del> who is not a member of the Council Committee may, before commencement of discussion of the item by at least verbal notification to the Chairman of the Committee, or to the General Manager four hours prior to the advertised commencement time of the Committee, require that an item on the agenda, which would be determined by the Committee under delegated authority, to be referred to</li></ol></li></ol>			Meeting Format	Frequency	<b>Planning Authority Committee</b>	Mondays (when required).	<b>Infrastructure, Works &amp; Development Committee</b>	Bi-monthly – 2 <sup>nd</sup> Monday	<b>Governance, Finance and Community Services Committee</b>	Bi-monthly – 3 <sup>rd</sup> Monday	<b>Workshops</b>	1 <sup>st</sup> Monday (additional workshop convened on an as needed basis)
Meeting Format	Frequency												
<b>Planning Authority Committee</b>	Mondays (when required).												
<b>Infrastructure, Works &amp; Development Committee</b>	Bi-monthly – 2 <sup>nd</sup> Monday												
<b>Governance, Finance and Community Services Committee</b>	Bi-monthly – 3 <sup>rd</sup> Monday												
<b>Workshops</b>	1 <sup>st</sup> Monday (additional workshop convened on an as needed basis)												

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	<p>Council. That item shall then be determined by Council at its next ordinary meeting or at a special meeting held to determine that matter.</p> <p>b) With the exception of the Planning Authority Committee, an item may only be determined under delegated authority if the determination is in accordance with the recommendation detailed within the agenda. For the purposes of this clause, where the recommendation is for approval, a delegated decision to approve an item unconditionally or subject to conditions which differ from those detailed in the recommendation (if any), shall be taken as nevertheless being in accordance with that recommendation.</p> <p><b>Infrastructure, Works and Development Committee</b></p> <p>a) To accept tenders for activities related to the functions of the Committee only to the extent of the estimates for the current financial year as adopted by Council.</p> <p><b>Planning Authority Committee</b></p> <p>a) To exercise all of Council's functions and powers as a Planning Authority under the <i>Land Use Planning and Approvals Act 1993</i>, including all functions and powers contained in any planning scheme and special planning orders.</p> <p>b) To exercise all of Council's functions and powers as a Planning Authority under the <i>Historic Cultural Heritage Act 1995</i>.</p> <p>c) To exercise all of Council's functions and powers under Part 3 of the <i>Local Government (Building and Miscellaneous Provisions) Act 1993</i>.</p> <p>d) To exercise all of Council's powers to determine all matters brought before the Committee in compliance with the scope of matters as determined by this Policy.</p> <p><b>3. Guidelines:</b></p> <p>3.1. Council will use an effective Section 23 Committee system to conduct its business and will endeavour to avoid deferring decisions.</p> <p>3.2. A quorum for each committee is the simple majority of such numbers of <del>Aldermen Councillors</del> who are members of the Committee.</p> <p>3.3. The membership of the Committee shall be in accordance with this Policy.</p> <p>3.4. <del>Aldermen Councillors</del> who are not members of a Committee are able to attend any Committee meeting with the right to speak in accordance with the <i>Local Government (Meeting Procedures) Regulations 2015</i> and this Policy, but will not have voting rights.</p> <p>3.5. In relation to appointment to Committees, <del>Aldermen Councillors</del> will be given the opportunity to formally indicate a first and second preference for membership. As far as practicable, an <del>Alderman's Councillor's</del> preferences will be taken into account. Where there is an excess of <del>Aldermen Councillors</del> selecting to be members of a particular Committee, the matter will be determined by Council by formal vote.</p> <p>3.6. The appointment of the Committee Chairman will be the</p>
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	<p>responsibility of Council. Where more than one <del>Alderman/Councillor</del> nominates for the position, then a ballot of all <del>Aldermen/Councillors</del> will be conducted.</p> <p>3.7. In circumstances where the Chairman is absent from a Committee meeting, either the Mayor or Deputy Mayor (if they are members of that Committee) will assume the role of Chairman for that meeting. If the Mayor or Deputy Mayor are not members of that Committee, the members of the Committee will appoint a member as Acting Chairman for the meeting.</p> <p>3.8. A scheduled Committee meeting may be postponed_/ rescheduled_/ cancelled by the General Manager following consultation with Chairman of the Committee.</p> <p><b>4. Communication</b></p> <ul style="list-style-type: none"> <li>Members of the public</li> <li>Devonport City Council staff</li> </ul>		
<b>LEGISLATION AND RELATED DOCUMENTS</b>	<p>Local Government Act 1993 (Sections 22 and 23)</p> <p>Local Government (Meeting Procedures) Regulations 2015</p> <p>All Section 23 Committee meetings will operate under the provisions of the Local Government (Meeting Procedures) Regulations 2015. In accordance with Section 37 of those Procedures, an <del>Alderman/Councillor</del> may speak up to three times during debate on a matter listed on the agenda.</p>		
<b>ATTACHMENT/S (IF APPLICABLE)</b>	Appendix 1 – Council Committees		
<b>TRAINING REQUIREMENTS (IF APPLICABLE)</b>	Is training required as a result of this Policy	<b>YES</b>	<b>NO</b>
	Training required by	<b>Councillors</b>	<b>Staff</b> <b>Department</b>

## APPENDIX 1 – Council Committees

**Planning Authority Committee ( 6 Aldermen)**

- Statutory Planning Authority responsibilities
- Development Applications
- Subdivision Approvals
- Planning Scheme Amendments
- Legal matters related to Statutory Planning
- Planning Appeals

**Infrastructure, Works & Development Committee ( 6 Aldermen)****Infrastructure & Works**


- Asset Management Program (forward planning and maintenance)
- Capital Works
- Roads, Footpaths and Cycleways
- Streetscape Design (incl. lighting, signs, furniture, vegetation)
- Stormwater Management
- Traffic Management
- Waste Management
- Sporting Grounds and Facilities
- Recreation Reserves (incl. playgrounds, parks and gardens)
- Public Buildings (incl. public halls, toilets)
- Tracks and Trails
- Marine Structures (incl. jetties, boat ramps)
- Recreation and open space planning

**Development Services**

- Fire Hazards
- Public Health
- Building Control
- Compliance and Enforcement
- Animal Control

**Governance, Finance and Community Services Committee ( 6 Aldermen)**

- Strategic and Operational Plans
- Corporate Communication
- Human Resources
- Partnerships
- Risk Management and Insurances
- Information Technology
- Budget Management
- Economic Development
- Property Management
- Parking
- Financial Strategy and Management
  - Revenue and Rating
  - Grants
  - Loan Borrowing
  - Compliance
  - Related Policies
  - Financial Reporting
- Community & Cultural Development
- Community Information & Engagement
- Social Inclusion
- Health and Wellbeing
- Arts, Culture & Events
- Tourism, Marketing and Visitor Services
- Section 24 Special Committee Reporting
- Emergency Management & Community Safety
- Natural Resource Management

	<b>CREDIT CARD POLICY</b>		
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM)
Council	<del>26 November 2018</del>	<del>220/18</del>	<del>D550886</del>
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Executive Manager Organisational Performance	General Manager	5.5.1 – Provide financial services to support Council's operations and meeting reporting and accountability requirements	<del>July 2019</del> <u>July 2021</u>
<b>PURPOSE</b>	The purpose of this policy is to provide guidance on how Council corporate credit cards are to be allocated, used and administered to ensure that they assist in efficient delivery of services while minimising the potential for misuse and fraud.		
<b>SCOPE</b>	<p>Corporate credit cards are recognised as an efficient and flexible method of paying for goods and services in the public sector. They offer a convenient and highly traceable payment option, particularly for low value, day-to-day transactions, and can substantially improve purchasing efficiency by reducing administrative costs.</p> <p>However, any transaction method holds the potential for misuse and the convenience and flexibility of credit cards can be a vulnerability. Therefore, sound policies and protocols for use and control must be established to take advantage of the improved purchasing efficiency while minimising the opportunity and impact of misuse of funds.</p> <p>The policy is intended to apply to credit cards, as well as any other similar type of corporate or organisational purchasing card. In this policy, the term "credit card" is used to refer to any purchasing card, including credit, debit, EFTPOS and similar bank cards issued by Council and used for purchasing on behalf of Council.</p>		
<b>POLICY</b>	<p><b>1 Purchasing Principles</b> Cardholders must conform to sound principles of purchasing when using a Council credit card. These principles are detailed in Council's <i>Purchasing Policy</i>.</p> <p><b>2 Preferred Purchasing Methods</b></p> <p><b>2.1</b> In using a Council credit card, cardholders must consider the alternative purchasing methods available, such as purchase orders and purchase contracts.</p> <p><b>2.2</b> Credit cards are appropriate for purchasing in the following typical situations:</p> <ul style="list-style-type: none"> <li>a) Smaller purchase amounts, typically below \$1,000;</li> <li>b) Invoices for approved goods or services requiring immediate or out-of-cycle payment, when payment has been authorised;</li> </ul>		

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	<p>c) Where purchase orders:</p> <ul style="list-style-type: none"> <li>are impossible or unworkable (such as internet purchases of approved goods or services); or</li> <li>would take too long, unreasonably impact operational efficiency or result in missed opportunity, for example, if a purchase order would incur significant and unreasonable additional costs (either to Council or the supplier) relative to the cost of the goods or services being procured;</li> </ul> <p>d) Where payment by credit card has been formally authorised, such as emergency situations; or</p> <p>e) For purchases that cannot be made in the office, such as work-related travel expenses generated while travelling, or field work expenses requiring payment in the field.</p> <p><b>2.3</b> Purchase orders or purchase contracts are preferred in the following typical situations:</p> <p>a) For invoices not requiring urgent or immediate payment, such as invoices with a future due date;</p> <p>b) Larger purchase amounts, typically of \$1,000 or more; or</p> <p>c) Purchases requiring agreement between parties on terms (of service, engagement or sale).</p> <p><b>2.4</b> Cardholders operate with some discretion, but must justify their purchasing decisions, including the purchasing method chosen. Seek guidance from your Manager or Finance Team if you are in doubt.</p> <p><b>3 Control of Credit Cards – For Authorisers</b></p> <p><b>3.1 Risk Management Strategy</b></p> <p>Each active credit card represents a risk of accidental or intentional misuse of public funds and each credit limit amount is the extent of that risk. To minimise risks associated with credit cards, Council must:</p> <p>a) Allocate credit cards according to departmental need, and avoid allocating on an ad hoc or individual basis; and</p> <p>b) Only issue cards to organisational roles where the operational benefits of efficient purchasing outweigh the increase in risk; and</p> <p>c) Maintain control on the total number of credit cards issued and their combined purchasing potential (or credit limit) at any one time; and</p> <p>d) Control the credit limit available on each card to an appropriate amount required to facilitate efficient purchasing for each role, considering the alternative payment options available; and</p> <p>e) Ensure Cardholders and Authorisers adhere to the procedures and responsibilities set out by the policy by</p>
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	<p>placing the onus of evidence for each purchase upon the Cardholder.</p> <p><b>3.2 Authorisers</b></p> <p>Authorisers have a key role in the control of credit cards, managing purchasing risk and maintaining compliance with this policy. Authorisers:</p> <ul style="list-style-type: none"> <li>a) May authorise or decline the issuing of credit cards to a Cardholder;</li> <li>b) May authorise or decline discretionary transactions, such as entertainment or gifts in accordance with this policy;</li> <li>c) May direct a Cardholder to reimburse Council for transactions deemed not to be in accordance with this policy;</li> <li>d) May or may not be allocated a credit card; and</li> <li>e) If they are allocated a credit card, may not authorise their own purchases or issue their own credit card.</li> </ul> <p>The following roles are Authorisers for the purpose of this policy:</p> <ul style="list-style-type: none"> <li>➤ General Manager</li> <li>➤ Deputy General Manager</li> <li>➤ Executive Manager Corporate Services</li> <li>➤ Finance Manager</li> </ul> <p><b>3.3 Allocation and Issue of Credit Cards and Credit Limits</b></p> <p>Credit cards are allocated and issued according to the rules in the following sections.</p> <ul style="list-style-type: none"> <li>a) Allocating Credit Cards <ul style="list-style-type: none"> <li>• <b>Schedule 1 – Allocation of Credit Cards and Credit Limits</b> lists the roles that, at the absolute discretion of the Authorisers, may potentially be issued with a credit card and the maximum credit limit for each role.</li> <li>• The General Manager and Executive Manager Corporate Services (EMCS) must authorise changes to the allocation table.</li> <li>• Council credit cards are allocated to people in roles that require them. Credit cards may not be applied for. Contact your supervisor if you believe your role requires a credit card or a different credit limit. Your supervisor will determine whether or not to request a review of <b>Table 1. Credit Card Allocation Table</b> to include your role or change the credit limit available to your role.</li> <li>• A credit card will not be allocated to <del>Aldermen</del><u>Councillors</u>.</li> <li>• A credit card may be issued to the Mayor if the operational benefits to Council of efficient purchasing sufficiently outweigh the administrative cost of managing an additional card.</li> </ul> </li> </ul>
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	<p>b) Issuing Credit Cards</p> <ul style="list-style-type: none"> <li>• The issue of each credit card must be authorised by an Authoriser and recorded.</li> <li>• An Authoriser cannot authorise the issue of their own credit card.</li> <li>• A person in a role that is allocated a credit card is not obliged to hold one.</li> <li>• The cardholder must complete the Cardholder Declaration shown at <b>Schedule 2</b> before the card is issued. Completed declarations will be stored by the Finance Manager.</li> </ul> <p>c) The General Manager's Credit Card</p> <ul style="list-style-type: none"> <li>• The General Manager is allocated a card, if they choose to hold one.</li> <li>• The credit limit for the General Manager is determined by Council approval, including subsequent adjustments.</li> <li>• All statement reconciliations for the General Manager's credit card are reviewed by the Mayor (who is not an Authoriser) and authorised by the Deputy General Manager who is an Authoriser.</li> </ul> <p>d) Setting Limits and Controls on Credit Cards</p> <ul style="list-style-type: none"> <li>• The maximum number of cards that Council will allow to be active at any one time is to be set according to Council needs and acceptable risk;</li> <li>• The maximum total credit limit of all cards is to be set according to needs, acceptable risk and budget requirements;</li> <li>• Monthly credit limits will be set to the lowest amount required by the Cardholder to conveniently execute their role, considering budget constraints and the alternative payment methods available.</li> <li>• Limits on individual transactions may be set.</li> </ul> <p><b>3.4 Review of Credit Card Allocation and Credit Limits</b></p> <p>The allocation of each credit card and their credit limits detailed in <b>Schedule 1 – Allocation of Credit Cards and Credit Limits</b> is to be set according to operational requirements and authorised by the General Manager and EMCS. Only the General Manager's credit limit requires Council approval; all other roles and limits are set according to Council operational requirements, as determined by the General Manager and EMCS.</p> <p><b>Table 1, Credit Card Allocation Table</b> will be periodically reviewed every two years, as a minimum, in conjunction with the policy update cycle. The aim of each review is to ensure that credit card allocation and limits are facilitating efficient purchasing and delivery of Council's services while effectively</p>
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	<p>managing purchasing risk. Unnecessary or insufficiently justified cards should be withdrawn and destroyed. Credit limits should be adjusted to the lowest monthly amount needed to facilitate efficient purchasing, as evidenced by purchasing history and adherence to this policy.</p> <p>In addition to the periodic review, <b>Table 1. Credit Card Allocation Table</b> is recommended to be reviewed if:</p> <ul style="list-style-type: none"> <li>a) Requests are received to add or remove roles from the Credit Card Allocation Table, or alter individual credit limits;</li> <li>b) Proposed changes to the Credit Card Allocation Table require changes to the maximum number of credit cards or the maximum total credit limit;</li> <li>c) A cardholder terminates employment or returns their card;</li> <li>d) A card is lost or stolen or the subject of fraud or identity theft;</li> <li>e) A significant breach of the policy (under section 3.5) occurs; or</li> <li>f) Significant reorganisation of Council roles is undertaken.</li> </ul> <p>Where the operational benefits to Council of a role holding a credit card no longer outweigh the increase in risk of the extra card, the credit card should be returned and cancelled.</p> <p><b>3.5 Breach of Policy or Misuse</b></p> <p>Any breaches of this policy by any Cardholder, Authoriser, staff or elected member, depending on the nature and extent of the breach, may result in:</p> <ul style="list-style-type: none"> <li>a) Counselling and retraining in the policy and requirements;</li> <li>b) Reimbursement of costs;</li> <li>c) Cancellation of card;</li> <li>d) Disciplinary action in accordance with Council's Disciplinary <u>Policy Procedure</u>; or</li> <li>e) Referral to police or civil proceedings.</li> </ul> <p>If you become aware of policy breaches or misuse, report them immediately to an Authoriser. The Authoriser will determine if the policy breach or misuse needs to be reported to the Fraud Control Officer.</p> <p><b>4 Statement Reconciliation and Acquittal Process – Cardholders and Authorisers</b></p> <p>The purpose of the Statement Reconciliation and Acquittal Process is to ensure that:</p> <ul style="list-style-type: none"> <li>➤ Cardholders justify and document every purchasing decision to Council; and</li> <li>➤ Council is able to justify and validate its endorsement and validation of Cardholders' purchasing decisions to auditors, investigators and the public.</li> </ul>
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On receipt of the account transaction statement each month, the statement will be reconciled according to the following process:

**4.1** The Cardholder must collate all purchase evidence (including tax invoices with purchase purpose or signed purchase statement) and provide them to a Council officer who is delegated to reconcile the account statement.

**4.2** A delegated Council officer will:

- a) Reconcile transactions individually against the supporting documentation and the requirements of this policy; and
- b) Question with the Cardholder any transactions:
  - without supporting documentation;
  - that may be in conflict with this policy;
  - that appear suspicious, unauthorised, excessive or of unknown purpose.
- c) If there are any outstanding transactions that cannot be adequately explained or reconciled with this policy, the officer must report these to the Finance Manager for further investigation and appropriate action.

**4.3** Any breaches of this policy will be dealt with according to risk and severity of the breach in accordance with section **3.5 Breach of Policy or Misuse**.

**4.4** If all transactions are supported by adequate documentation and purchases appear to be in accordance with this policy with no suspicious activity;

- a) The Cardholder will sign the account statement to confirm the purchases; and
- b) For the General Manager's credit card, the Mayor will review the statement and the Deputy General Manager will authorise the credit card statement to confirm purchases are in accordance with this policy; and
- c) The Authoriser reviews the credit card statement and attachments and authorises the statement to approve for payment

**4.5** Full statement reconciliation, acquittal and approval for payment must be completed before payment is due or within four (4) weeks of receiving the statement.

## **5 Use of Credit Cards – For Cardholders**

### **5.1 General Use**

- a) **Cardholder Responsibility and Liability;**  
As a Cardholder, you are responsible for the safe custody and security of the card and liable for any misuse and associated costs. You are responsible for resolving use and transaction disputes and ensuring that use of the card is ethical and strictly in accordance with this policy.

	<p>Credit cards are provided strictly for business-related purchasing only. Cardholders must be able to justify and prove their purchasing decisions to Council in a manner that allows Council to be able to justify and validate their endorsement of purchasing decisions to auditors, investigators, and the public. Always follow this policy and seek guidance from an Authoriser if in doubt.</p> <p>Cardholders must comply with any terms and conditions of use provided by the card issuer and should follow the guidelines and recommendations of the issuing institution.</p> <p>b) <b>Non-Cardholder Use:</b> Only the designated Cardholder may use the credit card. The Cardholder must not let any other person use the credit card assigned or account or record or share the credit card number, including other Council staff or elected members.</p> <p>Where for an approved purchase in compliance with this policy, the Cardholder may use their credit card to purchase work-related items on behalf of another Council staff or elected member, provided the expense is appropriate and approved in accordance with this policy.</p> <p>c) <b>Receipts and Documentation for Every Purchase:</b> The Cardholder must obtain a valid tax invoice for all credit card purchases and note the purpose of the purchase.</p> <p>A valid tax invoice must provide sufficient information to demonstrate that the document is intended to be a tax invoice and include the following<sup>1</sup>:</p> <ul style="list-style-type: none"> <li>• The seller's identity;</li> <li>• The seller's Australian Business Number (ABN);</li> <li>• The date the invoice was issued;</li> <li>• A brief description of the items sold, including the quantity (if applicable) and the price;</li> <li>• The GST (goods and services tax) amount payable (if any) – this can be shown separately or, if the GST amount is exactly one-eleventh of the total price, as a statement such as 'Total price includes GST'; and</li> <li>• Purchases over \$1,000 must also show the buyer's identity or ABN (in addition to the seller's details).</li> </ul> <p>The Cardholder should make every attempt to obtain valid original documents in support of transactions. Council cannot claim the GST credit for purchases over \$75 without a valid tax invoice<sup>2</sup>, so it is always important purchases have original documentation. Contact vendors for original tax invoices if necessary.</p>
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<sup>1</sup>ATO tax invoice requirements: <https://www.ato.gov.au/Business/GST/Issuing-tax-invoices/>

<sup>2</sup>See *A New Tax System (Goods and Services Tax) Regulations 1999*:

[https://www.legislation.gov.au/Details/F2011C00417/Html/Text#\\_Toc297551530](https://www.legislation.gov.au/Details/F2011C00417/Html/Text#_Toc297551530)

In the absence of a valid tax invoice or original receipt, the Cardholder must provide sufficient information regarding the transaction to satisfy an Authoriser that the purchase is a valid work-related purchase that complies with this policy.

If you make a transaction and fail to retain a valid tax invoice for it, you must complete and sign a statutory declaration<sup>3</sup> that includes all the required supporting information to justify the purchase, including the transaction purpose, date, time, amount, vendor name and ABN.

Cardholders are liable for the cost of transactions that cannot be verified to be in compliance with this policy. Repeated purchases without original supporting documentation (valid tax invoice), requiring the Cardholder's explanation, or a statutory declaration are a purchasing risk to Council and may result in a credit card being revoked or disciplinary action in accordance with **3.5 Breach of Policy or Misuse**.

d) **Lost, Stolen or Damaged Cards:**  
If a Council credit card is lost or stolen, the Cardholder must immediately contact the issuing institution to report the lost or stolen card. Follow the advice of the institution and then advise an Authoriser at the earliest opportunity.

Damaged cards can be reported to Council's financial management team for a replacement card to be arranged.

e) **Return of Cards:**  
Return your Council credit card immediately to your manager if you:

- Are ceasing or terminating employment;
- Moving to a role that is not assigned a credit card;
- Taking extended leave from your role, or otherwise where you feel retaining your card is an unnecessary risk; or
- No longer require, or do not wish to hold, a credit card.

Credit cards should generally be cancelled and destroyed in these circumstances. If employees are returning from leave of 6 months or less, cards may be held securely by Council, at Council's discretion.

[The return of credit cards is an item included on the employee exit checklist.]

**5.2 Permitted Transactions**  
An employee issued with a Council credit card will have the necessary financial delegation to transact on the card. The

<sup>3</sup> Statutory declaration forms are available from the Department of Justice:

[http://www.justice.tas.gov.au/forms/statutory\\_declarations](http://www.justice.tas.gov.au/forms/statutory_declarations)

setting of the transaction and credit limit will be in accordance with section 3.3 of this policy.

Transactions for expenses that are budgeted for and have been demonstrably approved, such as approved projects or approved travel, may be made without additional approval from Authorisers. The Cardholder must be able to demonstrate purchases are approved and in accordance with this policy, if queried. Approval can be by way of email from the Cardholder's supervisor or in relation to travel for training/conference purposes, completion of the Training Registration Form and compliance with the Travel Accommodation Policy.

a) **Travel Expenses:**

Travel expenses are expenses incurred in the course of authorised work-related travel. They include accommodation, transport, meals, and expenses incidental to travel. Credit cards are ideally suited to cater for expenses incurred while travelling.

Travel expenses should be purchased in accordance with Council's Travel Accommodation Policy.

### 5.3 Discretionary Transactions Requiring Authorisation

The following types of transactions and purchases generally require written approval from one or more Authorisers and are **discretionary transactions**. Certain credit cardholders have financial delegation to expend on discretionary transactions. Limits for discretionary expenditure are set out in **Table 1. Credit Card Allocation Table**. Unless employees have been allocated a financial delegation for discretionary expenditure, transactions for the following are prohibited.

a) **Entertainment Expenses:**

Entertainment means the provision of food drink or recreation – even if business discussions or transactions occur. Entertainment is typically considered a private expense and must not be purchased using a council credit card or funds without clear prior approval to do so.

There are a range of circumstances where entertainment expenses may be considered to be work-related and may be purchased with your Council credit card. These include travel expenses (in accordance with section 5.2a) Travel Expenses above), to support approved overtime work, for approved Council events or social functions or within an approved entertainment expenses budget for your role.

Certain roles are delegated the discretion to incur work-related entertainment expenses as part of their roles. These roles and their **discretionary expense limits** are allocated in **Schedule 1 – Allocation of Credit Cards** and Credit Limits.

b) **Gifts:**

Gifts are typically considered to be private expenses and must not be purchased with a Council credit card without

	<p>prior approval. However, there may be limited instances where a gift using Council funds is appropriate, such as in recognition of exceptional service of an employee or community volunteer, or as prizes for Council-sponsored community awards, and so are discretionary transactions.</p> <p>Refer to Council's <b>Recognition Procedure</b> for guidance and how to apply for approval to purchase a gift.</p>
	<p>c) <b>Fuel:</b> Wherever available, use a fuel card to purchase fuel for work-related fuel expenses. In the event a fuel card is not available or not accepted by vendors in a location, Cardholders may use a Council credit card to purchase fuel for work-related travel, however sufficient supporting evidence that documents the circumstances must be provided.</p>
	<p><b>5.4 Prohibited Use and Transactions</b> The following types of transactions and purchases are generally prohibited and must not be made on a Council credit card.</p>
	<p>a) <b>Cash Advances/Withdrawals:</b> Council credit cards must not be used for cash advances or withdrawing cash.</p>
	<p>b) <b>Refunds:</b> Any refunds for purchases made on a Council credit card must be refunded back to the credit card account. Refunds must not be accepted in cash.</p>
	<p>c) <b>Purchases of a private or personal nature:</b> Council credit cards must not be used for purchases of a private or personal nature, even if you intend to reimburse Council. Only approved, work-related expenses in accordance with this policy may be incurred.</p>
	<p>d) <b>Fines:</b> Council credit cards must not be used to pay fines of any nature. You must pay any fines that you incur.</p>
	<p>e) <b>Alternative Online Payment Methods and Storing Credit Card Details:</b> Use of Council credit cards on, or linking to, alternative online payment methods and e-commerce payment systems or accounts, such as PayPal, Google Pay, Apple Pay, iTunes, or any system that records and stores credit card details, are prohibited.</p> <p>Where a payment for necessary goods or services can only be made through such a payment/e-commerce system, and that system requires the storage of credit card details or linking to a credit card account (such as Uber), then the General Manager may delegate certain cardholders to set up and manage an online account. This policy applies for the online account, as for the credit card itself:</p>

	<ul style="list-style-type: none"> <li>The online account is restricted for use by the Cardholder;</li> <li>The online account is for work-related purchases only, in accordance with this policy;</li> <li>The online account is to be set up with the Cardholder's work email address and details and is to be managed separately from any personal online payment/e-commerce accounts.</li> </ul> <p>Permissions for online accounts should be centrally controlled and recorded by Council. Council credit cards must never be linked to personal online payment systems or accounts.</p>		
<b>LEGISLATION AND RELATED DOCUMENTS</b>	<p>Local Government Act 1993  Local Government (General) Regulations 2005  A New Tax System (Goods and Services Tax) Act 1999  Fringe Benefits Tax Assessment Act 1986  Payment of <del>Aldermen's</del> <u>Councillor's</u> Allowances, Expenses and Provision of Facilities Policy  Recognition Procedure  <del>Disciplinary Procedure</del>  Travel and Accommodation Policy  Code for Tenders and Contracts  Purchasing Policy  Staff Code of Conduct  Fraud and Corruption Control Policy</p>		
<b>ATTACHMENTS (IF APPLICABLE)</b>	<p>Schedule 1 – Allocation of Credit Cards and Credit Limits  Schedule 2 – Cardholder Declaration</p>		
<b>TRAINING REQUIREMENTS (IF APPLICABLE)</b>	<u>Is training required as a result of this policy</u>	<u>YES</u>	<u>NO</u>
	<u>Training required by:</u>	<u>Councillors</u>	<u>Staff</u>
		<u>Staff</u>	<u>Department</u>

## Schedule 1 – Allocation of Credit Cards and Credit Limits

This Policy permits the issue of credit cards only to the Council roles and with the limits stated in **Table 1** below.

**Table 1. Credit Card Allocation Table**

Role/Position	Issue	Credit Limit <sup>4</sup>	Transaction Limit <sup>5</sup>	Discretionary Expense Limit <sup>6</sup>
General Manager	1	\$10,000	N/A	\$200
Deputy General Manager	2	\$10,000	\$10,000	\$100
Executive Manager Corporate Services	3	\$10,000	\$5,000	\$100
Executive Manager Organisational Performance	4	\$10,000	\$5,000	\$100
IT Co-ordinator	5	\$15,000	\$3,000	Nil
Risk & Compliance Co-ordinator	6	\$10,000	\$1,000	Nil
Community Services Manager	7	\$5,000	\$5,000	\$100
Convention & Arts Centre Manager	8	\$5,000	\$5,000	\$100
DECC Co-ordinator	9	\$5,000	\$1,000	Nil
Maritime Centre Co-ordinator	10	\$5,000	\$1,000	Nil
Plant Maintenance Serviceperson Parking	11	\$500	\$100	Nil
Works Co-ordinator	12	\$5,000	\$5,000	Nil
BSMC Project Officer	13	\$1,000	\$1,000	Nil
Visual Arts Co-ordinator	14	\$1,000	\$1,000	Nil
Risk Safety & Compliance Officer	15	\$1,000	\$1,000	Nil
Works Supervisor	16	\$5,000	\$5,000	Nil
Infrastructure & Works Manager	17	\$5,000	\$5,000	Nil
Administration Officer	18	\$1,000	\$1,000	Nil
Executive Assistant	19	\$5,000	\$1,000	Nil
TOTAL	1112	\$85100,500		

**Table 1. Credit Card Allocation Table** is authorised by:

Name: _____	Name: _____
Position: <b>General Manager</b>	Position: Executive Manager Corporate Services
Signed: _____	Signed: _____
Date: _____	Date: _____

<sup>4</sup> **Credit Limit** means the monthly credit limit and total value of purchases that may be made in a month.

<sup>5</sup> **Transaction Limit** means the maximum value for any single transaction.

<sup>6</sup> **Discretionary Expense Limit** means the maximum value per occasion of work-related entertainment expenses that a role is permitted to be purchased before seeking approval from an Authoriser.

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## Schedule 2 – Cardholder Declaration

1. I have read and understood Council's Credit Card Policy. I understand the requirements of me as a Cardholder and agree to comply with them.
2. In particular, I agree:
  - That I understand and will follow the rules and procedures of credit card use outlined in this policy;
  - That I will adhere to all related Council policies, including Council's (Purchasing Policy, Travel & Accommodation Policy, Gifts & Donations Policy and Recognition Procedure);
  - That my credit card is to be used for Council business only;
  - That I must retain receipts and documentation to support all transactions made with my card;
  - That I am responsible for the safekeeping and security of my card and account and liable for any misuse;
  - That I will not allow any other person to use my Council credit card; and
  - That disciplinary action will be taken for any breaches of the policy.

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

### Authorisation

A Council credit card is approved to be issued to the Cardholder named above, who is authorised to hold and use a Council credit card in compliance with this policy.


Authorised by:

Name: \_\_\_\_\_ Name: \_\_\_\_\_

Position: \_\_\_\_\_ Position: \_\_\_\_\_

Signed: \_\_\_\_\_ Signed: \_\_\_\_\_

Date: \_\_\_\_\_ Date: \_\_\_\_\_

	<b>CUSTOMER SERVICE CHARTER POLICY</b>		
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM):
Council	24 July 2019	15147	D479564
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Customer Services Coordinator	Executive Manager Corporate, Community & Business Services	5.4 – Council is recognised for its customer service <del>as a delivery</del>	July 2019
<b>PURPOSE</b>	The Customer Service Charter sets out Council's service standards, <del>and standards and</del> explains what customers can do if <del>we</del> <del>Council has have</del> <del>not delivered</del> <del>not delivered</del> a service to <del>the agreed that</del> standard. It also provides Council officers with clear standards to <del>adhere which they are to</del> <del>adhere and that are in alignment with our focus on quality customer service,</del> <del>recognising that a strong customer focus is integral to our work.</del>		
<b>SCOPE</b>	This policy applies to all Council Officers and customers of Council.		
<b>POLICY</b>	<ol style="list-style-type: none"> <li><b>Who are our Customers?</b> Our customers are any person or organisation that has dealings with Council.</li> <li><b>Our Commitment</b> Council is committed to engaging with <del>our the</del> community, delivering customer focused services that:             <ul style="list-style-type: none"> <li>Are guided by <del>our the</del> organisation's values: continuous improvement, <del>and</del> innovation, customer satisfaction, leadership, our people, results and accountability;</li> <li>Are focused on <del>our the</del> customer's needs and preferences, as expressed through consultation and feedback;</li> <li>Ensure information, resources and services are accessible to all;</li> <li>Respect and protect <del>your</del> personal information and adhere to all legislative privacy requirements;</li> <li>Are delivered by skilled, motivated and courteous staff;</li> <li><del>A</del> <del>Ensure a</del> standard of presentation and performance which <del>at all times always</del> reflects the high quality of service <del>Council is committed to delivering, appropriate from Council.</del></li> </ul> </li> <li><b>Helping Us to Help You</b> To assist in delivering our services, we ask customers to:             <ul style="list-style-type: none"> <li>Provide accurate and complete information so we can respond appropriately to <del>your the</del> enquiry;</li> <li>Respect the privacy, safety, needs and rights of other customers;</li> <li>Respect the community in which we live;</li> <li>Work with <del>us Council</del> to solve problems;</li> <li>Treat our Council officers with courtesy <del>and respect and respect;</del></li> <li>Provide <del>us Council</del> with feedback so we can <del>continually improve service delivery, deliver better services.</del></li> </ul> </li> <li><b>What <del>you</del> Customers can expect from Devonport City Council</b> At all times <del>we Council</del> will:             <ul style="list-style-type: none"> <li>Greet <del>you customers</del> in a polite and friendly manner, <del>and identify ourselves;</del></li> </ul> </li> </ol>		

- Answer and return phone calls promptly;
- Serve ~~you customers~~ promptly at the front counter;
- Treat ~~you customers~~ courteously and with respect;
- Listen and respond to ~~your~~ concerns within service standards;
- Provide ~~you customers~~ with necessary and relevant information;
- Communicate clearly, and in plain language;
- Act on ~~our~~ commitments in a timely manner;
- Value ~~your customer~~ privacy by treating all personal information confidentially;
- Be punctual for meetings and appointments;
- Work with ~~you customers~~ to solve problems and refer ~~you them~~ to an appropriate organisation if ~~we are~~ Council is unable to meet ~~your the~~ request.

#### 5. Provision of Advice and Information

Council staff will ensure information and advice to the customer is accurate and current (at the time it is provided), and is provided ~~within agreed timeframes in accordance with the timeframes set out here and complete in form.~~

Technical, complex or regulatory matters will generally be addressed by senior staff or appropriately qualified staff.

General information and basic enquiries will usually be responded to by the staff member at the point of contact.

Advice will generally be provided by senior or specialist staff with the appropriate knowledge, experience and/or professional accreditation in respect of the subject matter of the advice being offered/provided.

#### 6. Abusive Customers

Should ~~we find the customer to~~ customers be abusive ~~you be personally abusive or use bad offensive language, in person, over the phone or by email, we will terminate the communication, with you. If face to face, we may walk away. If by telephone, we may terminate the call. If in email, your address may be blocked.~~

If ~~we~~ Council officers ~~—feel threatened by a customer's~~ your inappropriate offensive language or behaviour, the Police may be notified.

#### 7. Cessation of Contact

The General Manager may decide to limit or cease responses to ~~a customer you~~ should ~~you they~~ be abusive in ~~your their~~ communication with us or if ~~you they~~ do not accept that we have done all that we can to assist. A decision of this nature will be communicated ~~to you~~ in writing.

#### 8. Complaint Handling


Devonport City Council understands that ~~a customer you~~ may be dissatisfied with ~~the quality, a level or quality of~~ service, or behaviour of an employee or agent.

Complaints are different from requests for service. Many issues raised with Council are often referred to as 'complaints' when a customer contacts us. ~~The action we take to resolve my many such 'complaints' are a 'requests for service' and will be resolved as one of a standard function of Council, everyday part of Council's role.~~ These 'requests for

	<p>service' are managed separately will be dealt with separately to the formal complaint management process.</p> <p>A complaint may be lodged verbally by phone, in person or in writing via a letter, form or email, or via our website.</p> <p>Complaints are dealt with by the Managers of the relevant area, who will try to resolve the complaint as quickly as possible. Whilst most complaints can be resolved quickly, there are times when detailed investigation is required. If it will take time, we will keep you informed of the progress of your complaint.</p> <p>If the complaint is of a particularly serious or complex matter or remains unresolved, then a complaint should be made in writing to the General Manager.</p> <p>Further details on how Council deal with manage complaints is outlined in our Complaints Handling Policy.</p> <p><b>9. Our Customer Service Standards</b></p> <p>At all times, Council will endeavour to meet the following standards:</p> <table border="1"> <thead> <tr> <th>REQUESTED SERVICE</th><th>OUR STANDARD</th></tr> </thead> <tbody> <tr> <td>Return your phone call</td><td>A response to your telephone message within 3 business days.</td></tr> <tr> <td>Reply to written, email and social media, <del>and</del> <del>in person</del> general requests for service or advice</td><td>Within 10 working days.</td></tr> <tr> <td>Any Safety Matter issue reported</td><td>Immediately and up to 24 hours depending.</td></tr> <tr> <td>Complaint Resolution</td><td>Acknowledged initially and then every effort made to resolve the complaint and provide a response within 10 working days. If complex investigations are required, the response we provide you may be delayed, <del>but the</del> <del>customer will be</del> <del>kept</del> informed of our progress and the relevant contact officer's details.</td></tr> <tr> <td>Other requests, applications, duties etc with timeframes listed in legislation ie: Local Government Act 1993, Planning Scheme 2013, Food Act 2003, Building Act 2000, Monetary Penalties Enforcement Act 2005, Dog Control Act 2000 etc.</td><td>Any other requests or timeframes for service that is specified by legislation or Acts etc will be adhered to and where timeframes are not listed, responses will be within 10 days.</td></tr> </tbody> </table> <p><b>10. Evaluating and Improving our Performance</b></p> <p>Council uses customer satisfaction surveys and community engagement to collect feedback from customers. Council also welcomes feedback at any time. Your feedback helps us monitor and improve our services. You can contact us in person, by phone, email or via our website.</p> <p><b>LEGISLATION AND RELATED DOCUMENTS</b></p> <p>Local Government Act 1993  Personal Information Protection Act 2004  Right to Information Act 2009  Council's Complaint Handling Policy</p>	REQUESTED SERVICE	OUR STANDARD	Return your phone call	A response to your telephone message within 3 business days.	Reply to written, email and social media, <del>and</del> <del>in person</del> general requests for service or advice	Within 10 working days.	Any Safety Matter issue reported	Immediately and up to 24 hours depending.	Complaint Resolution	Acknowledged initially and then every effort made to resolve the complaint and provide a response within 10 working days. If complex investigations are required, the response we provide you may be delayed, <del>but the</del> <del>customer will be</del> <del>kept</del> informed of our progress and the relevant contact officer's details.	Other requests, applications, duties etc with timeframes listed in legislation ie: Local Government Act 1993, Planning Scheme 2013, Food Act 2003, Building Act 2000, Monetary Penalties Enforcement Act 2005, Dog Control Act 2000 etc.	Any other requests or timeframes for service that is specified by legislation or Acts etc will be adhered to and where timeframes are not listed, responses will be within 10 days.
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ATTACHMENT/S (IF APPLICABLE)	N/A		
TRAINING REQUIREMENTS (IF APPLICABLE)	Is training required as result of this Policy	YES	NO
	Training required by:	Councillors	Staff
			Department

REVIEW

	<b>DEALING WITH DIFFICULT CUSTOMERS POLICY</b>		
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM)
Council	24 July 2012	131/12	D42665
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Customer Services Coordinator	Executive Manager Corporate, Community & Business Services	5.4.3 – Manage customer requests and complaints with a view to continual improvement of service delivery	July 2016 July 2021
<b>PURPOSE</b>	<p><del>Council is committed to the delivery of quality services to our customers. Customer satisfaction is one of Council's values. However, at times, a customer's demands or expectations may exceed Council's ability to deliver. As a result, this policy explains how Council will deal with manage difficult customers who:</del></p> <ul style="list-style-type: none"> <li><del>• Cannot be satisfied</del></li> <li>• Make unreasonable demands;</li> <li>• Constantly raise the same issue with different staff; and/or</li> <li>• Are rude, abusive or aggressive.</li> </ul>		
<b>SCOPE</b>	All <del>employees</del> Council Officers with potential customer interaction.		
<b>POLICY</b>	<p><b>1. Customers Who Cannot be Satisfied</b></p> <p>Customers who cannot be satisfied include members of the public or groups who do not accept that Council is unable to assist them, provide any further assistance or level of service than has been provided already and/or disagree with the action Council has taken in relation to their complaint or concern.</p> <p>If in the opinion of the General Manager, a customer cannot be satisfied and all appropriate avenues of internal review or appeal have been exhausted and the customer continues to write, telephone, email and/or visit Council, the following actions may be taken:</p> <p>1.1. The General Manager may write to the customer restating Council's position on the matter if necessary and advising that if the customer continues to contact Council regarding the matter, Council may:</p> <p>1.1.1. not accept any further phone calls from the customer;</p> <p>1.1.2. not grant any further interviews <del>or meetings</del>;</p> <p>1.1.3. require all further communication to be put in writing; and</p> <p>1.1.4. continue to receive, read and file correspondence but only acknowledge or otherwise respond to it if:</p> <ul style="list-style-type: none"> <li>• the customer provides significant new information relating to their complaint or concern; or</li> <li>• the customer raises new issues which in the General Manager's opinion, warrant fresh action.</li> </ul> <p>1.2. The General Manager shall advise <del>Aldermen/Councillors</del> of a person who is deemed to be 'a customer who cannot be</p>		

satisfied', the customer's concerns, and any proposed management strategy by Council Officers.

## **2. Customers Who Make Unreasonable Demands**

Customers who make unreasonable demands include members of the public whose demands on Council start to significantly and unreasonably divert Council's resources away from other functions or create an inequitable allocation of resources to other customers. Such demands may result from the amount of information requested, the nature or scale of services sought or the number of approaches seeking information, assistance or service.

If in the opinion of the General Manager a customer is making unreasonable demands on Council and the customer continues to write, email, telephone and /or visit the offices the following actions may be taken:

2.1. The General Manager may write to the customer advising them of Council's concern and requesting that they limit and focus their requests and that if the customer continues to place unreasonable demands, Council may:

- 2.1.1. not respond to any future correspondence and only take action where, in the opinion of the General Manager the correspondence raises specific, substantial and serious issues; or
- 2.1.2. only respond to a certain number of requests in a given period.

2.2. If the customer continues to contact Council after being advised of Council's proposed course of action, the General Manager may, after considering representations from the customer, advise the customer that either or both of points 2.1.1 – 2.1.2 above will now apply.

## **3. Customers Who Constantly Raise the Same Issue with Different Staff**

If in the opinion of the General Manager, a customer is constantly raising the same issues with different staff or elected members, the following actions may be taken:

3.1. The General Manager may notify the customer that:

- 3.1.1. only a nominated staff member will deal with them in the future;
- 3.1.2. they must make an appointment with that person if they wish to discuss a matter; or
- 3.1.3. all future contact with Council must be in writing.


The customer may wish to make a formal complaint in accordance with Council's Complaint Handling Policy.

## **4. Customers Who are Rude, Abusive or Aggressive**

Rude, abusive or aggressive behaviour may include ~~rude or otherwise vulgar noises, offensive expressions or gestures~~, verbal abuse ~~of a personal or general nature~~, threatening ~~or offensive~~ behaviour, physical violence against property or physical violence against a person.

If in the opinion of any staff member, rude, abusive or aggressive comments or statements are made in telephone conversations or in person, the staff member may:

	<p>4.1. warn the caller, that if the behaviour continues, the conversation or interview/meeting will be terminated;</p> <p>4.2. terminate the conversation or interview/meeting if the rude, abusive or aggressive behaviour continues after a warning has been given.</p> <p>Where a conversation or interview/meeting is terminated, the staff member must notify the relevant Manager of the details as soon as possible.</p> <p>If in the opinion of the General Manager any correspondence to Council contains personal abuse, inflammatory statements or materials clearly intended to intimidate, it will be returned to the sender and not otherwise acted upon.</p> <p>Violence, damage to property or threatening behaviour may be reported to police, depending on the severity of the actions.</p> <p><b>5. Documentation and Reporting</b></p> <p><del>Council maintains detailed records on file of every situation in all of the situations referred to in this policy. Adequate documentary records must be made and maintained on the appropriate Council file.</del></p> <p>If an elected member feels that a Council customer is being difficult in a manner specified in this policy, they must notify the General Manager who will consider taking action as per <del>avenues the procedures</del> described above.</p> <p>Where the General Manager determines to limit a customer's access to Council in any of the ways specified in this policy, the General Manager will advise <del>Aldermen-Councillors</del> as soon as possible of the relevant circumstances and the action taken and forward such advice, where appropriate, to the Department of Premier and Cabinet's Local Government Division <del>and the Tasmanian Ombudsman</del> for information.</p> <p><b><u>6. Right of Review</u></b></p> <p><del>If you believe that this policy has been enacted against you unfairly, you may make a complaint to the Tasmanian Ombudsman.</del></p>									
LEGISLATION AND RELATED DOCUMENTS	<p>Local Government Act 1993</p> <p>Personal Information Protection Act 2004</p> <p>Right to Information Act 2009</p> <p><del>Devonport City Council</del> Customer Service Charter</p> <p><del>Devonport City Council Staff</del> Code of Conduct Policy</p> <p><del>Devonport City Council</del> Recording of Advice and Information Policy</p>									
ATTACHMENTS (IF APPLICABLE)	N/A									
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	<b>DILAPIDATED BUILDING POLICY</b>		
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM)
Council	24 July 2017	181.17	2479566
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Development & Health Services Manager	General Manager	2.1.2 – Provide <del>high quality</del> consistent and responsive development assessment and compliance processes	<del>July 2019</del> July 2021
<b>PURPOSE</b>	<p>To set a framework for the objective consideration by Council of whether a building notice should be issued by the General Manager specifying any building works that are required to be carried out in respect of a "dilapidated" building or buildings.</p> <p><del>In Section 3.4 of Under</del> the Building Act 2009-2016 (the Act) a dilapidated building is defined as a building "that because of neglect, disrepair, defacement or damage, is of an appearance that <del>is prejudicial to the visual amenity</del> is unsightly, particularly in comparison with <del>of</del> its surroundings".</p> <p>A building that is considered to be against the criteria for "dilapidated" may come to the attention of the General Manager by any means, including external notification, observations of Council officers or by a structured building audit program.</p>		
<b>SCOPE</b>	<p>This policy applies to all buildings in <del>the</del> Devonport <del>City Municipal area</del>.</p> <p>Before the General Manager may issue a building notice, they must consider whether a building or building falls within the definition of "dilapidated".</p> <p>It defines the considerations that must be made by the General Manager before they are satisfied that a building notice should be served on a building owner requiring that specified building works are to be carried out to a building.</p> <p>It sets out the matters about which the General Manager must be satisfied before they issue a building notice.</p> <p>This Policy will not apply to <del>buildings listed on the State</del> Heritage Building Register <del>for buildings referenced as a local heritage building under Council's Planning Scheme</del> unless the General Manager first obtains the written approval of the Heritage Council of Tasmania to require specified building works to be carried out to such a building.</p> <p>A building notice under the dilapidated buildings provisions will not be served in instances where the General Manager is of the opinion that a threat to life may arise out of the condition or use of a building or temporary structure. In such cases an emergency order will be issued under the provisions of Section <del>142-245</del> of the Act.</p>		
<b>POLICY</b>	<b>1. Resolution to Commence a Dilapidated Building Action</b>		

Before issuing a building notice for a dilapidated building, the General Manager is to provide Council with a report that:

- 1.1. reasonably establishes that the building or buildings in question satisfy the definition of "dilapidated"; and
- 1.2. provides an estimate of the cost to Council to carry out the building works stipulated in the notice in the event that the property owner fails to do so.

The General Manager is not to issue a building notice for the remediation of a dilapidated building or building under the provisions of section ~~242(67)~~ of the Act, until Council has resolved that both the action and any likely cost to Council for carrying out the works are acceptable in the circumstances.

## 2. Determining whether a Building is a Dilapidated Building

In determining whether a building is of an appearance that is prejudicial to the visual amenity of its surroundings the General Manager may consider, but is not limited to, the following indicators:

- broken windows, or major damage to window screens/external window frames;
- significant damage to roofs, roof coverings or guttering;
- significant damage to exterior building surfaces (for example peeling paint);
- broken exterior doors or major damage to exterior door frames;
- partially completed or partially demolished buildings; or
- excessive graffiti.

Subsection ~~167A-241~~ (1) of the Act provides that if the General Manager is of the opinion that a building may be a dilapidated building, then the General Manager may inspect the building and is to prepare a report on the matter. This process may be initiated when the condition of a building is brought to the General Manager's attention, for example, via a complaint from a member of the community.

There is no obligation for the General Manager to act at the behest of community complaints in relation to dilapidated buildings. Subsection ~~167A-241~~ (2) provides that the dilapidated building report is to state whether or not the building is a dilapidated building, the building work or other work the General Manager considers necessary to ameliorate the condition of the building and any other relevant matter.

Subsection ~~167A-241~~ (3) provides that the General Manager may seek information from ~~any~~ building ~~practitioner~~ ~~services provider~~, or other person, to assist them in preparing the report. Examples of other people that may have relevant skills and therefore be of assistance in preparing a report are:

- an urban planner who can give advice concerning visual amenity issues;
- a valuer who can give advice on relative property values;
- a heritage expert; and/or
- an architect, engineer, building surveyor or an accredited builder who can give advice on the building or structure.

Section ~~258-26~~ provides that as an authorised person under the Act, the General Manager or their delegate(s) may at all reasonable times access and enter any building for the purpose of exercising any power or performing any function under the Act.

### 3. Issuing a Dilapidated Building Notice

Section ~~147B-242~~ provides that if the dilapidated building report states that a building is a dilapidated building, the General Manager may issue a dilapidated building notice to the building owner.

A dilapidated building notice is to be in the form of a 'show cause' notice which provides the owner with the opportunity to express, in writing and within a time nominated in the notice (usually 20 days), why they should not be required to carry out the proposed building work or other work to ameliorate the dilapidated building.

The dilapidated building notice is to be accompanied by a copy of the dilapidated building report.

The General Manager and the building owner may be able to negotiate an outcome regarding the building that is satisfactory to both parties, before an order is made.

### 4. Serving a Building Order relating to a Dilapidated Building

Section ~~173A-242 (1)~~ provides that if the General Manager does not revoke the building notice, then they are to serve a building order to the dilapidated building.

The building order is to require the owner to carry out building work or other work to ameliorate the dilapidated building.

A building order relating to a dilapidated building may be combined with another building order under the Act.

Some specific examples of building works that may be included in a building order relating to a dilapidated building include:

- repairing broken windows, roofs or walls;
- boarding up access points (windows) to prevent vandalism entry points; or
- partial or complete demolition if required and appropriate;
- A building order can also include other relevant types of work, for example;
  - fencing of a site;
  - removing graffiti from walls; or
  - painting.

### 5. Appeal Rights

A building owner may appeal to the Resource Management and Planning Appeal Tribunal against a building order issued in respect of a dilapidated building (Section ~~244-278~~).


### 6. Failure to Comply with a Building Order

A building order is a legal order issued under the Act and compliance with the order is mandatory.

Under Section ~~192-265~~, the General Manager permit authority is to take all reasonable steps to enforce a building order in the event that a person has failed to comply.

	<p>If a person fails to comply with a building order, the work may be carried out by the Council.</p> <p>The Council can then recover the costs of carrying out any building works by selling the building for removal or after demolition, any materials on the site (as per Sections <del>192-269</del> and <del>194-270</del>) or recovering expenses as a charge on the land and recoverable as if it were rates or charges under the Local Government Act 1993, <del>(as per Section 197).</del></p> <p><del>Failure to comply with a building order is an offence under Section 170-265 (4) of the Act and prosecution can result in significant fines. Council also has power to issue infringement notices for such an offence.</del></p> <p><b>7. Amending or Revoking a Building Order relating to a Dilapidated Building</b></p> <p>Section <del>200-274</del> provides that if an owner is served with a building order after being issued with a dilapidated building notice and there is a change of circumstances after the original notice was issued, the owner may request the General Manager to amend or revoke the building order. The General Manager may, if he considers it appropriate, then amend or revoke the building order, or revoke or issue an amended dilapidated building notice.</p>									
<b>LEGISLATION AND RELATED DOCUMENTS</b>	<p>Building Act <del>2005</del><del>2016</del></p> <p>Local Government Act 1993</p> <p>Building Regulation Advisory Note 01/2014</p>									
<b>ATTACHMENTS (IF APPLICABLE)</b>	<p>Show Cause Notice – Dilapidated Building <del>Notice</del> (Building Act <del>2000</del> <del>2016</del> Section <del>242-478</del>)</p>									
<b>TRAINING REQUIREMENTS (IF APPLICABLE)</b>	<table><tr><td>Is training required as result of this Policy</td><td><b>YES</b></td><td><b>NO</b></td></tr><tr><td>Training required by:</td><td><b>Councillors</b></td><td><b>Staff</b></td></tr><tr><td></td><td></td><td><b>Department</b></td></tr></table>	Is training required as result of this Policy	<b>YES</b>	<b>NO</b>	Training required by:	<b>Councillors</b>	<b>Staff</b>			<b>Department</b>
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Training required by:	<b>Councillors</b>	<b>Staff</b>								
		<b>Department</b>								


## Show Cause Notice – Dilapidated Building

<b>Building Act 2016</b> <b>Section 242</b> <b>SHOW CAUSE NOTICE – DILAPIDATED BUILDING</b>	
<p><b>TAKE NOTICE THAT:</b>          You (1)          Of (2) as owner          Of a (3)          On (4)          Situated at (5)          are invited to show cause why you should not be required to carry out the following building works (6)</p> <p>The Council considers these works should be carried out as it reasonably believes, based on the report attached, that the works are necessary to ameliorate the condition of the building so that it is not of an appearance that is prejudicial to the visual amenity of its surroundings.</p> <p>You may send written representations about this Show Cause Notice to the Council at the following address:</p> <p>The General Manager          Devonport City Council          PO Box 604          DEVONPORT TAS 7310</p> <p>Your written representations should be marked with the following reference number to assist Council in a prompt consideration of your response: <i>Insert TRIM File No.</i></p> <p>Your written representations must be received by Council no later than <i>Insert date.</i></p> <p>You may appeal to the Resource Management and Planning Appeal Tribunal against this building order. An appeal must usually be lodged within 14 days of the date of this notice.</p> <p>In the event that you fail to show cause within the time stipulated in this notice, or to lodge an appeal with RMPAT, Council may carry out, or cause to be carried out, the work stipulated in the notice. Council is entitled to recover the costs involved by either sale of materials on site or by levying a charge against the property recoverable as if it were a rate or charge as set out in section 197 of the <i>Local Government Act 1993</i>.</p> <p>Failure to comply with a building order is an offence pursuant to Section 246 of the <i>Building Act 2016</i> and prosecution may result in significant fines. Council is also empowered to issue an infringement notice for such an offence.</p>	
<p><b>DATED THIS .....DAY OF .....20</b></p> <p>.....</p> <p><b>General Manager</b></p>	

## Show Cause Notice – Dilapidated Building

**Instructions to complete**

- (1) Insert the name of the owner of the land
- (2) Insert the last known address of the owner from a title search, rates record etc
- (3) Insert a description of the building or structure eg "building being a class 1a single detached dwelling
- (4) Insert the real property description of the land on which the building or structure is erected
- (5) Insert the street address of the land on which the building or structure is standing
- (6) Insert brief general description of building works required to be carried out (based on the building report) eg
  - Repair all broken windows to the dwelling
  - Repair all broken roof sheeting to prevent water entry
  - Secure the building by replacing lockable doors to all entries
  - Refix loose, and replace missing weatherboards to prevent water and vermin entry
  - Repaint the exterior of the building to an acceptable standard
  - Obtain a report from a qualified person about any asbestos in the building, and then engage a suitably licensed contractor to demolish the building and remove all resultant building rubble

	<h2 style="text-align: center;">DRIVEWAY POLICY</h2>		
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM)
Council	24 July 2017	121.13	0479667
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
City Engineer	Infrastructure & Works Manager	2.1.2 – Provide high quality, consistent and responsive development assessment and compliance processes	July 2019/2021
<b>PURPOSE</b>	The purpose of this policy is to clearly define the ownership and maintenance responsibility for the various components of a driveway.		
<b>SCOPE</b>	This policy applies to all driveways on Council roads and State Government roads where Council has maintenance responsibility (refer to Roads and Jetties Act 1935).		
<b>DEFINITIONS</b>	<p>For the purposes of this policy, the following definitions will apply:</p> <p><b>Driveway:</b> the vehicular path that connects the public road with a private property. A driveway may be bitumen-sealed, gravel, pavers, concrete or other material.</p> <p><b>Vehicle Crossing:</b> the section of kerb that is laid back to allow vehicles to drive from the road into the driveway. Also known as the kerb crossover or layback.</p> <p><b>Table drain:</b> the drain, usually a v-shape that runs parallel to the road.</p> <p><b>Culvert:</b> a pipe used to convey stormwater underneath a road or driveway.</p> <p><b>Footpath:</b> a narrow path designed for use by pedestrians, usually parallel to a road that may be directly beside the kerb or at the property boundary.</p> <p><b>Urban:</b> areas that have kerb at the road edge.</p> <p><b>Rural:</b> areas that have a table drain at the road edge, not a kerb.</p> <p><b>Endwall (or headwall):</b> interchangeable terms for the structure that retains fill at either end of the culvert. Many designs and materials are in use.</p>		
<b>POLICY</b>	<p><b>1. Ownership and Maintenance – Urban</b></p> <p>In urban areas, there are up to three distinct parts to a driveway:</p> <ol style="list-style-type: none"> <li>1.1. Vehicle Crossing (sometimes known as kerb crossover or layback) – The vehicle crossing serves two purposes. It allows vehicles to safely access the driveway and conveys stormwater along the kerb. The vehicle crossing is a Council asset, the same as the upstream and downstream kerb. Council maintains the vehicle crossing so that it can effectively convey stormwater.</li> <li>1.2. Driveway – The driveway is a private asset and the property owner is responsible for its maintenance.</li> <li>1.3. Footpath (if footpath is present) – The section where the driveway crosses the footpath is considered to be part of the footpath. This is a Council asset and Council is responsible for</li> </ol>		

its maintenance. If no footpath exists, then the property owner has full responsibility for the driveway.

## **2. Ownership and Maintenance – Rural**

In rural areas there are up to three distinct parts to a driveway:

- 2.1. Driveway Culvert - Driveway culverts are private assets required to allow access over the table drain. The property owner is responsible for its maintenance.
- 2.2. Endwalls - Endwalls are private assets required to retain fill at the ends of culverts. The property owner is responsible for maintenance of these items. Council is responsible for maintenance of the table drain upstream and downstream of the endwalls.
- 2.3. Driveway - The driveway is a private asset and the property owner is responsible for its maintenance.

## **3. Council Projects that affect Driveways**

If Council undertakes road works which change the level of the footpath or road, then Council is responsible to change any components of the driveway necessary to suit the new levels. The new construction material will ~~be the greater of the existing materials or the~~ minimum standard required by the Tasmanian Standard Drawings. ~~Decorative patterns and finishes will not be replaced within the road reserve.~~ A property owner can request to upgrade their driveway at this time, although all additional costs must be borne by the property owner.

If a Council project increases flow to a driveway culvert by the redirection of drainage paths, then Council is responsible for upgrading driveway culverts to suit.

## **4. Private Projects that affect Driveways**

Any person wishing to undertake construction or modification works to a driveway or property access within the road reserve must obtain a ~~'Permit to Work in the~~ Road Reserve ~~Permits~~'. All works must be completed by a suitably qualified and experienced contractor to Council standards, to ensure that it is capable of withstanding vehicle loads and to minimise future maintenance and risk to the public.




Generally the number of driveways per property will be restricted to one. However, any person wishing to construct an additional driveway to a property must demonstrate to the satisfaction of Council that the driveway can be used safely, will not increase risk to the public and will not adversely impact parking in the local area.

All costs for construction of new driveways are to be borne by the property owner. This may include replacement of the footpath section and utility covers to ensure that the area is suitable for vehicle loads. This may also include construction of a new crossover and reinstatement of kerb to replace a redundant crossover.

## **5. Existing Driveways**

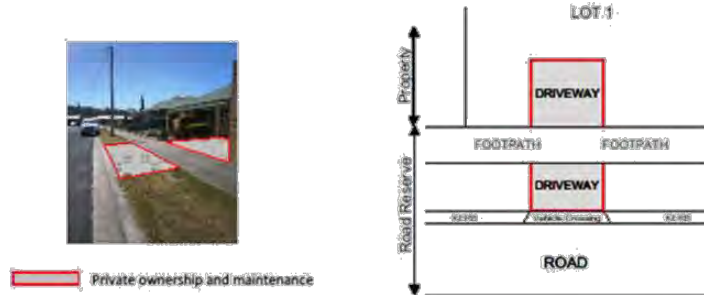
Some existing driveways have grades that make access difficult or cause 'scraping'. Addressing this issue is the responsibility of the property owner. Council approval is required prior to any works.

The only exception is when the road crossfall is greater than 5%. In these cases, Council may install an 'asphalt wedge' or other

	<p>improvement in accordance with the Tasmanian Standard Drawings, if Council believes it will assist in resolving the reported issue.</p> <p><u>Steel plates or similar devices will not be approved for use. Devices that pose a safety risk may be removed.</u></p> <p>Some existing property accesses have limited sight distance. Council does not supply, install or maintain mirrors as a sight distance improvement device <u>and does not approve the installation of mirrors by others in the road reserve. If a property owner wishes to install a mirror, they must demonstrate that it will not negatively impact road safety and seek Council approval prior to installation.</u></p> <p><b>Definitions</b> For the purposes of this policy, the following definitions will apply:</p> <p><b>Driveway:</b> <u>the vehicular path that connects the public road with a private property. A driveway may be bitumen sealed, gravel, pavers, concrete or other material.</u></p> <p><b>Vehicle Crossing:</b> <u>the section of kerb that is laid back to allow vehicles to drive from the road into the driveway. Also known as the kerb crossover or layback.</u></p> <p><b>Table drain:</b> <u>the drain, usually a v shape that runs parallel to the road.</u></p> <p><b>Culvert:</b> <u>a pipe used to convey stormwater underneath a road or driveway.</u></p> <p><b>Footpath:</b> <u>a narrow path designed for use by pedestrians, usually parallel to a road that may be directly beside the kerb or at the property boundary.</u></p> <p><b>Urban:</b> <u>areas that have kerb at the road edge.</u></p> <p><b>Rural:</b> <u>areas that have a table drain at the road edge, not a kerb.</u></p> <p><b>Endwall (or headwall):</b> <u>interchangeable terms for the structure that retains fill at either end of the culvert. Many designs and materials are in use.</u></p>			
LEGISLATION AND RELATED DOCUMENTS	Local Government (Highways) Act 1982 – Section 35 Roads and Jetties Act 1935 – Section 11 Tasmanian Standard Drawings (IPWEA/LGAT)			
ATTACHMENTS (IF APPLICABLE)	Diagrams <ul style="list-style-type: none"><li>•  Urban Driveway, Footpath at Boundary</li><li>•  Urban Driveway, Footpath at Kerb</li><li>•  Rural Driveway</li></ul>			
TRAINING REQUIREMENTS (IF APPLICABLE)	Is training required as result of this Policy		YES	NO
	Training required by:	Councillors	Staff	Department

APPENDIX – FOOTPATH EXAMPLES

URBAN DRIVEWAY, FOOTPATH AT BOUNDARY




URBAN DRIVEWAY, FOOTPATH AT KERB



RURAL DRIVEWAY



	<b>EQUAL EMPLOYMENT OPPORTUNITY (EEO) AND DIVERSITY POLICY</b>		
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM)
Council	24 July 2012	121.11	2479566
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
HR Human Resources Coordinator	General Manager Operational Performance	5.7.3 Ensure Human Resource policies, procedures and management systems support effective Council service delivery	July 2014/2021
<b>PURPOSE</b>	The purpose of this policy is to ensure that Council has a workplace which provides equality of opportunity and makes employment decisions which are free from unlawful discrimination. Everyone regardless of gender, race, ethnicity, age, marital or parental status, sexual preference, disability or cultural background and beliefs, among other attributes, have the right to be given fair consideration for employment or employee related benefits.		
<b>SCOPE</b>	This policy applies to all workers (a worker includes an employee, labour hire staff, volunteer, apprentice, work experience student, subcontractor and contractor) and potential applicants for employment at Council.		
<b>DEFINITIONS</b>	<p><u>Equal Employment Opportunity refers to employment practices that are designed so that existing and potential employees are able to compete for or be awarded employment, promotions, transfers, training and other employment related benefits on their merits without reference to irrelevant characteristics.</u></p> <p><u>Diversity is about inclusiveness. It means understanding that each individual is unique and recognising their individual differences. These can be along the dimensions of race, ethnicity, gender, sexual orientation, socio-economic status, age, physical abilities, religious beliefs or political beliefs. Diversity also refers to the other ways in which people are different, such as educational level, life experience, work experience, personality and marital status.</u></p>		
<b>POLICY</b>	<p><b>1. Policy Statement</b></p> <p>1.1. The EEO and Diversity Policy is a commitment by the Council to create a workplace that is fair and inclusive and to build a workforce which reflects the diversity of the Devonport community.</p> <p>1.2. Council recognises that in order to be successful, it must attract and retain a variety of people with diverse skills, experience or backgrounds. Council's commitment and awareness of diversity is reflected in its values, policies and practices.</p> <p>1.3. Council acknowledges and is committed to fostering good internal and external relationships by ensuring that the diversity and equal employment opportunity that exists among the</p>		


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	<p>workforce, clients and the community is safeguarded and acknowledged.</p> <p>1.4. The principles of EEO and underpinning legislation will ensure that people are selected for positions on merit, as well as being provided with equitable access to employment, professional development and workplace participation.</p> <p>1.5. The EEO and Diversity Policy provides a framework for Council to achieve:</p> <ul style="list-style-type: none"> <li>• A skilled workforce that reflects the diversity of the Devonport community and leads to continuous improvement in service delivery.</li> <li>• A work environment that values and utilises the contributions of workers with diverse skills, backgrounds and experiences through improved awareness of the benefits of workforce diversity and successful management of diversity.</li> <li>• Awareness for all workers of their rights and responsibilities with regards to fairness, equity and respect for all aspects of diversity.</li> <li>• Its core organisational values of continuous improvement and innovation; customer satisfaction; leadership; results and accountability.</li> </ul> <p><b>2. Procedure</b></p> <p>2.1. Roles and Responsibilities:</p> <p>Council is committed to achieving fair and equitable practices in all areas of employment including:</p> <ul style="list-style-type: none"> <li>• Recruitment, selection and promotion practices which are open, competitive and based on merit;</li> <li>• Access for workers for training and development;</li> <li>• Grievance handling procedures that are accessible and deal with workplace complaints promptly, fairly and confidentially;</li> <li>• Communication processes which give workers access to information and allow their view to be heard; and</li> <li>• Management decisions which are fair and reasonable.</li> </ul> <p>Council is also committed to ensuring that:</p> <ul style="list-style-type: none"> <li>• Workplace policies and practices are fair and equitable;</li> <li>• All workers are valued and respected and have opportunities to achieve their full potential;</li> <li>• The workforce reflects the diversity of the community; and</li> <li>• The EEO and Diversity Policy and Procedures are communicated to all workers as appropriate.</li> </ul> <p>Managers and Supervisors are responsible for creating a working environment where:</p> <ul style="list-style-type: none"> <li>• EEO principles and underpinning legislation are applied in the workplace;</li> <li>• There is acceptance of difference, ensuring all workers are treated fairly, with respect and dignity;</li> <li>• Ensuring all decisions relating to appointment, promotion and career development are made without regard to any</li> </ul>
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	<p>matters other than the individual's inherent ability to carry out the job;</p> <ul style="list-style-type: none"><li>Reasonable accommodations are considered and provided where necessary; and</li><li>Inappropriate attitudes or behaviours are confronted; Council will treat seriously any instance of inappropriate behaviour and confront attitudes based on inappropriate stereotypes. The Disciplinary Procedure outlines the process for managing inappropriate behaviour.</li></ul> <p>Employees are responsible for:</p> <ul style="list-style-type: none"><li>Behaving in a manner which is consistent with the Council's Values and <del>Employee Staff</del> Code of Conduct at all times.</li><li>Complying with the terms of this EEO and Diversity Policy.</li><li>Respecting individual differences and contributions to a workplace that are fair and equitable; and</li><li>Promptly informing their manager if there has been a potential breach of the EEO and Diversity Policy (workers are encouraged to address the matter at the local level before it escalates and/or report the matter to the appropriate person).</li></ul> <p><b>3. Definitions:</b></p> <p><del>Equal Employment Opportunity refers to employment practices that are designed so that existing and potential employees are able to compete for or be awarded employment, promotions, transfers, training and other employment related benefits on their merits without reference to irrelevant characteristics.</del></p> <p><del>Diversity is about inclusiveness. It means understanding that each individual is unique and recognising their individual differences. These can be along the dimensions of race, ethnicity, gender, sexual orientation, socio-economic status, age, physical abilities, religious beliefs or political beliefs. Diversity also refers to the other ways in which people are different, such as educational level, life experience, work experience, personality and marital status.</del></p>			
LEGISLATION AND RELATED DOCUMENTS	<p>Fair Work Act 2009 (Commonwealth)</p> <p>Anti-Discrimination Act 1998 (Tasmania)</p> <p>Sex Discrimination Act 1984 (Commonwealth)</p> <p>Racial Discrimination Act 1975 (Commonwealth)</p> <p>Human Rights and Equal Opportunity Commission Act 1986 (Commonwealth)</p> <p>Disability Discrimination Act 1992 (Commonwealth)</p> <p><del>DCC Harassment, Bullying &amp; Anti-Discrimination Policy</del></p> <p><del>DCC Staff Code of Conduct Policy</del></p> <p><del>DCC Enterprise Agreement 2017</del></p> <p><del>DCC Health &amp; Safety Policy</del></p> <p><del>DCC Devonport Strategic Plan 2009-2030 (2019 Review) (supports and reinforces Council's values and actions)</del></p> <p><del>DCC Recruitment and Selection Policy</del></p> <p><del>DCC Harassment, Bullying and Anti-Discrimination Policy</del></p>			
ATTACHMENTS (IF APPLICABLE)	N/A			
	<table><tr><td>Is training required as result of this Policy</td><td>YES</td><td>NO</td></tr></table>	Is training required as result of this Policy	YES	NO
Is training required as result of this Policy	YES	NO		

TRAINING REQUIREMENTS (IF APPLICABLE)	Training required by:	Councillors	Staff	Department

REVIEW

	<b>FINANCIAL ASSISTANCE POLICY</b>		
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM):
Council	24 July 2019	15147	D479509
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Executive Manager Corporate, Community & Business Services Community Services Manager	Executive Manager Corporate, Community & Business Services General Manager	4.7.3 – Attract and promote equitable distribution and sharing of financial and other resources throughout the community. Promote the equitable distribution and sharing of resources throughout the community that support the delivery of quality outcomes.	July 2019 July 2021
<b>PURPOSE</b>	To provide Council with framework to deal with any approach by a person, group or body for financial assistance. It aims to provide clear guidance to Aldermen/Councillors, staff and those making an approach for financial assistance and supports the consistent management of the various Grants, Donations and Remissions provided by Council.		
<b>SCOPE</b>	<p>This policy applies to Council as a whole in the provision and representation to any person, group or body approaching Council for financial assistance. Financial assistance is taken to mean the provision of any financial benefit; including but not limited to:</p> <ul style="list-style-type: none"> <li>• A grant of funds:             <ul style="list-style-type: none"> <li>◦ Minor Community Grants;</li> <li>◦ Major Community Grants; and</li> <li>◦ Individual Development Grants.</li> </ul> </li> <li>• Rate remissions.</li> <li>• Donations.</li> <li>• Subsidised costs.</li> <li>• Any reduction or waving of Council's adopted fees or charges.</li> <li>• Any write-down or write-off of an applied rate, fee or charge.</li> <li>• Provision of plant or equipment.</li> <li>• In the absence of a defined fee or charge, the provision of services or use of facilities at a cost below what would otherwise be commercially provided; or</li> <li>• Any in kind contribution such as works or infrastructure.</li> </ul> <p>The following are outside the scope of this policy:</p> <ul style="list-style-type: none"> <li>• Procurement of goods and services from incorporated organisations, other businesses or individuals;</li> <li>• Concessions for Council rates and charges (e.g. pension rates);</li> <li>• Negotiated sponsorship arrangements and/or deals;</li> <li>• Fees and Charges adopted by Council identifying any one group as a discount beneficiary; and</li> <li>• Statutory contributions.</li> </ul>		
<b>DEFINITIONS</b>	<p><b>Definitions:</b></p> <p><b>To assist in interpretation, the following definitions shall apply:</b></p> <p><b>Acquittal:</b> shall mean the process by which a recipient demonstrates in writing to the Council that it has expended the funds in accordance with the</p>		

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	<p>terms and conditions of the funding agreement on completion of the activity or project.</p> <p><b>Auspecting:</b> shall mean that an organisation takes responsibility for ensuring the funds are used as specified in the grant allocation. An auspecting organisation will be responsible for:</p> <ul style="list-style-type: none"> <li>(a) The receipt, banking and administration of all moneys;</li> <li>(b) Project monitoring and completion;</li> <li>(c) Ensuring the applicant acquits the funding within allocated timeframe; and</li> <li>(d) Sign off on the acquittal form.</li> </ul> <p><b>Business:</b> shall mean a person, partnership or organisation which is not a Community organisation, and is engaged in a profit-seeking enterprise or activity.</p> <p><b>Community Organisation:</b> shall mean an entity that carries on activities for a public purpose; or an entity whose primary objective is not directed at making a profit.</p> <p><b>Donation:</b> shall mean a cash and/or non-cash contribution to an organisation that may be associated with a particular activity/event/program, purpose or project but does not carry with it any specific requirements for use. In addition, the contribution does not seek benefits in exchange.</p> <p><b>Grant:</b> a sum of money given to organisations or individuals for a specified purpose.</p> <p><b>In-Kind Contribution:</b> shall mean the provision of paid and volunteer labour, administrative support, hire-free facilities or donations of materials, equipment or services.</p>
<b>POLICY</b>	<p><b>1. Objective</b></p> <p>To provide guidance, clarity and transparency in the application, assessment and provision of financial assistance to any person, group or body who approaches Council for financial assistance. This includes any grants, donations and rate remissions programs Council offers annually.</p> <p><b>2. Policy Statement</b></p> <p>In adopting the annual budget, Council may approve an allocation of funds and/or in kind contribution to support a range of Grants, Donations and Rate Remissions Schemes for eligible community organisations and individuals.</p> <p>Relevant guidelines will be established for each Grant, Donations or Rate Remissions defining eligibility, assessment and acquittal criteria under which Council funding will be considered.</p> <p>Council may contribute to business or other partnerships where projects, events or activities will contribute significantly to individual, community, cultural, social, economic, recreational and environmental development.</p> <p>Organisations and individuals are expected to apply responsible management of any financial assistance received from Council, which may include acquittal of funds received.</p> <p>Where funding is provided to an individual, the recipient should reside permanently within the Devonport municipal area.</p>

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Council will only consider applications from organisations or individuals outside the Devonport municipal area where it can be demonstrated that the project, activity or initiative will benefit the community of Devonport.

### 3. Requirements

The activity/program/event must contribute to and align with the goals and strategies outlined in the Annual Plan for the year in which the financial assistance is proposed to be given.

The activity/program/event is accessible to all persons within the municipality or to a significant group of persons within the area. (Charging a fee to participate does not preclude the event being accessible to all persons).

Requests are to be submitted in the manner and timeframe prescribed by Council.

### 4. Assessment Process

A proposal to provide or request financial assistance will not be actioned, reported to Council or decided upon unless:

- Clear and detailed information on all assistance that is proposed or requested is provided in the manner prescribed by Council;
- Current financial statements, (and where one should reasonably be available, an audit opinion on these statements), are provided to assist Council in assessing the needs of the proposed/requesting beneficiary. This does not apply to donations and/or Sports Travel Assistance Grants;
- The details of any recipients that stand to benefit from the activity/program/event including donations to be made to groups from the proceeds of activity/program/event, are identified in the application.

The total amount of assistance provided to any organisation/group/person/ project/event in each financial year is not to exceed, the budgeted financial assistance amount unless otherwise determined by Council. The request can be a mix of cash donation and in-kind support.

Staff delegations are in place to simplify the process of approving applications that comply with the principles outlined in the policy. All applications that exceed delegation are to be presented to the relevant Council Committee for assessment, before being presented to Council for consideration.


Once the budgeted amount allocated for Financial Assistance has been distributed no further allocations will be made available in that financial year – even if the applicant meets all eligibility requirements, without the approval from Council. Requests may be considered if they form part of a program budget and can demonstrate how they meet the objectives of the funding.

### 5. Conditions

The following conditions apply to assistance issued under this policy:

- The use of any part of the financial assistance for purposes other than specified in the letter of approval and/or funding contract is not permitted without prior approval in writing by Council;

	<ul style="list-style-type: none"> <li>Where specified, successful applicants must ensure that Council is appropriately recognised as a partner;</li> <li>Any approved assistance will lapse if not claimed within three months following the date of approval;</li> <li>Assistance to community organisations does not include GST;</li> <li>No retrospective funding will be granted.</li> </ul> <p><b>6. Notification</b> Applicants determined as successful/unsuccessful in accordance with the guidelines will be advised accordingly in writing.</p>		
<b>LEGISLATION AND RELATED DOCUMENTS</b>	Local Government Act 1993 Rates and Charges Policy		
<b>ATTACHMENT/S (IF APPLICABLE)</b>	N/A		
<b>TRAINING REQUIREMENTS (IF APPLICABLE)</b>	Is training required as result of this Policy	<b>YES</b>	<b>NO</b>
	Training required by:	Councillors	Staff/Department

	<b>FITNESS FOR WORK POLICY</b>		
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM)
Council	24 July 2019	15/17	15/17
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Risk & Compliance Coordinator	General Manager/Development Services Manager	5.6.1 – Ensure safe work practices through adherence to Work Health and Safety Standards	July 2019 July 2021
<b>PURPOSE</b>	To ensure that the health and safety of all persons is not at risk or adversely affected by anyone attending the workplace while not fit for work.		
<b>SCOPE</b>	<p>This Policy applies to all workers (a worker includes an employee, labour hire staff, volunteer, apprentice, work experience student, sub-contractor, contractor and consultants) employed or engaged by Council at any of its workplaces.</p> <p>The Policy will also apply to <del>Aldermen</del> <u>Councillors</u> when attending a Council workplace as part of their role as an elected representative of the community.</p>		
<b>POLICY</b>	<p><b>1. Responsibility</b></p> <p>All workers have a responsibility to ensure that they are fit to perform their duties without risk to the health and safety of themselves and others.</p> <p>Managers, coordinators, supervisors and team leaders are expected to ensure that all employees, contractors, volunteers and students abide by this Policy at all times.</p> <p>Council fully supports and endorses the purpose and scope of this Policy and associated procedures. Council, in managing this Policy, will ensure, wherever possible, that confidentiality is maintained at all times.</p> <p>Everyone working <del>at, on or</del> attending any Devonport City Council workplace must abide by this Policy and supporting procedures to ensure they maintain the capacity to safely perform work.</p> <p>A person's fitness for work may be compromised by:</p> <ul style="list-style-type: none"> <li>• Inadequate or insufficient quality of sleep over an extended period;</li> <li>• The type of work performed and/or the work environment;</li> <li>• Consumption of alcohol;</li> <li>• The use of drugs (prescription, non-prescription, illicit or other);</li> <li>• General level of fitness and/or medical condition; and</li> <li>• Mental health conditions.</li> </ul> <p>To meet the Policy objectives, Council will:</p> <ul style="list-style-type: none"> <li>• aim to provide a safe and healthy working environment free of work-related injury or illness;</li> <li>• minimise the risks of persons presenting for work or conducting work while impaired;</li> </ul>		

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	<ul style="list-style-type: none"> <li>establish appropriate steps to manage persons who are affected by mental health conditions, alcohol, drugs or other personal concerns; and</li> <li>encourage persons who are not fit for work for any reason to independently seek assistance.</li> </ul> <p>Council will also:</p> <ul style="list-style-type: none"> <li>maintain appropriate health and fitness standards to enter the workforce and provide encouragement for employees to sustain their fitness for work;</li> <li>promote and assist the physical, mental and emotional health of people so they can safely undertake and sustain their work requirements;</li> <li>provide the resources necessary to allow for monitoring, testing, education and counselling services within the workplace; and</li> <li>encourage behaviour and attitudes that are conducive to a healthy and safe workplace.</li> </ul>		
<b>LEGISLATION AND RELATED DOCUMENTS</b>	<p>Local Government Act 1993  Devonport City Council <u>Staff</u> Code of Conduct Policy  Devonport City Council Rehabilitation Policy  Work Health and Safety Act 2012  Work Health and Safety Regulations 2012  Fair Work Act 2009  Risk Management Framework</p>		
<b>ATTACHMENT/S (IF APPLICABLE)</b>	Fitness for Work Procedure		
<b>TRAINING REQUIREMENTS (IF APPLICABLE)</b>	Is training required as result of this Policy	<u>YES</u>	<u>NO</u>
	Training required by:	<u>Councillors</u>	<u>Staff</u>
			<u>Department</u>

## FITNESS FOR WORK PROCEDURE



## FITNESS FOR WORK PROCEDURE

This Procedure should be read and applied in conjunction with the Fitness for Work Policy.

### 1. Overview

The term 'Fit for Work' means that an individual is in a state of mental, physical and emotional health to complete their assigned tasks competently and in a ~~manner~~ manner, which does not negatively affect or threaten the safety of themselves or others.

An individual's fitness for work can be affected in a variety of ways including, but not limited to:

- illness;
- injury;
- mental health conditions;
- alcohol;
- drugs; and
- emotional or behavioural issues.

This Procedure provides the framework for caring and compassionate management processes that assists workers to address issues of concern and dealing with these difficult and often sensitive issues.

Council believes that early intervention can assist people to deal with situations which may otherwise place at risk their own, or others health and safety.

### 2. Responsibilities

Under work health and safety legislation both the employer and workers have "duty of care" obligations.

#### 2.1. Duty of Employer – Council

Council has a duty of care to ensure, as far as reasonably practicable, that all individuals are fit for work to minimise risk to both themselves and others whilst on Council work sites or undertaking duties on behalf of Council.

#### 2.2. Duty of Workers

Workers have a 'duty of care' to take reasonable care as to not expose themselves or others to risks.

Workers are required to pro-actively address non-work-related issues if these issues have the potential to impact on their ability to perform the inherent duties of their position.

Workers who believe another worker is at work, or who witness a co-worker, who is not 'fit for work' are required to report the situation to their Manager or Coordinator.

No person is to start ~~work, or work~~ or return to work at a Council workplace while affected by alcohol or other drugs (including intoxication, withdrawal or 'hangover' effects).

All workers are required to:

- Maintain their individual fitness to allow them to meet the requirements of their position;

## FITNESS FOR WORK PROCEDURE

- Attend work in a state which enables them to meet the requirements of their position.

If a worker believes prior to commencing work or during any part of the day they have become 'unfit', they are required to report the situation immediately to their Manager or Coordinator.

### 2.3. Duty of Managers and Coordinators

Managers and Coordinators, under work health and safety legislation, have a responsibility for the health, safety and well-being of all individuals under their control.

Should a Manager or Coordinator believe that a worker is at risk of injuring themselves or others, the Manager or Coordinator should take action that may include:

- Discussing with the worker his/her behaviour, and seek information as to a possible cause of the concerns and effects it may be having;
- Taking immediate and appropriate action to prevent injury to the worker or others (e.g. removing workers from the immediate risk or stopping the activity);
- Contacting the Risk Management Department or Human Resources for direction;
- Providing information in relation to Employee Assistance Program (EAP);
- Arranging alcohol and other drug testing in accordance with these procedures (if this is appropriate);
- Implementing appropriate other work duties;
- Maintaining confidentiality of the situation.

### 2.4. Contractors (includes, contractors, sub-contractors, consultants, labour hire personnel)

Each contractor is responsible for ensuring workers are aware of Council's procedures for fitness for work assessment and are aware they must participate in any random alcohol and other drugs testing.

A contractor, consultant or labour hire staff returning a positive alcohol or drug test will immediately be asked to leave the work site.

Council will advise the respective contractor of the positive test results and request that they address the issue.

## 3. Education and Training

Education and training is vital to ensuring that everyone has an understanding of their role and responsibility in respect to this Procedure.

Council's annual Health and Wellbeing Program will include educational sessions designed to raise worker awareness about fitness for work.

Training programs will be provided to all workers covered under this Procedure, as required, to ensure compliance of these procedures is maintained.

## 4. Assessment of Fitness for Work

The primary method for assessing an individual's fitness for work environment is through face-to-face discussion between Managers and/or Coordinators and individuals.

Guidance and assistance from the Risk Management Department is available as to when and how to undertake such assessment.

## FITNESS FOR WORK PROCEDURE

**5. Managing Fit for Work**

**5.1.** An individual's personal problems or behaviour outside work is considered a private matter. Council will only become involved when:

- Personal issues have the potential to interfere with job performance;
- An individual's behaviour warrants intervention;
- Due to safety concerns; or
- A worker requests assistance.

A mental health condition (illness) can be defined as a health condition that changes a person's thinking, feelings, or behaviour (or all three) and that causes the person distress and difficulty in functioning.

Where a person has been diagnosed with a mental health condition, they should advise their Manager or Coordinator of the nature of the condition and discuss any changes in their work tasks or attendance that may be required to assist the worker based on the information provided in a medical certificate.

The type of condition may dictate additional management processes to be initiated such as a Case Management Plan, or a requirement for further independent medical examination.

**5.2. Workers taking Pharmaceutical Medication**

Consumption of legal prescription drugs including over the counter pharmaceutical medicines must be in accordance with the recommended dose or the prescribed dose by the person's doctor.

This does not imply that a person may take prescribed drugs regardless of their impact. They may only attend work where the medication does not cause them to react unsafely.

Particular attention should be paid to the appropriate use of medication.

This requires that individuals:

- Discuss with the prescribing medical practitioner the nature of their duties and ascertain any side effects of the prescribed medication which may impact on their safety or performance at work;
- Notify their Manager or Coordinator of any medication they are using or failing to use, that could affect their safety or performance at work;
- Take any medication strictly in accordance with the medical practitioner's or manufacturer's recommendations; and
- Report any side effects that may impact on their safety or performance at work to their medical practitioner and their supervisor.

Managers or Coordinators shall inform Human Resources for notation on an individual's personnel file in cases of an emergency situation arising and specific treatment is required.

**5.3. Alcohol and Other Drugs****5.3.1. Alcohol**

The use of alcohol may affect a worker's ability to work safely through the loss of motor control, coordination, judgement, alertness and concentration which may lead to increased risk of injury to themselves and others.

While a 0.00 Blood Alcohol Content (BAC) reading would be an ideal level of acceptance, Council is aware that society and personal lifestyle choices do allow certain levels of tolerance.

## FITNESS FOR WORK PROCEDURE

As a consequence, Council has determined the (BAC) readings that shall be monitored and applied within the workplace and associated activities of ~~Council Council~~ are set out in Section 7 of this Procedure.

**5.3.2. Drugs**

Possession and consumption of illicit drugs shall be deemed to be a breach of the Fitness for Work Policy.

No person shall commence ~~work or work of~~ return to work at a Council workplace while under the influence of an illicit drug.

Illicit drugs (including, but not restricted to, marijuana, amphetamines, cocaine, hallucinogens, synthetic drugs and heroin) must not be brought onto, consumed or be offered to other workers, at a Council site or facility.

**6. Implementation:**

The following defines the methods used to manage alcohol and other drugs testing and results:

- Drug tests screening and when required confirmation tests, will be undertaken using an oral swab and in an accredited laboratory in accordance with AS4760 - *Procedures for the collection detection and quantification of drugs in oral fluid*.
- Alcohol tests will be undertaken using alcohol breath analysers in accordance with AS/NZS 3547:1997 *Breath Alcohol testing devices for personal use*.

**6.1. General Alcohol Testing**

Anyone who refuses to be tested or leaves the workplace without undertaking a test or tampers with a sample or falsifies a test will be managed as if they have a positive result.

A respective Manager will be notified of any positive results but will not include any reading or details of substance found.

**Alcohol Testing Steps:**

- Prior to a test, workers will be requested to provide some identification which could include Council ID card or driver's license plus the name of their Manager or Coordinator;
- The person being tested must refrain from taking any fluid or substance during the waiting period prior to a test - this includes smoking;
- The person being tested will be required to supply an air sample from their lungs directed into an approved breath analysis instrument (Mobile Hand Unit). The sample shall be sufficient to obtain a valid reading on the instrument;
- A worker may request the presence of, and consult with an employee representative or a colleague at any stage prior to, during or post testing;
- **Management of positive results are covered in Section 8.3 of these procedures.**

**6.2. Pre-Employment**

The preferred candidates are required to undertake a pre-employment health assessment including a urine sample system for drug screening and a breath test for alcohol.

The candidate will be advised of the results at the time, and the testing organisation will advise a Human Resource Officer as soon as practicable.

## FITNESS FOR WORK PROCEDURE

**6.3. With Cause – Reasonable Suspicion**

"With Cause" (including notifiable incidents) testing shall be undertaken following a serious incident, or where required by legislation, or as part of an incident investigation, or it has been determined a possible root cause of the incident can be associated with alcohol or other drugs by the worker.

Testing for alcohol and other drugs will be arranged by the Risk Management Department.

"With Cause" testing shall be carried out by the approved testing organisation.

**6.3.1. Reasonable Suspicion Impairment**

Where anyone is concerned that a person may be impaired by a personal issue or by the consumption or use of alcohol or drugs, they must immediately notify their Manager or Coordinator.

Reasonable suspicion includes where any evidence is found of that possible alcohol or other drugs has contributed to an incident, or drug paraphernalia or alcohol containers have been found at the workplace or in work vehicles.

Initially a Manager or Coordinator should talk to/observe the worker in question.

"Reasonable Suspicion" can also be established through an observation of the impairment.

Observations of impairment may include one or more of the following:

- A smell of alcohol.
- Suffering a hangover or signs thereof are displayed.
- Slurred, confused or incoherent speech.
- Enlarged, pinpoint pupils, watery/bloodshot eyes.
- Irregular breathing - with no medical related reasons.
- Flushed, pale or sweaty skin.
- Abnormal balance or other movements; including swaying, staggering, clumsiness or deliberate/slow movements.
- Abnormal attitude or behaviour such as aggressive, hostile, abnormally quiet or subdued.

Where a worker has been observed under the above reasonable suspicion guide, the Manager or Coordinator shall arrange any follow up tests or investigations with the Risk Management Department.

For reasonable suspicion testing, the Risk Management Department can carry out a BAC breath test.

Management of positive results are covered in Section 8.3 of these procedures.

**6.4. Random Testing**

Random alcohol and other drug testing will be conducted by an independent, appropriately qualified and competent service provider ("the Tester").

A non-discriminatory program that will randomly select when testing will occur, and which random job site/group/individuals will be tested. Council will provide the names and site locations of all persons to the testing organisation.

Random alcohol and other drug testing will be conducted by an independent, appropriately qualified and competent service provider ("the Tester").

## FITNESS FOR WORK PROCEDURE

The organisation will ensure the complete random selection of any work group or persons to be tested at any Council work site.

Random selection may, for operational purposes, be a work group or number of smaller work groups on a day that is tested.

The random testing could be conducted on a 24 hour per day basis in the workplace.

The testing will be done privately and with due respect and professionalism to the worker.

Testing will include breath for alcohol and / or saliva sampling for drugs.

Random testing will be conducted in an appropriate area which contains adequate facilities for testing.

The Risk Management Department shall coordinate all random testing and liaison with the testing organisation.

Management of positive results are covered in Section 8.3 of these procedures.

#### 6.4.1. How Workers are selected for Random Testing

The external testing organisation will manage the random selection process using data supplied by Council.

Selected workers will be notified and be required to attend the designated area for the tests to be undertaken. Workers may request a support person to accompany them, i.e. a Health and Safety Representative, or a work colleague.

Workers will be required to enter the testing area one at a time to undertake the test.

Prior to the test, workers will be requested to provide some identification which ~~could be their Council ID card or driver's license plus the name of their Coordinator or responsible Manager, so they can confirm ID.~~ ~~could be their Council ID card or driver's license plus the name of their Coordinator or responsible Manager.~~

Workers should declare any prescription or over the counter medication that they may be taking to the tester before taking the test.

The Tester will advise each person of their tests results prior to them leaving the testing area.

The random selection process will be reviewed regularly by the Safety Committee to ensure that its application meets the impartiality and non-selective requirements for random testing.

## 7. Alcohol Limits & Testing

The following limits apply in relation to alcohol:

- Heavy Vehicle Plant & Equipment use:  
Drivers of vehicles with gross vehicle mass exceeding 4.5 tonnes such as trucks, backhoes, excavators and all provisional licence drivers by law must have a 0.00 BAC level whilst at work.
- Marine Vessels – Julie Burgess:  
Master and crew of the Julie Burgess or any other marine vessel by law must have a 0.00 BAC level whilst at work or operating the vessel.
- Motor Vehicle use:

## FITNESS FOR WORK PROCEDURE

It is acknowledged that current Tasmanian laws allows for motor vehicle to be operated on Tasmanian roads with a BAC of 0.05, therefore when operating any Council motor vehicle, the same level of 0.05 BAC applies.

*Alcohol & Drugs Act 1970 Section 6(1)* (Driving with excessive concentration of breath or blood alcohol) conditions apply at all times when operating a Council vehicle.

**Other activities:**

Because Council has a diverse range of work activities with varying levels of risk, the following BAC reading applies:

- A BAC reading of 0.02 will be the base level that applies to normal work activities;
- Where a BAC reading is between 0.02 and 0.05 it shall be the respective Manager or Coordinators responsibility to allocate the worker to a reduced risk work task until the worker records a BAC at 0.02 or lower. Example: A worker may use an item of plant such as lawn mower/brush cutter/chain saw etc, as part of their normal work task, a less risk task would mean not using any items of plant until such time as a 0.02 BAC reading has been achieved;
- Once the BAC level has been recorded at 0.02 or below the worker can resume normal work duties.

Where a worker has a BAC reading of 0.05 or above, it would be deemed a breach of the Fitness for Work Policy and additional consultation and appropriate management will be implemented with the worker.

**7.1. Voluntary Self-Testing Alcohol**

A person can measure their alcohol BAC level with a simple handheld device.

Council will provide an alcohol self-testing breathalyser at the following locations with instructions and training in their use:

- Works Depot
- Administration Building

Where practicable, Council will provide facilities for other workers to self-test prior to presenting for work.

A worker makes use of a Council approved hand held breathalyser and takes note of the reading from the breath sample provided.

The reading should be checked against the following guide and actions noted should be followed.

The worker has the choice of not attending work, (chooses to go home), or is allocated to a reduced risk work task by their Manager or Coordinator.

Workers must seek assistance to be transported home where a reading of 0.05 or above is recorded.

If the worker does not report the reading and continues to work, and a random or reasonable suspicion test confirms a breach of the Policy, they will be subject to disciplinary processes.

**8. Drug Testing**

- Workers must inform the tester if they are taking any prescription or over the counter medication, and shall have it recorded on the Chain of Custody/Consent form;
- The person being screened will be required to supply an oral swab sample from the mouth in the appropriate testing device provided to them by the Tester. The sample shall be sufficient to obtain a valid reading on the instrument;

## FITNESS FOR WORK PROCEDURE

- If a negative screen result is returned, the collected specimen will be disposed of and the person may return to their normal duties;
- Where the initial test is positive, the sample shall be forwarded to a qualified external testing facility for verification and confirmation;
- A worker may request the presence of, and consult with, an employee representative or a colleague at any stage prior to, during or post testing.

**Management of positive results are covered in Section 8.3 of these procedures.**

### 8.1 Drug Testing Guide

<u>8.1. Drug Testing Guide</u>
Positive Reading Actions
Council Workers: <ul style="list-style-type: none"> <li>• Where a worker returns a positive screening result, they will be required to remain with the Tester.</li> <li>• The tester will contact the person's Manager or Coordinator if a worker.</li> <li>• The tester will contact the General Manager if it is a Manager or Coordinator.</li> </ul>
Contractors: <ul style="list-style-type: none"> <li>• The tester will notify the Risk Management Department who will then manage the situation in accordance with this Procedure part 2.4.</li> <li>• The Risk Management Department will notify the General Manager of the reading and <del>that</del> breach of the Policy has occurred.</li> </ul>
Visitors: <ul style="list-style-type: none"> <li>• The tester will notify the Risk Management Department who will then manage the situation by removal of the visitor from the worksite.</li> <li>• The Risk Management Department will notify the General Manager of the reading and breach of the Policy has occurred.</li> </ul>

#### **8.1.1. Medication – Positive Test Results**

When a positive reading is recorded and the person had declared prior to the sample being taken that they are on medication, the results will await confirmation from an external testing facility.

- The Tester will advise the Risk Management Department that the results are either in agreement with the medication drug classification or not;
- Where the drug identified is within the drug classification of the medication noted by the worker, and confirmed by the Tester, the worker shall return to normal duties and the results will be recorded as pending confirmation;
- The sample shall be sent for further confirmation;
- Should the confirmation results indicate that the drug was not within the medication classification, (~~Different~~ ~~different~~ to what was declared by the worker); the Risk Management Department shall contact Human Resources and the worker's Manager, and will be subjected to Council's disciplinary procedures. A breach shall be recorded on the worker's personnel file.
- Should the medication be confirmed then no further action will be ~~required~~ ~~required~~, and nothing recorded.

An appropriate chain of custody procedure will be followed in the administration of the tests by the Tester and confirmation with the results provided to the Risk Management Department.

## FITNESS FOR WORK PROCEDURE

Where the results of the drugs test are found to be positive, the results will be placed on the respective workers' personnel file by Human Resources.

**8.2. Other Alcohol or Drug Concerns**

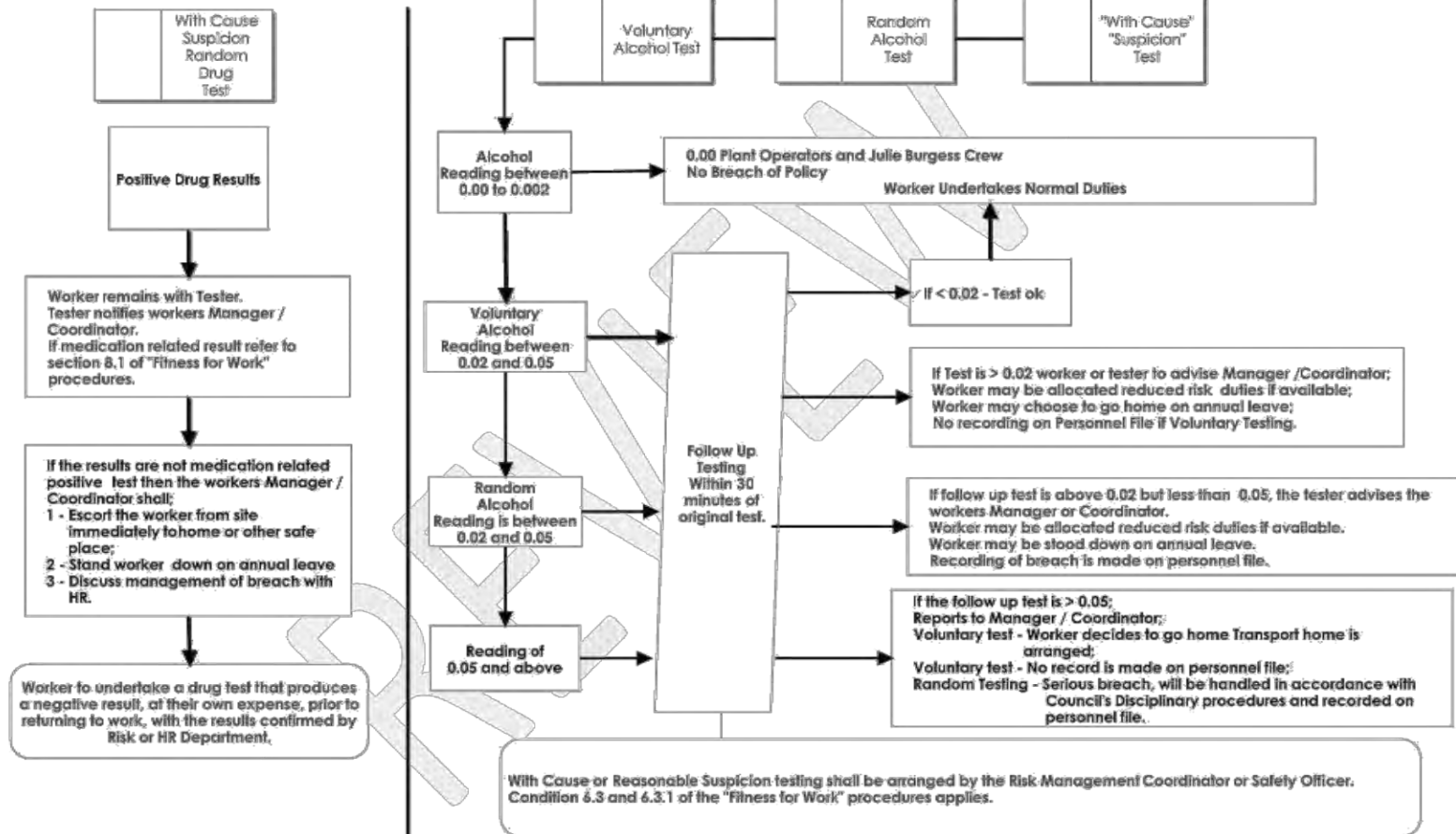
Where, on a first occasion, a worker "self declares" to Council that they have a concern relating to alcohol or drugs, which places them in contravention of this Policy/Procedure, Council may offer assistance to address their issues through a Case Management Plan process.

In cases of continual breaches occurring, they will be covered under the Council's Disciplinary Procedures.

Anyone who returns a positive confirmation test result for drugs will be subject to additional follow up random testing for drugs over the next twelve month period.

If no further positive results are reported in the follow-up period of twelve months, the worker will be placed back into the usual random selection pool of all workers.

## Section 8.3 - Testing Management Guide.



## FITNESS FOR WORK PROCEDURE

**8.3.1 Testing Results Management**

Where an initial screening test returns a non-negative (positive) recording for drugs and the worker has incurred a penalty as set out in Section 8.3 (i.e. stood down on annual leave), and the confirmation results from the independent laboratory confirms that the initial screening was incorrect, any penalty imposed will be reversed.

**9. Managing Fit for Work - People Issues**

Council's desire is to assist workers to address their fit for work concerns, this involves open communication, honesty and collaboration by each party.

**9.1. Mental Health and Personal Conditions**

When an individual presents with a mental health or personal condition or impairment which is covered by the Fitness for Work Procedure, consideration may be given to use any annual leave entitlements available or, depending on the nature of the concern, to provide alternative duties whilst being reviewed.

Consultations shall take place between the individual workers, their respective Manager and Human Resources to determine how to manage the worker's personal condition.

The condition may dictate additional management processes to be initiated such as a Case Management Plan and referred to external medical providers, or Human Resources.

Where appropriate the worker may be referred to other organisations such as "Beyond Blue" or "Life Line" or Council's EAP provider.

**10. Case Management Plan and Rehabilitation Policy**

A Case Management Plan can be initiated by a Coordinator, Manager or Human Resources in consultation with a worker.

If assistance is required, and with the consent of the worker, Human resources Resources will facilitate a case-Case management-Management plan-Plan in consultation with the Worker's Manager or Coordinator, and medical practitioners.

Development of a Case Management Plan should be considered where:

- Any initial consultation and agreed actions do not achieve a satisfactory result;
- A worker requests for a Case Management Plan through their relevant Manager.

The Plan should set out agreed goals and outcomes, acceptance of responsibilities and accountabilities and shall be signed by the individual worker and the relevant Manager.

Development and implementation of any rehabilitation process should be referenced with Council's Rehabilitation Policy.

**11. Employee Assistance Program**

Council provides a voluntary and confidential Employee Assistance Program (EAP).

The program provides employees and members of their immediate family with personal counselling and support relating to personal, family or work related problems which may affect their work performance or quality of life.

**12. Zero Tolerance**

This Policy/Procedure provides for zero tolerance of illicit drugs which constitutes a criminal offence that has potential to adversely affect the health and safety of Council's workers and others in the workplace or the conduct of Council's operations.

**13. Disciplinary Procedures**

A breach of this Procedure or a case-Case management-Management plan-Plan may have disciplinary consequences.

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## FITNESS FOR WORK PROCEDURE

Discipline will be handled in accordance with Council's Disciplinary Procedure.

**14. Employee Social Functions and the Responsible Serving of Alcohol**

Alcohol is not to be consumed by workers at any Council work site or facility without the prior approval of the General Manager or Deputy General Manager.

As an employer, Council will implement controls to ensure responsible consumption of alcohol at council approved social functions.

Controls may include:

- Alcohol to be served by a person with RSA Certificate;
- Non-alcoholic drinks including water will be available;
- Food may also be served;
- Time limits may apply.

It is expected that all workers attending any approved function/event where alcohol is served will ensure they act in a responsible and reasonable manner at all times.

**15. Retaining Records – Confidentiality**

Management safeguard for testing information to protect the privacy of the individual(s) is paramount.

Type of records:

- Information recorded of a personal nature that should be placed on a workers personnel file by ~~HR Department~~ Human Resources, i.e. breaches of policy or procedures including ~~Case m~~ Management plans/Plans.
- Information collected as part of the implementation of this Policy and Procedure that is of a management nature (i.e. number of test completed and results).

Records from the testing organisation shall be maintained by the Risk Management Department, but does not include information that will be attached to a worker's personnel file.

Individual test results shall not be released to anyone who is not directly involved in the testing process.

Exceptions may be:

- The worker authorises the transfer of information in writing;
- The worker has signed a release form for rehabilitation or a case management plan in which the results of the test must be known to facilitate further action concerning the worker;
- When the results of the test become the subject of a dispute, the information may be released to other parties on a "need to know" basis;
- When complying with any legal requirement;
- The worker's manager may require access to information pertinent to likely management issues such as duty of care to the individual and other workers and required knowledge to assist in the decision-making process.

Every effort will be made to carry out all actions under this Policy/Procedure in a manner which respects the dignity and confidentiality of those involved.

**16. Disputes**

Any disputes in the implementation of this Procedure should in the first instance be referred to Risk Management Department.

The Risk Management Department shall notify the General Manager and the Human Resource Coordinator of the reasons and issues that may be in dispute.

**17. Associated Council Policies and Procedures**

Risk Management Framework  
Vehicle Policy

## FITNESS FOR WORK PROCEDURE

Devonport City Council Enterprise Agreement  
Health and Well Being Program  
Staff Code of Conduct Policy  
Recruitment and Selection Policy  
Disciplinary Procedures  
Harassment, Bullying & Anti-Discrimination Policy  
Employee Assistance Program  
Health and Safety Policy  
Rehabilitation Policy


**18. Document Review**

The Policy/Procedure should be reviewed every two years.

**19. Communication**

Should policies, procedures or forms be updated, created or altered, this must be communicated to relevant audiences.

The Risk Management Department will oversee the Fitness for Work Policy and Procedure.

	<h2 style="text-align: center;">GIFTS AND DONATIONS POLICY</h2>		
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM):
Council	27 August 2018	146/18	0587562
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Executive Manager – Organisational Performance	General Manager	5.3.1 – Review and amend governance structures, policies and procedures to adapt to changing circumstances	July 2019 July 2021
<b>PURPOSE</b>	<p>The purpose of this policy is to:</p> <ul style="list-style-type: none"> <li>outline obligations and responsibilities relating to the receipt of gifts or donations; and</li> <li>assist both <del>Aldermen Councillors</del> and staff to avoid being placed in a situation where they may become vulnerable to undue influence or threaten community confidence in the fairness, impartiality and integrity of the Council.</li> </ul> <p>Council officials are defined as the Mayor, <del>Aldermen Councillors</del>, staff (including staff engaged through an employment agency), Council committee members and volunteers.</p> <p>The policy applies to all gifts and donations offered to or received by all Council officials in their respective role.</p> <p>In a private context gifts are usually unsolicited and meant to convey a feeling on behalf of the giver such as gratitude. There is ordinarily no expectation of repayment. Gifts given in a private context are not the focus of this policy.</p> <p>Gifts and donations may also be offered to individuals in the course of business relationships. Such gifts and donations are often given for commercial purposes and serve to create a feeling of obligation in the receiver. Gifts and donations given in the course of business relationships is the focus of this policy.</p>		
<b>SCOPE</b>	<p>The policy is to be applied in conjunction with provisions of Council's Code of Conduct and other relevant Council policies and procedures.</p>		
<b>POLICY</b>	<p><b>1. Definitions</b></p> <p><b>Council official</b> – Mayor, <del>Aldermen Councillor</del>, Council staff (including staff engaged through an employment agency), Council Committee members and volunteers.</p> <p><b>Gift</b> – is usually a tangible item provided at no charge. Gifts may include, but are not limited to items such as cash, property (real or otherwise), goods and services made available at heavily discounted prices, alcohol, clothes, products, invitations to social functions and tickets to sporting, theatrical or music events.</p> <p><b>Cumulative gift</b> – a series of gifts of nominal value from the same person or organisation over a specified period which may have an aggregate value that is significant.</p> <p><b>Donation</b> – an act or instance of presenting something as a gift, grant or contribution.</p> <p><b>Gift of influence</b> – a gift that is intended to generally ingratiate the</p>		

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giver with the recipient for favourable treatment in the future.

**Gift of gratitude** – a gift offered to an individual or department in appreciation of performing specific tasks or for exemplary performance of duties. Gifts to staff who speak at official functions may be considered an example of gifts of gratitude.

**Benefit** – a non-tangible item which is believed to be of value to the receiver (i.e. preferential treatment such as queue jumping, access to confidential information and hospitality).

**Hospitality** – the provision of accommodation, meals, refreshments or other forms of entertainment.

**Bribe** – a gift or benefit given specifically for the purpose of winning favours or to influence the decision or behaviour of a Council official to benefit someone or something.

**Cash** – money or vouchers which are readily convertible.

**Nominal value** – is the monetary limit of the value of gifts or donations that may be accepted (i.e. total value of gift or donation received). A gift or donation is of nominal value when it has no significant or lasting value.

**Significant value** – a gift or donation that has a value above the nominal value limit.

**Token** – often mass produced (i.e. pens, calendars, ties or items with a company logo on them), offered in business situations to individuals. Usually have a value under the nominal value limit.

**Non-token** – items that are of a more individual nature, with a value above the nominal value limit. Items may include, free or discounted travel; use of holiday homes; corporate hospitality at major sporting events; free training excursions; tickets to major events and access to confidential information.

**Conflict of interest** – any situation in which an individual or corporation (either private or government) is in a position to exploit a professional or official capacity in some way for their personal or corporate benefit.

**Public perception** – the perception of a fair-minded person in possession of the facts.

**Gifts and Donations Declaration Form** – a form to be completed (refer Attachment 1), when an individual receives a gift or donation of a non-token nature above the nominal limit or receives a series of token gifts or donations in a specified time that may have significant aggregate value (Cumulative Gift).

**Gifts and Donations Register** – a register maintained by Council of all declared gifts and donations (Attachment 2).

**Specified Period** – refers to financial year.

## 2. General

Council officials at all times and in all circumstances must be seen to be fair, impartial and unbiased.

Council officials should actively discourage offers of gifts and donations and must not solicit gifts or donations.

Council officials must not take advantage of their official position to secure an unreasonable personal profit or advantage.

People doing business with the Council should be encouraged to understand that they do not need to give gifts or donations to

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Council officials to get high quality service.

From time to time Council officials may be offered gifts or donations. In some limited circumstances gifts and donations may be accepted. Token gifts of nominal value may generally be received. Non-token gifts of significant value should not be accepted.

Council officials should at all times be aware of the wider situation in which an offer of a gift or donation is being made. For example, Council officials should consider whether the donor is in or may be seeking to enter into a business relationship with Council or may be applying to Council in relation to the exercise of Council's functions.

Council officials must avoid situations that suggest that a person or body, through the provision of gifts or donations, is attempting to secure favourable treatment from Council.

When deciding whether to accept or decline a gift or donation, consideration should be given to both the value of the gift or donation and also the intent of the gift or donation being offered.

As education programs are identified to be relevant to this policy, they will be offered to Council officials.

### 3. **Acceptable gifts** ~~Gifts and donations~~ **Donations**

Gifts or donations of a token nature at or below nominal value may generally be accepted by Council officials without the need for formal disclosure.

That said, Council officials who receive a series of token gifts or donations from the same donor where the aggregated monetary value is equal to or more than the nominal value, in a specified period, must disclose that fact in the Gifts and Donations Register.

If a Council official has any doubt if a gift or donation is token or of nominal value they should discuss it with the General Manager or Mayor (in the case of ~~Aldermen~~ **Councillors**).

#### 3.1. **Token gifts** ~~Gifts and donations~~ **Donations**

Gifts or donations of a token nature do not create the appearance of a conflict of interest and include:

- Items with a company logo on them, ties, scarves, coasters, diaries, chocolates, flowers;
- Books given to individuals at functions, public occasions or in recognition of exceptional work done;
- Gifts of single bottles of reasonably priced alcohol given to individuals at functions, public occasions or in recognition of exceptional work done;
- Free or subsidised meals of a modest nature and/or beverages provided infrequently (and or reciprocally) that have been arranged for or in connection with the discussion of official business;
- Free meals of a modest nature and or beverages provided to Council officials who formally represent Council at work related events such as training, education sessions and workshops;
- Invitations to approved social functions organised by groups such as Council Committees and community

organisations.

### 3.2. Nominal Value

For the purpose of this policy the current nominal value limit is identified in Section 12.

## 4. Non-acceptable gifts Gifts and donations Donations

Accepting gifts of money is prohibited.

Council officials should not accept gifts or donations that appear to be non-token in nature or above nominal value.

If a gift or donation of a non-token nature or above nominal value is offered and cannot reasonably be refused (as this action may cause embarrassment), the offer and receipt of the gift or donation must be declared by completion of a Gifts and Donations Declaration Form, (at Attachment 1), within 14 days of receipt, and the details must be recorded on the Council's Gifts and Donations Register (refer Attachment 2).

If a Council official refuses a gift or donation because they believe that the gift was a deliberate attempt to receive "special treatment", then such instances are to be reported immediately to the General Manager or Mayor.

### 4.1. Non-token gifts Gifts and donations Donations

Gifts or donations of a non-token nature include:

- Free or discounted travel;
- Use of holiday homes;
- Tickets to major sporting events;
- Corporate hospitality at a corporate facility or sporting venue;
- Free training excursions;
- Access to confidential information;
- Discounted products for personal use;
- Goods and services provided via a determination in a Will.

At times a gift of a non-token nature may be given from one authority to another. Such gifts are often provided to a host authority. These gifts may be given as an expression of gratitude without obligation on the receiver to respond. The gratitude usually extends to the work of several people in the authority and therefore the gift is considered to be for the authority, not a particular individual.

### 4.2. Significant Value

For the purpose of this policy a gift or donation with significant value has a value above the specified nominal value limit.

## 5. Actual or perceived Perceived effect Effect of the gift Gift or donation Donation

Accepting gifts where a reasonable person could consider that there may be influence applied as a result of accepting the gift or donation is prohibited (gift of influence).

Where it is suspected that a gift or donation has been offered for the purpose of influencing the behaviour of someone acting in their official capacity, the gift or donation must be declined and the matter should be reported immediately to the General Manager or Mayor.

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**6. Bribes**

Council officials must not offer or seek a bribe. A person offered a bribe should refuse it and report the incident immediately to the General Manager or the Mayor. Council will take steps to report the matter to Police immediately.

Receiving a bribe is an offence under both the common law and Tasmanian Legislation.

**7. Family Members**

Council officials must take all reasonable steps to ensure that immediate family members do not receive gifts or donations of a non-token nature or gifts or donations above the nominal value. Immediate family members include parents, spouses, children and siblings.

**8. Records – Gifts and Donation Register**

Council officials, who receive a series of token gifts or donations near the nominal value limit from the same person or organisation, (cumulative gift) must disclose that fact on the Gifts and Donations Declaration Form (Attachment 1) and forward it to the Governance Department within 14 days of receipt of the final gift. Governance will add the details to the Gifts and Donations Register (Attachment 2).

If a Council official receives a non-token gift or donation in circumstances where it cannot reasonably be refused or returned, the receipt of the gift or donation should be disclosed using the Gifts and Donations Declaration Form, which should be forwarded to the Governance Department within 14 days of the receipt of the gift or donation (Attachment 1). The Governance Department will then record the details in the Gifts and Donations Register (at Attachment 2).

The Register of gifts and donations received by Councillors will be available on Council's website for public inspection.

The content of the Register will be monitored by the General Manager on a quarterly basis.

**9. Disposal of gifts**

The General Manager will determine whether a gift or donation of a non-token nature should be disposed of.

There are options for the disposal of gifts that have been accepted because they could not reasonably be refused but should not be retained by an individual. Examples of such circumstances where gifts or donations may be received include:

- Gifts accepted for protocol or other reasons, where returning it would be inappropriate;
- Anonymous gifts (received through the mail or left without a return address);
- A gift received in a public forum where attempts to refuse or return it would cause significant embarrassment;
- A gift or donation of significant value provided to a Council official through a Will, where the relationship between the giver and recipient was essentially a council related business

	<p>relationship.</p> <p>Options for disposal include:</p> <ul style="list-style-type: none"> <li>• Surrendering the gift to Council for retention;</li> <li>• Distributing the gift or donation amongst a selection of Council's officials - where a reasonable person would agree that the allocation was appropriate (public perception);</li> <li>• Donating the gift to an appropriate charity.</li> </ul> <p><b>10. Breaches of Policy</b></p> <p>All Council officials are obliged to comply with this policy and sanctions may be applied if the policy is breached.</p> <p>Any person may report an alleged breach of this policy by an official of the Council to the General Manager or Mayor as appropriate, who shall investigate any report received and take such action as is considered necessary.</p> <p>If this policy has been breached, such action may include counselling, censure motions, disciplinary action (including termination of employment), the laying of charges and the taking of civil action.</p> <p><b>11. Review process and endorsement</b></p> <p>This policy, including the amounts and frequencies specified, may be varied by resolution of the Council. When varied, the amounts and frequencies that apply to the policy must be updated and included in Section 12.</p> <p>This policy should be reviewed as required, but at least every four years following the conduct of Local Government elections.</p> <p><b>12. Details of amounts and frequencies specified in the policy</b></p> <p>For the purpose of this policy the current nominal value limit is \$50.00.</p> <p>Council officials who receive a series of gifts or donations from the same donor, where the aggregate monetary value of the series of gifts or donations in a financial year is \$50.00 or more, must disclose the receipt of each gift, regardless of the individual monetary value.</p>		
<b>LEGISLATION AND RELATED DOCUMENTS</b>	<p>Local Government Act 1993 (S339A specifies penalties in relation to the misuse of office by Councillors and employees; S28E deals with the Code of Conduct for Councillors; and S62 identifies the functions and powers of the general manager)</p> <p>Local Government (General) Amendment Regulations 2018</p>		
<b>ATTACHMENT/S (IF APPLICABLE)</b>	<p>Gifts &amp; Donations Declaration Form (<del>Aldermen Councillors</del> and Staff)</p> <p>Gifts &amp; Donations Register</p>		
<b>TRAINING REQUIREMENTS (IF APPLICABLE)</b>	Is training required as a result of this Policy	<b>YES</b>	<b>NO</b>
	Training required by:	<del>Aldermen Coun</del> <del>cillors</del>	Staff Department

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ATTACHMENT 1 - Gifts & Donations Declaration Form -  
Alderman/Councillors



**GIFTS AND DONATIONS DECLARATION FORM - COUNCILLOR**

**RECIPIENT DETAILS:**

Name: ..... Position: .....

Relationship to Donor: .....

**DETAILS OF THE GIFT OR DONATION:**

Name of Donor: .....

Suburb or locality where donor resides (if known): .....

Date received: .....

Value (Estimate if unknown) (\$): .....

Description of gift/donation: .....

Circumstances of gift/donation (reason/s for granting): .....

Was gift/donation received or declined? (please circle)

Reasons for determination (why received or declined)? .....

If gift/donation accepted, was gift/donation retained by the Councillor or the organisation?  
 (please circle)

Name and position who authorised acceptance of gift/donation: .....

Signature: ..... (Recipient of gift/donation)

Date: .....

Signature: ..... (Person authorising receipt of gift/donation)

Date: .....

Please forward completed form to Governance Officer or Executive Officer, within 14 days of receipt of  
 gift or donation

Do not print and store a copy of this document. Always access the Internet/Intranet copy to ensure you have the latest version.

## ATTACHMENT 1 - Gifts &amp; Donations Declaration Form - Staff

**GIFTS AND DONATIONS DECLARATION FORM - STAFF****RECIPIENT DETAILS:**

Name: ..... Position: .....

Department: .....

Relationship to Donor: .....

**DETAILS OF THE GIFT OR DONATION:**

Name of Donor: .....

Suburb or locality where donor resides (if known): .....

Date received: ..... Date notified Manager/Supervisor: .....

Value (Estimate if unknown) (\$): .....

Description of gift/donation: .....

Circumstances of gift/donation (reason/s for granting): .....

Was gift/donation received or declined? (please circle)

Reasons for determination (why received or declined)? .....

If gift/donation accepted, was gift/donation retained by employee or the organisation? (please circle)

Name and position who authorized acceptance of gift/donation: .....

Signature: ..... (Recipient of gift/donation)

Date: .....

Signature: ..... (Person authorizing receipt of gift/donation)

Date: .....


Please forward completed form to Governance Officer or Executive Officer within 14 days of receipt of gift or donation

Do not print and store a copy of this document. Always access the Internet/Intranet copy to ensure you have the latest version.

## 2018/2

REVIEW

REVIEW

	<b>HARASSMENT, BULLYING AND ANTI-DISCRIMINATION POLICY</b>		
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM):
Council	24 July 2012	131/12	047971
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
HR Human Resource Coordinator	General Manager Executive Manager Organisational Performance	5.7.3 – Ensure Human Resource policies, procedures and management systems support effective Council service delivery	July 2019/2021
<b>PURPOSE</b>	<p>Council values diversity in the workplace and, as such, is committed to ensuring it provides and maintains a safe and positive workplace, free from unlawful discrimination, harassment and bullying. Council is committed to compliance with the provisions of the <i>Anti-Discrimination Act 1998 (Tas)</i>, the anti-discrimination provisions of relevant legislative instruments and the provisions of Section 63 (2) of the <i>Local Government Act 1993</i> which states:</p> <p>(1) The general manager of a council may –</p> <ul style="list-style-type: none"> <li>a) appoint persons as employees of the council; and</li> <li>b) allocate duties to employees; and</li> <li>c) control and direct employees; and</li> <li>d) suspend or dismiss employees.</li> </ul> <p>(2) The general manager is to develop human resource practices and procedures in accordance with policies of the council to ensure employees of the council receive fair and equitable treatment without discrimination.</p>		
<b>SCOPE</b>	<p>This policy applies to all workers (a worker includes an employee, labour hire staff, volunteer, apprentice, work experience student, subcontractor, and contractor) and <u>Aldermen/Councillors</u> of the <u>Devonport City Council</u>.</p>		
<b>POLICY</b>	<p>1. In committing to this policy, Council aims to:</p> <ul style="list-style-type: none"> <li>• Create a working environment which is free from discrimination, harassment and bullying and where all workers <u>and Councillors</u> are treated with dignity, courtesy and respect;</li> <li>• Continue training and awareness sessions to ensure that all workers <u>and Councillors</u> know their rights and responsibilities;</li> <li>• Encourage the reporting of behaviour which breaches this policy;</li> <li>• Provide an effective procedure for complaints based on the principles of natural justice;</li> <li>• Treat all complaints in a sensitive, fair, timely and confidential manner;</li> <li>• Protect workers <u>and Councillors</u> from victimisation and reprisals for making complaints; and</li> <li>• Promote appropriate standards of conduct at all times.</li> </ul> <p>Council is an Equal Opportunity Employer. Council promotes a working environment where equality of access is merit based, and the recognition and acceptance of diversity within the workplace is facilitated. Principles of Equal Opportunity are embedded in internal employment practices, from training, promotion and recruitment, and</p>		

an environment where workers can work effectively without fear of discrimination, bullying or harassment is fostered. Whilst roles within the Council and their intrinsic requirements vary, an inherent component of each role is the expectation that all workers be treated with dignity and respect. As an Equal Opportunity Employer, the Council acknowledges its responsibility in ensuring the rights of everyone within the workplace is protected. The expectation includes, but is not limited to, the right to be physically and psychologically safe within the workplace, and to be treated equally, fairly and respectfully.

## 2. Definitions

### 2.1. Bullying

Workplace Bullying occurs when:

- an individual or group of individuals repeatedly behaves unreasonably towards a worker or a group of workers at work AND
- the behaviour creates a risk to health and safety.

Reasonable management action conducted in a reasonable manner does not constitute workplace bullying.

Is defined as behaviour that is offensive, abusive, intimidating, malicious or insulting. Bullying is often repetitive, persistent and systematic behaviour, whereby an individual or group of people abuse their power or position to undermine, disempower, degrade, threaten or humiliate another person or group of people. Whilst generally overt and obvious in nature, bullying can also include the intentional withholding of information, isolation of a person within the workplace, exclusion from decision-making processes, or any activities that they would usually be involved with.

2.1.2.2. Direct Discrimination on ground of attribute: Direct discrimination occurs when a person treats another person, on the grounds of an actual or perceived attribute or characteristic, less favourably than a person without that attribute or characteristic. Under Section 16 of Anti-Discrimination Act 1998, A person must not discriminate against another person on the ground of any of the following attributes:

- race;
- age;
- sexual orientation;
- lawful sexual activity;
- gender;
- gender identity;
- intersex variations of sex characteristics;
- marital status;
- relationship status;
- pregnancy;
- breastfeeding;
- parental status;
- family responsibilities;
- disability;
- industrial activity;
- political belief or affiliation;
- political activity;

- religious belief or affiliation;
- religious activity;
- irrelevant criminal record;
- irrelevant medical record; or
- association with a person who has, or is believed to have, any of these attributes.

For direct discrimination to occur, it is not necessary to demonstrate that the attribute is the solitary reason for the unfavourable treatment. Furthermore, it is unnecessary for the person who discriminates to regard the behaviour or treatment as discriminatory, or have any particular motive in discriminating. All that has to be identified is that a person's attribute was, at the least, a partial reason for the particular treatment of the other person. Even if genuine motives are the reason for the alleged discrimination, these do not and cannot excuse the behaviour.

### **2.2.1 Direct discrimination**

Discrimination to which the Anti-Discrimination Act 1998 applies is direct or indirect discrimination on the grounds of any prescribed attribute.

Direct discrimination takes place if a person treats another person on the basis of any prescribed attribute, imputed prescribed attribute or a characteristic imputed to that attribute less favourably than a person without that attribute or characteristic.

For direct discrimination to take place, it is not necessary:

- a) that the prescribed attribute be the sole or dominant ground for the unfavourable treatment; or
- b) that the person who discriminates regards the treatment as unfavourable; or
- c) that the person who discriminates has any particular motive in discriminating.

### **2.2.2 Indirect Discrimination**

Indirect discrimination occurs when a person imposes a condition, requirement or practice that which is unreasonable in the circumstances and has the effect of disadvantaging a member of a group of people who are based on the above attributes who:

- share, or are believed to share, a prescribed attribute; or
- share, or are believed to share, any of the characteristics imputed to that attribute –

more so than a person who is not a member of that group.

For indirect discrimination to be proven to take place, it is not necessary for that the person who discriminates to be aware that the condition, requirement or practice that is in question actually disadvantages the group of people.

**2.2.2.3. Defamation**

Defamation occurs when a person or group of people intentionally damage a person or group's reputation by stating or writing derogatory or negative things about them which are untrue or baseless.

**2.3.2.4. Harassment**

Harassment is defined as behaviour that makes someone feel intimidated, insulted or humiliated because of certain attribute they possess - including ethnicity, gender, disability, sexual preference. It can be intentional or unintentional. Harassment is also said to occur if the environment in which the person is working is 'hostile' or intimidating.

Harassment may include behaviours, including such as:

- Telling insulting jokes about particular racial groups;
- Sending explicit or sexually suggestive emails or text messages;
- Displaying racially offensive or pornographic posters or screen savers; or
- Making derogatory comments or taunts about someone's race or religion.

Harassment can range from serious to less severe levels; however one-off incidents can still constitute harassment. Where behaviour is persistent, such behaviour can undermine the standard of conduct within a work area, eroding the well-being of the individual or group being targeted. Workplace harassment must not be confused with respectfully delivered legitimate comment and advice (including relevant negative comment or feedback) from managers and supervisors on the work performance or work related behaviour of an individual or group.

**2.5. Prohibition of certain Conduct and Sexual Harassment**

A person must not engage in any conduct which offends, humiliates, intimidates, insults or ridicules another person on the basis of an attribute referred to in section 16(e), (a), (b), (c), (d), (ea), (eb) and (k), (f), (fa), (g), (h), (i) or (j) of the Anti-Discrimination Act 1998; in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated, intimidated, insulted or ridiculed.

A person must not sexually harass another person.

The Anti-Discrimination Act 1998 stipulates that sexual harassment has taken place when if a person:

- Subjects another person to an unsolicited act of physical contact of a sexual nature, such as touching, brushing up against, kissing, massaging, stroking hair; or
- Makes an unwelcome sexual advance or an unwelcome request for sexual favours to another person; or

- Makes an unwelcome remark or statement with sexual connotations to another person or about another person in that person's presence; ~~or~~
- ~~Makes an unwelcome gesture, action or comment of a sexual nature; or~~
- ~~Engages in conduct of a sexual nature in relation to another person that is offensive to that person - in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated, insulted or ridiculed.~~
- ~~Making unwelcome oral or written statements of a sexual nature to a person in the presence of a person;~~
- ~~Displaying matter of a sexual nature that relates to a prescribed attribute.~~

Mutual and welcome attraction of a sexual nature between consenting adults does not constitute sexual harassment.

#### **2.4.2.6. Intimidatory Harassment**

Intimidatory harassment occurs when there is deliberate and intentional use of physical or operational power to coerce a person to perform a particular task, subjecting them to a feeling of humiliation or intimidation. The scope of Intimidatory harassment does not include legitimate comment or feedback regarding work performance or behaviour from a supervisor, if given in a reasonable and fair manner. Intimidatory harassment may manifest itself as coercive behaviour, persistent following or stalking, and incessant, unjustified and unnecessary comments regarding a person's capabilities within the workplace.

#### **2.7. Prohibition of Victimisation**

~~Victimisation occurs when a person subjects, or threatens to subject, another person or an associate of that other person to any detriment. Section 18 of the Act states:~~

~~A person~~ Victimisation must not ~~occur~~ victimise another when that other person has ~~because that other person:~~


- a) made, or intends to make, a complaint under the *Anti-Discrimination Act 1998*; or
- b) gave, or intends to give, evidence or information in connection with any proceedings under the *Anti-Discrimination Act 1998*; or
- c) alleged, or intends to allege, that any person has committed an act which would amount to a contravention of the *Anti-Discrimination Act 1998*; or
- d) refused or intends to refuse to do anything that would amount to a contravention of the *Anti-Discrimination Act 1998*; or
- e) has or does anything in relation to any person under or by reference to the *Anti-Discrimination Act 1998*.

Victimisation takes place if a person subjects, or threatens to subject, another person or an associate of that other person to any detriment.

	<p><b>2.5.2.8. Inciting Hatred</b></p> <p><del>The Anti-Discrimination Act 1998 prohibits a</del> person, by a public act, <del>must not</del> inciting hatred towards, serious contempt for, or severe ridicule of, a person or a group of persons on the ground of:</p> <ul style="list-style-type: none"> <li>a) <del>the race of the person or any member of the group (colour, nationality, descent, ethnicity, status of being or having been an immigrant); or</del></li> <li>b) <del>the religious belief or affiliation or religious activity of the person or any member of the group (holding or not holding a religious view or belief; attending or not attending religious services or festivals; taking part or not taking part in religious customs or rituals; wearing or not wearing garments associated with religious belief, affiliation or activity); or</del></li> <li>c) <del>any disability of the person or any member of the group (physical disability, mental disability, total or partial loss of a part of the body; illness or disease; malfunction, malformation or disfigurement; learning and behavioural disorders; reliance on devices such as hearing aids, canes or guide dogs); or</del></li> <li><del>d) the sexual orientation or lawful sexual activity of the person or any member of the group; or</del></li> <li><del>e) the gender identity or intersex variations of sex characteristics of the person or any member of the group (heterosexuality, homosexuality, bisexuality, trans-sexuality).</del></li> </ul> <p><b>2.9 Disability</b></p> <p><del>Disability means any of the following that presently exists, previously existed but no longer exists, may exist in the future, whether or not arising from an illness, disease or injury or from a condition subsisting at birth:</del></p> <ul style="list-style-type: none"> <li><del>a) a total or partial loss of the person's bodily or mental functions;</del></li> <li><del>b) total or partial loss of a part of the body;</del></li> <li><del>c) the presence in the body of organisms causing or capable of causing disease or illness;</del></li> <li><del>d) the malfunction, malformation or disfigurement of a part of a person's body;</del></li> <li><del>e) disorder, malformation, malfunction or disfigurement that results in the person learning differently from a person without the disorder, malformation, malfunction or disfigurement;</del></li> <li><del>f) a disorder, illness or disease that affects a person's thought processes, perceptions of reality, emotions or judgement or that results in disturbed behaviour;</del></li> <li><del>g) reliance on a guide-dog, wheelchair or other remedial or therapeutic device.</del></li> </ul> <p><b>LEGISLATION AND RELATED DOCUMENTS</b></p> <p>Local Government Act 1993 (in particular S63(1) &amp; 63(2))  Anti-Discrimination Act 1998  Equal employment Opportunity Act 1984 (Commonwealth)  Racial Discrimination Act 1975 (Commonwealth)  Human Rights and Equal Opportunity Commission Act 1986 (Commonwealth)  Disability Discrimination Act 1992 (Commonwealth)</p>
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	<a href="#">Fair Work Act 2009 (Commonwealth)</a> <a href="#">Sex Discrimination Act 1984 (Commonwealth)</a> <a href="#">Work Health and Safety Act 2012</a> <a href="#">DCC Equal Employment Opportunity (EEO) and Diversity Policy</a> <a href="#">DCC Staff Code of Conduct Policy</a> <a href="#">Devonport City Council Enterprise Agreement 2017</a> <a href="#">DCC Recruitment and Selection Policy</a> <a href="#">DCC Gender Equity Policy</a> <a href="#">DCC Complaint Handling Policy</a> <a href="#">DCC Declaration of Interest Policy</a>		
<b>ATTACHMENT/S (IF APPLICABLE)</b>	Harassment, Bullying and Anti-Discrimination Procedure		
<b>TRAINING REQUIREMENTS (IF APPLICABLE)</b>	Is training required as result of this Policy	<b>YES</b>	<b>NO</b>
	Training required by:	<b>Councillors</b>	<b>Staff</b>
		<b>Staff</b>	<b>Department</b>

## APPENDIX – PROCEDURE

	<h2 style="text-align: center;">HARASSMENT, BULLYING AND ANTI-DISCRIMINATION PROCEDURE</h2>
<p><b>1. Roles and Responsibilities:</b></p> <p><b>1.1. The <del>Aldermen Councillors</del> will:</b> Ensure that discrimination does not arise from <del>their</del> decisions with respect to their practices and policies and will adhere to policy, <del>and</del> their relevant code of conduct <del>and any relevant legislation</del>.</p> <p><b>1.2. The General Manager will:</b></p> <ul style="list-style-type: none"> <li>• Ensure that discrimination does not arise from decisions with respect to policies, practices, training, promotion, remuneration and general conditions of employment.</li> <li>• Guarantee that selection and recruitment processes provide for equal opportunity and comply with relevant legislation.</li> <li>• Provide adequate resources and procedures to effectively administer reports of alleged discrimination, harassment and bullying.</li> <li>• Ensure <del>Manager workers</del> understand Section 104 of the Anti-Discrimination Act 1998 to communicate rights and responsibilities to staff and to act on any complaints as quickly as possible.</li> <li>• Ensure all complaints are treated seriously and managed in a timely and equitable manner.</li> <li>• Ensure, as far as practicable, that all workers adhere to the policy and <del>Staff</del> <del>Code of Conduct</del>.</li> <li>• Ensure reasonable steps to ensure the safety and health of workers in any work related context, including but not limited to conferences, work functions or social functions. This includes a duty of care under Health and Safety and Equal Employment Opportunity legislation to provide an environment free from discrimination, harassment and bullying whether or not the function is held in an offsite or onsite location.</li> <li>• Be proactive by communicating clearly the appropriate standards of behaviour expected during work functions.</li> <li>• Ensure resource materials are made available and promote Council's nominated Contact Officers to ensure workers have access to information and support needed to prevent harassment, bullying and discrimination in the workplace or to deal with it appropriately if it occurs.</li> <li>• Integrate relevant training regarding harassment, bullying and discrimination into all levels of training including inductions, awareness sessions and recruitment practices.</li> <li>• Management will appoint and provide training to Contact Officers. The Officers are trained to provide workers with support and confidential information about their options to deal with work-related discrimination, harassment or bullying.</li> </ul> <p><b>1.3. Supervisors and Managers are responsible for:</b></p> <ul style="list-style-type: none"> <li>• The recruitment, promotion, training, development and transferring of staff based exclusively on merit and performance, and free from any discrimination or bias.</li> <li>• Guaranteeing that all Human Resources practices, including recruitment, are applied equitably, consistently and free of bias.</li> </ul>	

## APPENDIX – PROCEDURE

- Implementing reasonable measures to prevent discrimination, harassment, bullying and victimisation in the workplace.
- Treating grievances with the utmost seriousness, confidentiality and immediacy in rectifying.
- Providing confidential guidance, advice and information to workers, including the investigation of grievances, complaints or disputes that have been made by a worker.
- Treating all workers involved in a complaint or dispute impartially and equitably.

**1.4. Workers are responsible for:**

- Understanding, respecting and complying with this policy and Council's Staff Code of Conduct.
- Ensuring discrimination, harassment and bullying are not tolerated within the workplace and informing the relevant Supervisor if such behaviour occurs.
- Ensuring they do not partake in behaviour that could be considered as discriminatory, harassment or bullying and discourage others from behaving in such ways.
- Attempting to amicably resolve any personal harassment or discrimination issues with the worker/s or Supervisor/s involved in the matter prior to raising it with management, if practical.
- Supporting anyone who is being subjected to harassment, bullying or discrimination and directing them to where they can obtain advice and assistance.
- Ensuring that confidentiality is maintained if they are in any way involved in the investigation of a complaint.
- Report any concerns or issues to relevant Supervisor.
- Report any issues or concerns with discrimination, bullying and harassment from members of the public towards fellow staff members or themselves.

**1.5. Contact Officers have a responsibility to:**

- Provide workers whom have a grievance relating to discrimination, harassment and/or bullying with an opportunity to discuss their grievance informally, in private and confidentially.
- Provide workers with information relating to discrimination, harassment and bullying.
- Provide support to the complainant and/or respondent through listening and informing, advising of the complaints procedure, informing them of the Employee Assistance Provider and seeking further information, as deemed necessary.
- Ensure information collated from the complainant/respondent is compiled in a non-judgemental way.
- Ensure confidentiality of records of discussion, and forwarding information on to relevant parties if a complaint is lodged.
- Ensure follow up with complainant/respondent is made in regards to outcomes/resolution.

**2. Investigation and Breaches of Policy:**

Council has a duty of care to take a pro-active approach to managing disputes regarding discrimination therefore any reports of discrimination or harassment will be treated seriously and investigated promptly, confidentially and impartially:

- Any person, who without authorisation from the General Manager, passes on confidential information, to a third party, regarding an investigation under this policy may face disciplinary action.

## APPENDIX – PROCEDURE


- As part of the resolution of any dispute regarding discrimination Council will seek, where possible, to resolve it in the least adversarial way.
- Council accepts that in some cases the parties may wish to meet and discuss the dispute in an attempt to resolve the matter. Council will accommodate this in a professional and non-judgemental manner.
- All complaints received will be treated confidentially and with serious consideration. If a worker is found to have made false accusations or a vexatious complaint for malicious reasons, they will be subjected to disciplinary action, which may include termination of employment.
- Any worker who engages in discriminatory practices, bullies or harasses, will be subjected to disciplinary action which may include termination of employment.
- Any actions which are of a criminal nature may be reported immediately to the police, regardless of whether an internal investigation is to eventuate.

**3. Confidentiality:**

Allegations of discrimination, harassment, bullying or victimisation will be treated confidentially. Any records or evidence produced or made during the investigatory process will be stored securely. Investigatory recordings will not be placed on an worker's personnel file, unless a formal investigation process has identified a breach of this policy which has resulted in the undertaking of disciplinary action.

**4. Conflict of Interest:**

It is imperative that the person involved in dealing with a matter relating to harassment, bullying or discrimination under this policy, not expose them self to a conflict of interest. If a conflict of interest arises, they must immediately advise the most senior person dealing with the complaint or human resources of the conflict and remove themselves from the process. This will ensure that faith in the process is guaranteed.

	<b>INFORMATION DISCLOSURE &amp; RIGHT TO INFORMATION POLICY</b>		
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM):
Council	26 March 2019	5270	5501241
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Executive Manager - Organisational Performance	General Manager	5.8.2 – Ensure access to Council information that meets user demands, is easy to understand, whilst complying with legislative requirements.	July 2019
<b>PURPOSE</b>	To ensure the consistent and transparent management of public requests for information held by Council, in line with legislated disclosure provisions of the <i>Right to Information Act 2009</i> (primarily) and <i>Personal Information Protection Act 2004</i> .		
<b>SCOPE</b>	This policy applies to all requests for information made by the public in respect of information held by Council as a public authority.		
<b>POLICY</b>	<p><b>1. Right to Information Act 2009</b> The <i>Right to Information Act 2009</i> ("the RTI Act") seeks to facilitate greater access to information held by public bodies, including councils, by:</p> <ul style="list-style-type: none"> <li>• Approving and encouraging greater routine disclosure of information without the need for formal request or application;</li> <li>• Authorising and supporting greater active disclosure of information in response to requests without requiring applications; and</li> <li>• Providing the public with the right to request information held by Council.</li> </ul> <p>As a public authority, Council is bound by the <i>RTI Act 2009</i> and its requirements.</p> <p><b>2. Provision of Information</b> Council is committed to the provision of information and ease of access, as far as practical and legal. Council discloses information, both actively and mandatorily, to support information disclosure.</p> <p>Information is made available to the public by way of:</p> <ul style="list-style-type: none"> <li>• Council Reports and Minutes</li> <li>• Annual Reports (including Budget/Financial Statements)</li> <li>• Annual Plan &amp; Estimates</li> <li>• Fact Sheets</li> <li>• Media Releases</li> <li>• Council Website</li> <li>• Social Media</li> <li>• Council Policies, Plans, Procedures, Strategies and Guidelines</li> <li>• Registers</li> <li>• Financial Reports</li> </ul>		

Council endeavours to make available information that is both valuable and in the public interest. Applications for information under the ~~RTI Act 2009~~ are encouraged as a "last resort" option where Council has not or cannot make available specific information.

### 3. Roles and Responsibilities

Under the ~~RTI Act 2009~~, the General Manager is recognised as the 'Principal Officer', and is ultimately responsible for determining the outcomes of Right To Information (RTI) applications. The General Manager is able to delegate the powers of the Act, by instrument of delegation in writing, to an employee to perform the role of 'Right to Information Officer'. The RTI Officer is responsible for making initial decisions regarding the release of information within the parameters of the Act, and may contact the applicant for clarification or further information in respect of the application they are assessing.

The Principal Officer is responsible for internal reviews of decisions made by the RTI Officer, if requested by the applicant.

Further review is available via the Ombudsman.

### 4. Disclosure Principles

#### 4.1. Required Disclosure

Required Disclosure includes documentation and publications including strategic plans, annual plans, annual reports, and other documents mandated under legislation, specifically the *Local Government Act 1993*. Information classified as required disclosure is widely available and can be accessed and viewed at Council's offices or on ~~the~~ its website.

#### 4.2. Routine Disclosure

Routine disclosure relates to information that Council determines is in the public interest and where the disclosure would not be made under required, active or assessed disclosure principles. Routine disclosures consider what information is deemed significant, relevant, meaningful or in the community's interest, and whether it would be reasonably expected to be accessible.

#### 4.3. Active Disclosure

Active disclosure is information disclosed in response to a request from a person - voluntarily releasing information upon request. Active disclosure must consider factors including third parties (is the information provided to Council subject to commercial in confidence or provided strictly in confidence by third parties); personal privacy (in accordance with Council Policy and legislation); confidential information (commercial or otherwise); subject to copyright or ownership of material rights; relates to contractual obligations in respect of the information; or is information subject to an investigation or legal ~~action/proceedings~~.

#### 4.4. Assessed Disclosure

Assessed disclosure relates to information that is disclosed in response to a formal application made under Section 13 of the ~~Right to Information Act 2009~~, following assessment of the

request for information in accordance with the Act, and a determination that the information requested be disclosed.

#### 5. Applications and Assessment

Applications may be made to the Principal Officer. They must be made in writing, either by the completion of the Right to Information Application form –

<https://www.devonport.tas.gov.au/council/governance/transparency-accountability/access-to-council-information/>

<http://www.devonport.tas.gov.au/Council/Governance/Access-to-Council-Information>, or in writing addressed to the Principal Officer, clearly detailing the applicant's details and information sought.

The RTI Officer may provide assistance to applicants in completing a request for information.

The RTI Officer will assess the application for assessed disclosure in line with the provisions of the ~~RTI Act 2009~~.

#### 6. Provision of Information

Information assessed as approved for disclosure will be provided to the applicant either through the applicant inspecting the information in person or providing a hard copy of the information; in the case of recorded or audio information, as a transcript; as an electronic copy of the information requested; or for information where sounds or visual images can be reproduced, by providing the applicant with an opportunity to hear the sound or view the images.

#### 7. Exemptions

The Act contains exemptions to access of information that would be considered prejudicial to essential public interests or the personal or business affairs of individuals, authorities or agencies to release.

Under Part 3 of the Act, exempt information not subject to the public interest test includes information related to closed meetings of Council (determined under Section 15 *Local Government (Meeting Procedures) Regulations 2015*).

Under Part 3, Division 2 of the Act, exempt information subject to the public interest test includes:

- Information communicated by other jurisdictions.
- Internal deliberative information.
- Personal information of person.
- Information relating to business affairs of third party.
- Information relating to business affairs of public authority.
- Information obtained in confidence.
- Information on procedures and criteria used in certain negotiations of public authority.

#### 8. Charges

Fees apply to ~~the provision of~~ information sought under the assessed disclosure provisions of Section 13 of the ~~RTI Act 2009~~. The Fee is set annually in accordance with the *Fee Unit Act 1997* set by the Department of Treasury and Finance.

Application for the fee to be waived may be made and may be accepted if:

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	<ul style="list-style-type: none"> <li>• you are experiencing financial hardship (e.g. on income support payments – evidence will be required by the RTI Officer);</li> <li>• you are a member of parliament and the application is in connection with performing your official duties; or</li> <li>• you are able to provide information that demonstrates that the information sought is intended to be used for a purpose that is of public interest or benefit.</li> </ul>		
	<p><b>9. Review and Appeal</b></p> <p>If it is determined that information requested cannot be disclosed under the <del>RTI Act 2009</del>, the applicant will be provided with the reason/s for determination. The applicant can request an internal review of the decision which will be undertaken by the Principal Officer. A further external review may be undertaken by the Ombudsman upon request by the applicant, if they are not satisfied with the outcome following the internal review process.</p>		
<b>LEGISLATION AND RELATED DOCUMENTS</b>	<p>Local Government Act 1993  Right to Information Act 2009  Right to Information Guidelines  Personal Information Protection Act 2004  Personal Information Protection Policy</p>		
<b>ATTACHMENT/S (IF APPLICABLE)</b>	<p>Right to Information Application Form</p>		
<b>TRAINING REQUIREMENTS (IF APPLICABLE)</b>	Is training required as result of this Policy	<b>YES</b>	<b>NO</b>
	Training required by:	<b>Councillors</b>	<b>Staff</b>
		<b>Department</b>	

REVIEW

## APPENDIX – RIGHT TO INFORMATION APPLICATION FORM



## DEVONPORT CITY COUNCIL

RIGHT TO INFORMATION ACT 2009  
APPLICATION FOR ASSESSED DISCLOSURE

## APPLICANT'S DETAILS:

Name:		Title:	
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Postal Address:	
	POSTCODE:

## DAYTIME CONTACT INFORMATION:

Telephone	Business:	Home:	Mobile:
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Email:	
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## PUBLIC AUTHORITY OR MINISTER APPLIED TO:

Devonport City Council
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GENERAL TOPIC OF INFORMATION APPLIED FOR:  
(One sentence summary of information requested)

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DEVONPORT CITY COUNCIL - RIGHT TO INFORMATION ACT 2009 -  
APPLICATION FOR ASSESSED DISCLOSURE

## APPENDIX – RIGHT TO INFORMATION APPLICATION FORM

## DESCRIPTION OF EFFORTS MADE PRIOR TO THIS APPLICATION TO OBTAIN THIS INFORMATION:

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## APPLICATION FEE OR APPLICATION TO WAIVE FEE:

Application Fee included (please tick) Application Fee \$40.50 (25 fee units @ \$1.62 per unit) (Fee current as at 1 July 2019)	
Office Use: Fee Received and Receipted	YES/NO

OR

Application for Waiver: (please indicate category)	Member of Parliament in relation to official business		Financial Hardship (eg holder of a Commonwealth Health Care Card)		General public interest or benefit (you will need to show that you intend to use the information for this purpose)	
Reason Application Fee should be waived:						

(If there is insufficient room in the space provided, please attach further details)

## PROOF OF IDENTITY:

If application form is for release of your personal information you must provide proof of identity before we can release the information - if lodging by email or mail you will need to provide certified copies (Please tick if this applies to you).	YES/NO
Office Use: Proof of Identity Sighted/Received and Acceptable	YES/NO

APPENDIX – RIGHT TO INFORMATION APPLICATION FORM

DETAILS OF INFORMATION SOUGHT:

(If there is insufficient room in the space provided please attach further details)

Applicants Signature:		Date:	
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## APPENDIX – RIGHT TO INFORMATION APPLICATION FORM

## Information about assessed disclosure under the

*Right to Information Act 2009***Object of the Act**

Section 3 of the Act includes this statement of the objects of the Act:

- (1) The object of this Act is to improve democratic government in Tasmania –
- (a) by increasing the accountability of the executive to the people of Tasmania; and
  - (b) by increasing the ability of the people of Tasmania to participate in their governance; and
  - (c) by acknowledging that information collected by public authorities is collected for and on behalf of the people of Tasmania and is the property of the State.
- (2) This object is to be pursued by giving members of the public the right to obtain information held by public authorities and Ministers.
- (3) This object is also to be pursued by giving members of the public the right to obtain information about the operations of Government.
- (4) It is the intention of Parliament –
- (a) that this Act be interpreted so as to further the object set out in subsection (1); and
  - (b) that discretions conferred by this Act be exercised so as to facilitate and promote, promptly and at the lowest reasonable cost, the provision of the maximum amount of official information.

**Applications for assessed disclosure**


- Applications are to be addressed to:  
Right to Information Officer  
Devonport City Council  
PO Box 604  
DEVONPORT TAS 7310.
- Applications are to be made in writing and include the information required by Regulation 4 of the *Right to Information Regulations 2010*.
- Applications are to be accompanied by the application fee. This fee is 25 units, which is \$40.50 at 1 July 2019 and is indexed annually.
- An applicant can apply for the application to be waived where the applicant is a Member of Parliament in the pursuit of their official duty; where the applicant is impecunious; and where the information sought is intended to be used for a purpose that is of general public interest or benefit.

**Responsibilities of the public authority**

- Applicants are to be notified of the decision on an application for assessed disclosure within 20 working days of the application being accepted by the public authority.
- Before the application is accepted, the public authority has a maximum of 10 working days to negotiate with the applicant to further define the application.
- If a need to consult with a third party arises, a further 20 working days will be allowed in addition to the original 20 days.
- If these time limits are not conformed with, the application will be deemed to be refused and the applicant may apply to the Ombudsman for a review of that decision.

**Proof of Identity**

- If you are applying for personal information related to you which is held by a public authority you will need to provide proof of identity prior to any information being released to you. This should be done at the time of making your application.
- Photo identification or a copy of photo identification which has been certified as a true copy by a Justice of the Peace or a Commissioner for Declarations is the minimum acceptable.

	<b>INVESTMENT POLICY</b>		
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM):
Council	24 July 2019	15142	047953
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Executive Manager - Organisational Performance	Executive Manager - Organisational Performance General Manager	5.5.1 – Provide financial services to support Council's operations and meet reporting and accountability requirements	July 2019 July 21
<b>PURPOSE</b>	The purpose of this Policy is to authorise and regulate the investment of Council's surplus funds so as to maximise earnings from investments whilst ensuring security of fund placement.		
<b>SCOPE</b>	This Policy applies to all activities undertaken by Council involving the investment of funds surplus to immediate operational requirements. It is not intended to cover interests in associated entities such as joint ventures.		
<b>POLICY</b>	<p><b>1. Delegation of Authority</b>            Authority for the implementation of the Investment Policy is delegated by Council to the General Manager in accordance with the Local Government Act 1993.</p> <p>The General Manager may in turn delegate the day-to-day management of Council's investments. An Officer delegated authority to manage Council's investments shall be required to acknowledge that they have received a copy of this Policy and understand their obligations in relation to it.</p> <p><b>2. Direct Investments</b>            Council may deposit funds with any Australian authorised deposit-taking institution having a rating as prescribed in Section 6.</p> <p><u>Quotations on Investments:</u>            At least three comparisons shall be obtained from relevant institutions whenever an investment is proposed. The quote should take into account minimum and maximum balances, interest rate, term of investment, administrative and banking costs as well as the limits set in the Policy when determining the most favourable quote. <u>Rates and terms supplied by an investment broker will constitute one quote for the purposes of this Policy. Another two quotes from institutions will be required to fulfil the Policy requirements.</u></p> <p>Council shall only invest money (on the basis that all investments must be denominated in Australian Dollars) in the following forms of investment:</p> <ul style="list-style-type: none"> <li>(a) any public funds or securities issued by or guaranteed by, the Commonwealth, any State of the Commonwealth or a Territory;</li> <li>(b) Interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit-taking institution (as defined in the Banking Act 1959 (Cwth)), but excluding subordinated debt obligations;</li> <li>(c) A deposit with the Tasmanian Public Finance Corporation.</li> </ul>		

**3. Prohibited Investments**

This Policy prohibits any investment carried out for speculative purposes, including but not limited to:

- (a) Derivative based instruments;
- (b) Principal only investments or securities that provide potentially nil or negative cash flow;
- (c) Stand-alone securities issued that have underlying futures, options, forward contracts and swaps of any kind; and
- (d) The use of leveraging (borrowing to invest) of any investment.

**4. Prudent Person Standard**

The investments shall be managed with the care, diligence and skill that a prudent person would exercise. As trustees of public monies, officers are to manage Council's investment portfolios to safeguard the portfolio in accordance with the spirit of this Investment Policy, and not for speculative purposes.

**5. Ethics and Conflict of Interest**

Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. This policy requires officers to disclose any conflict of interest to the General Manager. If engaged, independent advisors shall also be required to declare that they have no actual or perceived conflicts of interest.

**6. Risk Management Guidelines**

Investments are to comply with the following criteria:

- (a) **Preservation of Capital** - all reasonable measures are to be taken to prevent losses in portfolio value (considering the time value of money);
- (b) **Institutional Diversification**
  - (i) Not less than three (3) quotations shall be obtained from authorised institutions when an investment is proposed.
  - (ii) All term deposit investments are to be made with authorised deposit taking institutions authorised under the Banking Act 1959 and with an investment grade credit rating.
  - (iii) The maximum holding limit in each rating category and the target credit quality weighting for Council's total portfolio shall be:

Total Portfolio Limits		
Long Term credit Rating (or Moody's, Fitch, S&P or equivalent)	Short Term Credit (S&P or Equivalent)	Maximum Holding
AAA-AA category	A1+	100%
A Category	A1-A2	80%
BBB Category	A2-A3	40%

- (c) **Maturity Risk** - the investment portfolio is to be invested within the following maturity constraints:

Overall Portfolio Return to Maturity		
Portfolio % < 1 Year	Min 40%	Max 100%
Portfolio % > 1 Year	Min 0%	Max 60%
Portfolio % > 3 Year	Min 0%	Max 30%
Portfolio % > 5 Year	Min 0%	Max 20%

**(d) Liquidity Risk -**

- a. Matching investments with cash flow requirements.
- b. Ensure access is available within seven (7) days to at least \$1,000,000 or 10% of value of total investments, whichever is greater.

If any of Council's investments are downgraded such that they no longer fall within the investment policy requirements, they will be divested as soon as practicable but in a manner that does not give rise to an unnecessary loss to Council.

Investments for greater than 12 months are to be approved by Council and reviewed on a regular term and invested for no longer than 5 years.

**7. Performance Benchmarks**

The performance of the investment portfolio shall be against the industry standard 11am Cash Rate for cash investments and BBSW 90 Day Swap Rate for direct investments.

**8. Reporting and Responsibilities of Council Officers**

- (a) The Responsible Accounting Officer shall reconcile the investment register on a monthly basis ensuring sufficient records are maintained, including:
  - (i) the source and amount of money invested;
  - (ii) particulars of the security or form of investment in which the money was invested;
  - (iii) the term of the investment; and
  - (iv) if appropriate, the rate of interest to be paid, and the amount of money earned, in respect of money invested.
- (b) A report shall be provided to the Governance & Finance Committee of Council, detailing the investment portfolio in terms of performance, investment institution and amount of each investment.
- (c) The report should also detail each actual percentage against the performance benchmark rates.
- (d) For audit purposes, certificates must be obtained from financial institution confirming the amounts of investment held on the Council's behalf at 30th June each year.
- (e) The documentary evidence must provide Council legal title to the investment.


**9. Investment Advisor**

Should Council engage an investment advisor, the advisor must be approved by the General Manager and licensed by the Australian Securities and Investment Commission. The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended and is free to choose the most appropriate product within the terms and conditions of the investment policy.

The independent advisor is required to provide written confirmation that they do not have any actual or potential conflicts of interest in relation to the investments they are recommending or reviewing, including that they are not receiving any commissions or other benefits in relation to the investments being recommended or reviewed.

	<b>10. Review of Policy</b> This policy shall be reviewed every two years and any amendments, if necessary, shall be approved by resolution of Council.		
<b>LEGISLATION AND RELATED DOCUMENTS</b>	Local Government Act 1993 The Trustee Amendment (Investment Powers) Act 1997 Local Government (General) Regulation 2015 Australian Accounting Standards Declaration of Interest Policy		
<b>ATTACHMENT/S (IF APPLICABLE)</b>	N/A		
<b>TRAINING REQUIREMENTS (IF APPLICABLE)</b>	<u>Is training required as result of this Policy</u>	<u>YES</u>	<u>NO</u>
	<u>Training required by:</u>	<u>Councillors</u>	<u>Staff</u>
			<u>Department</u>

REVIEW

	<b>PERSONAL INFORMATION PROTECTION POLICY</b>		
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM):
Council	24 July 2017	131/17	047924
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Governance Coordinator Executive Manager Operational Performance	General Manager	5.3.1 – Review and amend governance structures, policies and procedures to adapt to changing circumstances	July 2018 / July 2021
<b>PURPOSE</b>	This policy demonstrates Council's commitment, as a personal information custodian, to protecting an individual's rights to personal privacy rights, and compliance with relevant legislative and internal policies that support and enforce personal information protection. This policy is in accordance with the Personal Information Protection Principles as outlined in Schedule 1 of the Personal Information Protection Act 2004 (the "Act").		
<b>SCOPE</b>	This Policy applies to all employees, elected members, contractors, work place participants and volunteers of the Devonport City Council, and covers all personal information held by Council.		
<b>POLICY</b>	<p><b>1. Collection (Principle 1)</b></p> <p>Council collects and requests information when it is required to carry out its functions and activities. Personal information shall be obtained from the individual when it is reasonable and practicable to do so, and will be collected by lawful, reasonable and unobtrusive means.</p> <p>There may be circumstances where Council is required or obligated by law to collect personal information. Sensitive information will only be obtained where an individual provides consent or where it is permitted under the Act.</p> <p>Information may include:</p> <ul style="list-style-type: none"> <li>• Name</li> <li>• Address</li> <li>• Telephone contact/s</li> <li>• Date of birth</li> <li>• Occupation</li> <li>• Social Security Number</li> <li>• Bank Details</li> <li>• Vehicle Registration details</li> <li>• ABN details</li> </ul> <p>There are various purposes for obtaining of personal information which may include:</p> <ul style="list-style-type: none"> <li>• To provide services, as requested by the individual;</li> <li>• To follow up on complaints/issues;</li> <li>• To confirm attendance at meetings, functions etc;</li> <li>• Where an individual is included on a mailing or distribution list;</li> <li>• To facilitate the collection of fees and charges;</li> <li>• To facilitate payments;</li> </ul>		

- To undertake law enforcement activities.

When collecting personal information, Council will take steps to guarantee the individual is made aware of:

- Council's identity and how to contact it;
- The individual's rights ~~in regards to~~ in regard to accessing information collected;
- The purpose for collecting the information;
- The intended recipient/s of the information;
- Legislation that requires the information to be collected; and
- The consequences, if any, of not providing all or part of that information.

~~Council will utilise the information obtained only for the purpose for which it was collected.~~

Any information collected by a third party will require Council to take reasonable steps to ensure the individual concerned is informed of the commitment above, unless there is a situation whereby doing so could pose a serious threat to the life, safety, health or welfare of any individual, or where it could be prejudicial to an investigation.

## 2. Use and Disclosure (Principle 2)

~~Council will utilise information obtained only for the purpose for which it was collected.~~

Council will only disclose personal information to a third party or external organisation with the express consent of the individual concerned, or ~~when where~~ where it is ~~required permitted~~ permitted by law. ~~Council must ensure that~~ Council must ensure that any external or third party in receipt of personal information ~~must comply with provisions of the Act, to the extent that it can.~~ must comply with provisions of the Act, to the extent that it can. In respect to contractors engaged by Council, it is Council's responsibility to ensure that they are aware of, and comply with the Act (as far as it is reasonably practicable for Council to do so) and other privacy and confidentiality provisions.

~~A personal information custodian may use or disclose personal information about an individual for a purpose other than the purpose for which it was collected if:~~

~~at least one of the following apply:~~

- ~~a) That purpose is related to the primary purpose and if the personal information is sensitive information, that information is directly related to the primary purpose; and~~
- ~~a) the individual would reasonably expect the personal information custodian to use or disclose that information for that purpose; OR~~
- ~~b) the individual has consented to the use or disclosure; OR~~
- ~~c) the personal information custodian reasonably believes that the use or disclosure is necessary to lessen or prevent -~~
  - ~~a) a serious threat to an individual's life, health, safety or welfare; or~~
  - ~~a) a serious threat to public health or public safety; OR~~
  - ~~d) the personal information custodian has reason to suspect that unlawful activity has been, is being or may be engaged in, and uses or discloses the personal information as a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities; OR~~

- e) the use or disclosure is required or authorised by or under law; OR
- f) the personal information custodian reasonably believes that the use or disclosure is reasonably necessary for any of the following purposes by or on behalf of a law enforcement agency:
- a) the prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of a law imposing a penalty or sanction; the prevention, detection, investigation or remedying of conduct that is in the opinion of the personal information custodian seriously improper conduct; or
  - a) the preparation for, or conduct of, proceedings before any court or tribunal or implementation of any order of a court or tribunal; OR
- g) the personal information is to be used as employee information in relation to:
- a) the suitability of the individual for appointment; or
  - a) the suitability of the individual for employment held by the individual; OR
- h) the personal information is employee information which is being transferred from one personal information custodian to another personal information custodian for use as employee information relating to the individual.

If a personal information custodian uses or discloses personal information for purposes on or behalf of a law enforcement agency, it must make written note of the use or disclosure.

Other Some instances third parties where who Council is authorised to utilise or disclose personal information to ~~sources~~ outside of Council include:

- Making contact where services have been requested (i.e. issuing permits, attending to work requests) Service providers (i.e. TasWater, TasGas where work requests have been initiated);
- Banking and financial institutions or government bodies (Collecting Council fees and charges (i.e. rates notices, infringement notices; i.e. for bank account details; financial institutions for direct debiting purposes; Centrelink; Housing Tasmania);
- Office of the Valuer-General, Australian Bureau of Statistics (valuation or statistical purposes) Property information (disclosure to the Valuer-General, the Australian Bureau of Statistics, or for subdivision or planning application purposes);
- Financial circumstances (Centrelink for confirmation of pensioner rebate; Housing Tasmania);
- MPES, Tasmania Police (debt collection, law enforcement) Legal circumstances/law enforcement obligations (MPES and other debt collection agencies, where fines/rates have not been paid; Courts and Tasmania Police – for example when complying with subpoena requirements);
- Employment (if a background or Police Check is required for employment purposes);

~~• Worker Compensation/Public Liability Incident: (to forward personal information on to Worker Compensation agents, public liability or professional indemnity insurers)~~  
~~• Emergency circumstances (to contact an individual in the case of an emergency).~~

**3. Data Quality (Principle 3)**  
 Council seeks to ensure that personal information held by it is accurate, complete and current, and has been provided by the individual or other reliable source. Council provides a simple process for information to be updated or corrected. Reference to amendments and correction of information is included in "**Access and Correction (Principle 6)**".

**4. Data Security (Principle 4)**  
 Council follows all necessary procedures to ensure personal information it holds is stored safely and securely, and is ~~accessible~~ accessed only to by those requiring it or authorised to use the information.

Employees and elected members are required to protect personal information that they have access to, and ensure that it is kept securely and used for authorised purposes only. Confidentiality must be maintained at all times when handling personal or sensitive information and must not be disclosed to any unauthorised parties. Both employees and elected members are bound by Section 339 of the Local Government Act 1993, whereby they "must not make improper use of any information acquired".

~~If request for personal information is made from government agencies including the police, the request must be forwarded to the Principal Officer, who under the provisions of the Right to Information Act 2009, may make an assessment on disclosure.~~

Council files are strictly confidential; are stored securely; and can only be accessed by authorised officers. An employee failing to meet confidentiality and privacy conventions may be subject to disciplinary action, in accordance with ~~Internal Council Policies~~ Council policy.

Council ensures the maintenance of privacy and confidentiality through the provisions of physical or building security; computer and network security; communications security; and personnel security; in addition to policy and procedures that are compatible with principles of confidentiality and privacy.

Any personal information in the possession of Council that is no longer required will be disposed of by secure means, generally via confidential shredding.

Council also complies with the provisions of the Archives Act 1983, and its legal obligations to retain information for a set period or permanently.

**5. Openness (Principle 5)**  
 Council will make this policy available upon request. Upon request, Council will take all reasonable steps to provide the individual with the

personal information it holds, collects (and for what purpose/s the information is collected, held, used and disclosed).

#### **6. Access and Correction (Principle 6)**

In accordance with Principle 6 of the Personal Information Protection Principles, an individual may access personal information about them that is in Council's possession. ~~Some basic information may be accessed or provided upon request (subject to proof of identity requirements) and some information may be released upon completion of an information request and release form (e.g. immunisation details). More sensitive information, for example, relating to complaints or neighbourhood disputes, must be applied for under the Right to Information Act 2009. These requests are Access to documentation containing personal information is managed under in line with the provisions of the Act the Right to Information Act 2009. This may relate to activities such as rate notices, fines, planning applications and other information associated with Council's activities and jurisdiction.~~

A request for information, clearly stating the information required, must be made in writing and addressed to:

The Principal Officer  
Devonport City Council  
PO Box 604  
DEVONPORT TAS 7310

~~Verification of the individual's identity must be ascertained prior to the provision of information sought.~~

If upon accessing their personal information, the individual believes the personal information is incorrect, inaccurate, out of date or misleading, the individual can request the information be corrected or amended. Amendments to personal information are established under the Act. A request to amend information under this Act must be in writing and addressed to the Principal Officer (mailing details listed above).

The request must specify an address to which the notice is to be sent; give particulars of the information the person believes is incomplete, incorrect, out of date or misleading; and specify the amendments that the person wants made to that information.

If the individual is not satisfied with the outcome of the request or handling of the request for access, they may lodge a formal complaint with the Ombudsman.

#### **7. Unique Identifiers (Principle 7)**

Unique identifiers are assigned to individuals only in circumstances where it is necessary to perform Council's functions and is permissible by law. A unique identifier is a reference that enables identification of an individual, for example a driver's licence number. Council will not adopt as its own a unique identifier, any unique identifier assigned to the individual by another personal information custodian, unless adoption is required in carrying out its functions efficiently, or it has obtained the consent of the individual to use of the unique identifier.

	<p><b>8. Anonymity (Principle 8)</b> Individuals have the right to remain anonymous when supplying personal information as part of dealings with Council, however this is only feasible when it is lawful and practical to do so. Remaining anonymous in many cases inhibits Council's ability to process a complaint or follow up on a matter. Council therefore reserves the right not to act upon matters or complaints where the supply of relevant personal information has not been provided to Council, or is insufficient.</p> <p><b>9. Disclosure of Information outside of Tasmania (Principle 9)</b> Information requested by an individual or organisation outside of Tasmania will only be transferred with the individual's consent or if authorised under legislation. This Principle is designed to protect the privacy of personal information if it is sent to a third party outside of Tasmania.</p> <p><b>10. Sensitive Information (Principle 10)</b> The collection of sensitive information will only occur with the individual's consent, or in circumstances where it is permitted or required under the <i>Personal Information Protection Act 2004</i> or other legislation. Council will ensure that sensitive information or data is treated with the greatest security and confidentiality restrictions, to ensure information is used exclusively for the purpose for which it was collected.</p> <p>Sensitive information may include:</p> <ul style="list-style-type: none"> <li>• Opinions or information relating to ethnicity or racial background;</li> <li>• Political opinions or associations;</li> <li>• Religious beliefs or affiliations;</li> <li>• Trade union membership;</li> <li>• Criminal record;</li> <li>• Health information;</li> <li>• Financial status.</li> </ul> <p><b>11. Confidentiality Agreement</b> Devonport City Council employees, contractors and work placement participants are encouraged to sign Council's Confidentiality Agreement. This agreement stipulates various confidentiality clauses, including:</p> <ul style="list-style-type: none"> <li>• That all information obtained, which may be confidential, harmful or discriminatory in nature must be respected and must not be unduly exposed or leaked;</li> <li>• Employees must adhere to all relevant Council policies, in particular those regarding personal, private and/or harmful information;</li> <li>• Confidential information obtained must be gathered for a specific purpose;</li> <li>• All information obtained must be kept safe and must not be subject to unauthorised access; and</li> <li>• Employees must not leak any private information regarding Council or any aspect of its administration.</li> </ul>
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~~Furthermore, Council staff must comply with the provisions of their Code of Conduct, which details that employees must respect confidentiality and privacy and only use such information for Council purposes including the accessing confidential information for authorised work-related tasks.~~

#### **12. Privacy Officer**

The Council has appointed a Privacy Officer to oversee the operation of the Personal Information Protection Policy. The Privacy Officer will liaise with customers in respect to requests, enquiries, and complaints regarding personal information kept by the Council. It is appropriate that the Principal Officer, appointed under the *Right to Information Act 2009*, be appointed Privacy Officer. This officer will receive customer requests for access to personal information and action these requests; respond to requests in writing; amend personal information; and liaise with relevant Departments in relation to information requests and amendments.

#### **13. Public Interest Disclosures Act 2002**

Providing confidential information that forms part of a Public Information Disclosure does not constitute a breach of any Act that imposes a duty to maintain confidentiality. Council's Confidentiality Agreement or this Policy, however there are restrictions as to how this information is used and to whom it is granted.

The Ombudsman's Guidelines in relation to Public Interest Disclosures state that all reasonable steps shall be made to protect the identity of a discloser, witness or of the person against whom the disclosure has been made. Section 23 of the Act requires any person who receives information due to the handling or investigation of a protected disclosure not to disclose that information except in limited circumstances. There may be financial or punitive penalties, or both, if information is disclosed in breach of this section.

Section 90 of the Act exempts the release of documents under the *Right to Information Act 2009* to the extent that they contain information regarding a disclosure, or information that is likely to lead to the identification of the person who made the disclosure, or if the person whom is subject of the disclosure, may be realised.


#### **14. Complaints**

Complaints relating to privacy and the provision of personal information must be made in writing and addressed to the Principal Officer (refer to Principle 6 for details).

Complaints will be acknowledged in accordance with Council's Customer Service Charter timeframes, ~~with resolution occurring as soon as practicable~~. The complaint must be received within 6 months from the time the complainant first became aware of the issue. Complaint details will remain confidential and a written response will be provided to the complainant.

An individual dissatisfied with the outcome of the request or handling of the request for access can also lodge a formal complaint with the Ombudsman.

<b>LEGISLATION AND RELATED DOCUMENTS</b>	Local Government Act 1993 Personal Information Protection Act 2004 Right to Information Act 2009 Public Interest Disclosure Act 2002 Customer Service Charter <del>DCC</del> Confidentiality Agreement <del>DCC</del> Disciplinary Procedure Staff Code of Conduct Guidelines for the Disclosure of Personal Information		
<b>ATTACHMENT/S (IF APPLICABLE)</b>	N/A		
<b>TRAINING REQUIREMENTS (IF APPLICABLE)</b>	Is training required as result of this Policy	<b>YES</b>	<b>NO</b>
	Training required by:	Councillors	Staff Department

	<b>PUBLIC QUESTION TIME POLICY</b>		
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM):
Council	<del>25 August 2017</del>	<del>125/12</del>	<del>748744</del>
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
<del>Governance Coordinating Executive Manager Operational Performance</del>	General Manager	5.6.5 – Ensure compliance with all relevant legislative requirements, standards, policies and procedures	<del>July 2018-July 2021</del>
<b>PURPOSE</b>	To provide an opportunity for members of the public to ask questions about Council activities at each ordinary council meeting, special council meeting and Section 23 meetings in accordance with Regulation 31 of the <i>Local Government (Meeting Procedures) Regulations 2015</i> .		
<b>SCOPE</b>	This policy applies to: a) all members of the public; b) all formal Council meetings (including special meetings) held by Devonport City Council; and c) all meetings of the following committees: • Governance, Finance and Community Services Committee; • Infrastructure Works and Development Committee.		
<b>POLICY</b>	<p><b>1. Public Question Time</b>          In accordance with Section 31 of the <i>Local Government (Meeting Procedures) Regulations 2015</i>, Council has determined that a period of thirty (30) minutes be set aside for members of the community to ask questions relating to Council activities.</p> <p>Public question time provides an opportunity for people to ask questions about Council's activities but is not an opportunity to make statements.</p> <p><b>2. Questions on On noticeNotice</b>          A member of the public may give written notice to the General Manager at least 7 days before an ordinary Council meeting of a question to be asked at that meeting.</p> <p>The question and a proposed response (if appropriate) will be included on the agenda for the scheduled meeting.</p> <p>If the person is unable to attend the scheduled meeting, they should advise the General Manager and their question/s will be held over until the following meeting.</p> <p>Questions can be lodged by:          Mail: PO Box 604, Devonport 7310          In person: <del>17 Fenton Way, Devonport</del> <u>Level 2, paranalpe centre, 137 Roake Street, Devonport</u>          Email: <a href="mailto:council@devonport.tas.gov.au">council@devonport.tas.gov.au</a></p> <p><b>3. Questions <del>without</del> Without noticeNotice</b></p>		

Questions without notice will be dependent on available time at the meeting (with a period of 30 minutes set aside at each meeting).

A member of the public who wishes to ask a question at the meeting is to state their name and address prior to asking their question.

A maximum of 2 questions per person are permitted.

A maximum period of 3 minutes will be allowed per person.

If time permits, a third question may be asked once all community members who wish to ask questions have done so. A time limit of 2 minutes will apply.

Questions are to be succinct and not contain lengthy preamble.

Questions do not have to be lodged prior to the meeting, however they will preferably be provided in writing.

A question by any member of the public and an answer to that question are not to be debated.

Questions without notice and their answers will be recorded in the minutes.

The Chairperson may take a question on notice in cases where the questions raised at the meeting require further research or clarification, or where a written response is specifically requested.


Protection of parliamentary privilege does not apply to local government and any statements or discussion in the Council Chambers, or any document produced, are subject to the laws of defamation.

#### 4. Questions may be refused in certain circumstances/Refusal of Questions

The Chairperson may refuse to allow a question on notice to be listed or refuse to respond to a question put at a meeting without notice that:

- a) Relates to any planning issue or item listed on the agenda for the Council meeting (note; this ground for refusal is in order to avoid any procedural fairness concerns arising in respect to any matter to be determined on the Council meeting agenda);
- b) Is unlawful in any way;
- c) Contains defamatory remarks, offensive or improper language;
- d) Questions the competency of Council staff or ~~Aldermen~~Councillors;
- e) Relates to the personal affairs or actions of Council staff or ~~Aldermen~~Councillors;
- f) Relates to confidential matters, legal advice or actual or possible legal proceedings;
- g) Relates to any matter which would normally be discussed in the Closed Section of a Council meeting pursuant to Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015*;
- h) Is, in the reasonable opinion of the Chairperson, proffered to advance a particular point of view rather than making a genuine enquiry;
- i) Is vague in nature or irrelevant to Council activities;

	<p>j) Are questions that have been substantively asked (and responded to) at any previous Council meeting.</p> <p>If a Chairperson refuses to accept a question from a member of the public, the Chairperson is to give reasons for doing so.</p> <p><b>5. Roles and Responsibilities</b></p> <p>Authority is delegated to the General Manager and the Chairperson to uphold this Policy.</p>		
<b>LEGISLATION AND RELATED DOCUMENTS</b>	<p>Local Government Act 1993</p> <p>Local Government (Meeting Procedures) Regulations 2015</p> <p>Audio Recording Policy</p>		
<b>ATTACHMENT/S (IF APPLICABLE)</b>	N/A		
<b>TRAINING REQUIREMENTS (IF APPLICABLE)</b>	<p>Is training required as result of this Policy</p> <p>Training required by:</p>		
	<b>Councillors</b>	<b>YES Staff</b>	<b>NO Department</b>

	<b>RECRUITMENT &amp; SELECTION POLICY</b>		
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM)
Council	24 July 2017	131/17	B479576
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
HR Human Resource Coordinator	General Manager Orkestra Performance	5.7.3 Ensure Human Resource policies, procedures and management systems support effective Council service delivery.	July 2019/2021
<b>PURPOSE</b>	<p>The purpose of this policy is to ensure the process for recruitment and selection is based upon the principles of merit, equal employment opportunity and confidentiality. Council is committed to ensuring recruitment and selection of prospective employees is in accordance with Section 63 of the Local Government Act 1993 and any other relevant employment legislation, in that:</p> <ul style="list-style-type: none"> <li>• The General Manager of a council may – <ul style="list-style-type: none"> <li>➢ appoint persons as employees of the council; and</li> <li>➢ allocate duties to employees; and</li> <li>➢ control and direct employees; and</li> <li>➢ suspend or dismiss employees.</li> </ul> </li> <li>• The General Manager is to develop human resource practices and procedures in accordance with policies of the council to ensure employees of the council receive fair and equitable treatment without discrimination.</li> </ul> <p>Effective employee selection and the subsequent management of employees is critical to the success of the Council and the provision of services to the community. This success depends on Council's ability to identify, attract, retain and develop employees.</p> <p>Council is committed to an effective and professional method of selecting employees that is consistent with its organisational values.</p> <p>Council aims to attract and appoint skilled and motivated employees who aim to meet agreed objectives and performance improvement goals.</p>		
<b>SCOPE</b>	This Policy covers all employees involved in the recruitment or selection of applicants for positions within the Council.		
<b>DEFINITIONS</b>	<p><u>Recruitment</u> refers to the process commencing with the decision to recruit an individual through to attracting and seeking a pool of applications, e.g. by way of an advertisement.</p> <p>The <u>selection process</u> involves choosing from the pool of available applicants resulting in the selection of an individual who is most likely to perform successfully in the job.</p>		
<b>POLICY</b>	<b>1. Guidelines</b> <b>1.1. Equal Employment Opportunity and the Merit Principle</b>		

Selection to positions within the Council is based on the principles of merit and the provision of equal employment opportunity.

Selection on the basis of merit means that the grounds for the decision must directly relate to the inherent requirements of the position and prevents those decisions being made on unjustified discriminatory grounds, such as:

- Race, colour, national or ethnic origin or nationality;
- Gender, sexual orientation, marital status, pregnancy, status as parent or carer;
- Religious or political belief or activity, industrial activity;
- Age, physical ~~or mental features~~, disability, ~~irrelevant~~ medical records, ~~irrelevant criminal records~~;
- Personal association with a person who is identified by reference to any of the listed attributes.

The appointment of employees must be made on the basis of the individual capacity of the person having particular regard to the knowledge, skills, qualifications, experience and potential for future development of that person in their employment.

For further information and understanding of the Council's commitment to Equal Employment Opportunities (EEO), refer to the Council's EEO and Diversity Policy and Gender Equity Policy.

#### **1.2. Encouragement to Existing Employees to Apply for Vacancies**

The Council is committed to fostering a process of developing and promoting existing employees where possible.

The objective of internal recruitment is to utilise the talent that already exists in the workplace and to provide every opportunity to employees to advance and develop to their full potential (this may include direct selection/appointment). On occasions it may be determined that the required skills do not exist internally, and this will be reflected in the recruitment strategy implemented.

#### **1.3. Confidentiality**

All inquiries and applications for vacancies from internal and external applications will be treated with confidentiality.


#### **1.4. Conflicts of Interest**

All appointments will be by a merit selection process. In circumstances where an application is directly related to someone involved in the recruitment process, this conflict of interest will be immediately notified in accordance with the Declaration of Interest Policy. ~~to the General Manager.~~

Additionally, family and other close personal relationships, as well as business relationships, must be declared by prospective members of interview panels in relation to candidates.

### **2. Communication**

	<p>This policy will be communicated to all Managers and Supervisors who are responsible for the recruitment and selection of applicants for employment.</p> <p><b>3. Definitions:</b></p> <p><b>Recruitment</b> refers to the process commencing with the decision to recruit an individual through to attracting and seeking a pool of applications, e.g. by way of an advertisement.</p> <p>The <b>selection</b> process involves choosing from the pool of available applicants resulting in the selection of an individual who is most likely to perform successfully in the job.</p>		
<b>LEGISLATION AND RELATED DOCUMENTS</b>	<p>Local Government Act 1993 (Tasmania) (in particular S63(1) and (2))  Fair Work Act (Commonwealth)  Anti-Discrimination Act 1998 (Tasmania)  Sex Discrimination Act 1984 (Commonwealth)  Racial Discrimination Act 1975 (Commonwealth)  Human Rights and Equal Opportunity Commission Act 1986 (Commonwealth)  Disability Discrimination Act 1992 (Commonwealth)  Archives Act 1983 (Tasmania)  Personal Information Protection Act 2004 (Tasmania)  DCC Harassment, Bullying and Anti-Discrimination Policy  DCC Equal Opportunity Employment and Diversity Policy  DCC Staff Code of Conduct Policy  DCC Enterprise Agreement 2017<sup>4</sup>  DCC Health and Safety Policy  DCC Police Check and Working with Children Check Procedure  DCC Declaration of Interest Policy  DCC Fitness for Work Policy  DCC Gender Equity Policy</p>		
<b>ATTACHMENTS (IF APPLICABLE)</b>	Recruitment and Selection Procedure		
<b>TRAINING REQUIREMENTS (IF APPLICABLE)</b>	Is training required as result of this Policy	<b>YES</b>	<b>NO</b>
	Training required by:	Councillors	Staff
			Department

	<b>RECRUITMENT AND SELECTION PROCEDURE</b>
<p>The following procedure details processes for recruitment and selection at <a href="#">Devonport City Council</a>.</p>	
<p><b>1. Procedure</b></p>	
<p><b>1. Recruitment Authorisation</b></p> <p>To ensure alignment with Council's strategic goals and budget allocations, all new or replacement positions identified as requiring recruitment must be authorised by the General Manager.</p> <p>The manager of the vacant position must provide the General Manager with a written business case outlining the need for the position taking into account the department's staffing requirement and Council's strategic and operational plans. The manager, in consultation with the Human Resources Coordinator, must also provide the following supporting documentation:</p> <ul style="list-style-type: none"> <li>a) Position Description including the proposed Selection Criteria (The position description is a written statement of the primary tasks, functions, responsibilities, interactions, qualifications and experience attached to a specific position. The position description should be reviewed by the manager to ensure that it is up to date, reflects the requirements of the position and properly adheres to the principles of merit and equal opportunity).</li> <li>The position description is the basis for identifying the key selection criteria for the position. The selection criteria will include the knowledge, skills, experience and qualifications the ideal candidate should possess to successfully fulfil the functions of the position. The selection criteria will facilitate an accurate and merit based assessment against the applicant's skills and abilities.</li> <li>b) All positions will be evaluated <del>using Council's job evaluation system or market value analysis</del> to determine the appropriate classification <del>or and</del> remuneration level <del>of jobs in accordance with Council's Enterprise Agreements</del>.</li> </ul> <p><b>2. Recruitment Strategy</b></p> <p>The most appropriate strategy for recruitment will be adopted to ensure the timely and effective use of resources and to maximise the successful performance of the role for the Council. Whilst the Council is committed to providing opportunities for existing employees to apply for vacancies within the Council, the recruitment mix (advertisements, internal applications, external applications) will be determined by a range of elements, including the role, required skills and abilities, existing skill base and organisational needs.</p> <p>At the discretion of the General Manager, vacant positions may be filled by:</p> <ul style="list-style-type: none"> <li>a) an internal recruitment process;</li> <li>b) an external recruitment process involving external advertising or the use of a recruitment agency for senior positions; or</li> <li>c) by direct selection.</li> </ul>	

**3. Direct Selection**

The General Manager may, at ~~their~~ his discretion select on merit a prospective employee (internal or external) for appointment to a position without advertising the vacancy.

Direct selections may be made in the following circumstances:

- ~~(a)~~ where a position requires a high degree of specialist knowledge or skill;
- ~~(b)~~ where a major re-organisation has taken place, jobs have been re-designed, and/or where existing employees must be accommodated within a new organisational structure; or
- ~~(c)~~ where direct selection is in the best interests of the smooth operation of Council.

External direct selections will generally only be made in the case of short term casual or temporary employment.

**4. Internal Recruitment**

The General Manager may determine to fill any vacancy by inviting applications from Council employees. This process can be utilised where a number of potential candidates with the required specialist knowledge or skills have been identified within the Council workforce.

The advertising of all internal vacancies will be coordinated through Human Resources. Internal positions will be advertised through the weekly HR Update and via email and notice boards and employees will be given at least five (5) working days to apply for internally advertised positions.

Internal applicants for positions must address the selection criteria established for the position.

**5. External Advertising and Applications**

The General Manager may elect to recruit persons externally through placing an advertisement in the newspaper, ~~online sources or a combination of both including the~~ and Council website ~~and any social media platforms~~ or listing the vacancy with a specialist recruitment agency.

All externally advertised positions will also be advertised through the HR Update and staff noticeboards.

The placement of external position advertisements will be coordinated through ~~Human~~ Resources.

A contact officer will be appointed for all advertised positions. The contact officer should have an understanding of the position and would normally be the immediate supervisor of the position or human resources. Contact officers must interact with potential applicants in a discreet, professional and non-discriminatory manner.

**6. Acknowledgement of Applications**

All applicants will receive written confirmation of their application and an outline of the recruitment process.

**7. Shortlisting of Applicants**

The purpose of shortlisting is to select from the applications received a smaller group to proceed to the interview stage. The first step in short listing is to assess if the applicants appear to meet the essential criteria based on their application. It is not necessary that every applicant who meets the essential criteria be interviewed.

Ideally the number of candidates for interview should be three or four. At least two members of the selection panel must be involved in the shortlisting process.

**8. Interview Panel Members will be appointed by the General Manager**

Interview panels will comprise of the direct manager and at least one other Council officer, unless otherwise agreed. Members of the panel must possess the following qualities:

- ~~(a)~~ Knowledge of the work area;
- ~~(b)~~ An understanding of the nature of the work concerned and its relationships to Council's functions;
- ~~(c)~~ An understanding of the Council's selection policies and procedures;
- ~~(d)~~ A gender balance on the panel is desirable where practicable.

**9. Interview Assessment Guidelines**

Human Resources will prepare the interview questions in consultation with the direct manager. Interview questions will include a series of behavioural based questions relating to the key performance requirements of the position and based on the defined selection criteria.

**10. Interviews**

All positions require a minimum of one round of interviews prior to the final selection being made. Candidate responses to the selection criteria will be scored using a standardised scoring process. Where appropriate, relevant skill and psychometric tests may form part of the selection process. A formal selection report must be provided to the General Manager for approval prior to an offer of the position being made to the preferred candidate. The panel shall, where possible, reach consensus on the applicant with the most merit to fill the position. Where consensus cannot be reached, or where two or more applicants are considered equal by the panel, the relevant information will be referred to the General Manager for determination.

**11. Record Keeping**

During the recruitment and selection process, applications and information relating to applications will be recorded and stored appropriately. Applications will be stored in accordance with the provisions of the *Archives Act 1983* and *Personal Information Protection Act 2004*. The report recommending the appointment of the successful candidate will be filed on the job application file to ensure transparency of the process.

**12. Identity Check**

Successful applicants should provide a certified copy of suitable photographic identification such as a drivers licence, ID card or passport.

**13. Reference Checks and Academic Results**

Reference checks of at least two recent employment or educational based referees must be undertaken, with a brief referee report being completed. Referee checks must relate to the inherent requirements of the position and will be coordinated by the responsible manager or Human Resources. Applicants may also be required to provide certified copies or originals of academic results, professional qualifications or work related licences.

**14. Criminal History Record Checks**

Applicants may be required to provide a current national criminal history record check, depending on the position applied for. Positions which require the employee to deal with Council's financial affairs and/or community services (e.g. employees involved in the management of services relating to children, youth or aged care) will be required to provide a criminal check and or Working with Children Registration.

**15. Bankruptcy Check**

A bankruptcy check may be required for applicants applying for senior financial positions within the Council.

**16. Pre-Employment Health Assessment**

A pre-employment health assessment may be required as part of the recruitment process. The purpose of this assessment is in the interests of the prevention of industrial injury and/or illness by the proper placement of employees in those positions best suited to their physical capabilities. The assessment is not for the purpose of determining the success or otherwise of a person's application for employment. A health assessment will be undertaken by a medical examiner of Council's choice. Council will pay the medical examiner's fee.

**17. Job Offers and Employment Commencement**

On approval from the General Manager and the completion of all required pre-employment checks, the successful applicant will be offered the position.

**18. Employment Agreements/Contracts**

All successful applicants will receive a letter of appointment (agreement based employee) or a letter of offer and employment contract (common law contract).

The letter of appointment and letter of offer/employment contract are some of the most important documents that may be issued by the Council. Together with the prospective employee's acceptance, it forms the basis of the contract of employment. Documenting the employment relationship will ensure that the prospective employee knows on what terms she or he is agreeing to work, thus minimising any doubt, as well as the likelihood of any further disputes.

The letter of employment should contain the following information as a minimum:

- a) Position title and duties together with a copy of the position description;
- b) Employee's classification, wage rate and payment arrangements;
- c) Duration of employment;
- d) Supervisor/line authority;
- e) Hours of work and place of work;
- f) Superannuation details;
- g) Leave entitlements;
- h) Probationary period and review mechanisms;
- i) References to the applicable award, industrial agreement and employees policies and procedures.

The employment documents must be signed and returned by the applicant prior to the commencement of employment. Should at any time during the period of employment any of the terms and conditions of employment need to be changed or varied for whatever reason, a new contract of employment or letter of appointment will be completed and the employee must agree prior to the variations or change taking place.

A personnel file containing the employee's application for employment, letter/contracts of employment and pre-employment checks will be established in Council's electronic information management system. All personnel information will be kept on this file and will be made available to the individual employee to view on request.


**19. Notification of Employees Appointments**

The appointment to positions will be notified when confirmation of acceptance has been received and all unsuccessful applicants have been notified.

**20. Probationary Period**

All new employees may be appointed subject to a three month probationary period. The employee's performance will be formally reviewed in accordance with Council's Enterprise Agreement or employment contract. During the probationary period, the manager should provide the employee with feedback on their work performance and any areas where unsatisfactory performance has been identified. Should a probationary employee ~~be~~ demonstrably not suitable for the position ~~on the basis of~~ based on their capacity and abilities, their employment may be terminated, subject to the provisions of the relevant employment legislation, the relevant Enterprise Agreement or contractual entitlements.

REVIEW

	<b>RELATED PARTY DISCLOSURES POLICY</b>		
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM):
Council	<del>29 March 2012</del>	<del>4487</del>	<del>54683</del>
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Executive Manager – Organisational Performance	General Manager	5.5.1 – Provide financial services to support Council's operations and meet reporting and accountability requirements	<del>June 2015</del>
<b>PURPOSE</b>	<p>To ensure compliance with the Australian Accounting Standard AASB 124 <i>Related Party Disclosures</i> and the Australian Implementation Guidance for Not-For-Profit Public Sector Entities (AASB 124) and the Local Government Act 1993 to prepare financial accountability documents, including general purpose financial statements.</p> <p>To provide a framework for the identification of related party relationships and the disclosure of related party transactions within Council.</p>		
<b>SCOPE</b>	<p>This policy applies to all persons having authority and responsibility for planning, directing and controlling the activities of Council or Council entities - directly or indirectly. This includes <del>Aldermen/Councillors</del>, the General Manager and Senior Executives <del>of Council</del>.</p>		
<b>DEFINITIONS</b>	<p><u>Definitions:</u></p> <p>To assist in interpretation the following definitions shall apply:</p> <p><b>"Aldermen/Councillors"</b> shall mean the Mayor and <del>Aldermen/Councillors</del> of Devonport City Council.</p> <p><b>"Close family members of a person"</b> shall mean those family members who may be expected to influence or be influenced by that person in their dealings with the Council.</p> <p><b>"Control"</b> shall mean the ability to direct the business activities of an entity through rights or exposure to returns from its involvement with the entity.</p> <p><b>"Council"</b> shall mean Devonport City Council.</p> <p><b>"Joint Control"</b> shall mean the contractually agreed sharing of the entity, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.</p> <p><b>"Key Management Personnel" (KMP)</b> shall mean those persons having authority and responsibility for planning, directing and controlling the activities of Council or Council entities, directly or indirectly. This shall include <del>Aldermen/Councillors</del>, the General Manager and Senior Executives.</p> <p><b>"Ordinary Citizen Transactions"</b> shall mean transactions with a related party that are made on terms that are considered reasonable if the parties were dealing at 'arm's length'.</p>		

	<p><b>"Related Party Transaction"</b> shall mean the transfer of resources, services or obligations between a reporting entity and a related party, regardless of whether a price is charged.</p> <p><b>"Senior Executives"</b> shall mean an employee of the local government, (a) who reports directly to the General Manager and (b) whose position would be considered to be a senior position in the local government's corporate structure.</p> <p><b>"Significant Influence"</b> shall mean the power to participate in the financial and operating policy decisions of the investee but it is not in control or joint control of the policy decision.</p>
<b>POLICY</b>	<p><b>1. Related Parties:</b> A related party is a person or entity that is related to the Council. The following are related parties of Council:</p> <ul style="list-style-type: none"> <li>• Key Management Personnel (KMP) (including the Mayor, <del>Aldermen</del> <u>Councillors</u>, General Manager and Senior Executives);</li> <li>• Close family members of KMP;</li> <li>• Any entities controlled or jointly controlled by KMP or their close family members;</li> <li>• A subsidiary, associate or joint venture of Council.</li> </ul> <p>The General Manager will establish, review and maintain a list of Key Management Personnel for Council.</p> <p>KMPs (or those acting in such positions) are required to complete an annual declaration outlining entities, if any, that are controlled or jointly controlled by the KMP or their close family member/s, between which transactions are probable. Close family member/s include:</p> <ul style="list-style-type: none"> <li>• The person's children, parents, grandparents, siblings, spouse or domestic partner;</li> <li>• Children of that person's spouse or domestic partner;</li> <li>• Dependents of that person or that person's spouse or domestic partner.</li> </ul> <p>Other parties may be assessed from time to time as being related parties due to changes to Council's structure or in accordance with legislative or accounting standard changes.</p> <p>Declarations must be provided by 1 July annually to cover the upcoming financial year. An updated declaration is required if there are changes, errors or omissions identified at any time during the financial year. <u>New Councillors will be provided with training on this Policy as soon as practicable following the election.</u></p> <p>It is the responsibility of all identified KMP to update their declaration should they become aware of a change, error or omission.</p> <p><b>2. Council <del>entities</del> <u>Entities</u> and Subsidiaries:</b> For the purpose of this policy, entities controlled by Council, jointly controlled by Council or which Council has significant influence over, are considered related parties of Council. Transactions with these entities must be identified and may require disclosure in Council's financial statements.</p> <p>Consideration of AASB 10 <i>Consolidated Financial Statements</i> and AASB 11 <i>Joint Arrangements</i>, must be factored when assessing</p>

whether Council has control or joint control over an entity. In determining if Council has a significant influence over an entity, AASB 128 *Investments in Associates and Joint Ventures* details assessment criteria.

**3. Entities ~~Controlled~~ (or ~~Jointly Controlled~~) by KMP or ~~close~~ ~~Close~~ Family ~~m~~Members:**

KMP will exercise their best judgement in identifying related parties. KMPs, including ~~Aldermen~~ ~~Councillors~~, must diligently assess the information before declaring, or not declaring, an entity over which they, or a close member of the family, have control or joint control. Entities include trusts, companies, joint ventures, partnerships and not for profit organisations, such as sporting clubs. In assessing if a KMP or close member of their family controls or jointly controls an entity or not, Council must refer to AASB 10 *Consolidated Financial Statements* and AASB 11 *Investments in Associates and Joint Ventures*.

**4. Identifying and Disclosing Related Party Transactions:**

In accordance with AASB 124, Councils are required to disclose in their general purpose financial statements information pertaining to related party transactions, with, amongst others, the following personnel during the period covered by the financial statement:

- Key Management Personnel;
- Other related parties, including:
  - A close family member of a KMP;
  - entities controlled or jointly controlled by a KMP; and
  - entities controlled or jointly controlled by a close family member of a KMP.

All transactions between Council and related parties, monetary and non-monetary, must be identified.

The following related party transactions must be declared annually:

- Transactions with Council subsidiaries, by transaction type.
- KMP compensation, including:
  - short-term employee benefits;
  - post-employment benefits;
  - long-term benefits; and
  - termination benefits.
- Transactions with other related parties, including:
  - purchases or sales of goods (finished or unfinished);
  - purchases or sales of property and other assets;
  - rendering or receiving of services;
  - leases;
  - transfers of research and development;
  - transfers under licence agreements;
  - transfers under finance agreements (including loans and equity contributions in cash or in kind);
  - provision of guarantees or collateral;
  - commitments to do something if a particular event occurs or does not occur in the future, including executory contracts (recognised and unrecognised); and
  - settlement of liabilities on behalf of the entity, or by the entity on behalf of that related party.

- Transactions of a similar nature will be disclosed in aggregate except when separate disclosure is necessary for an understanding of the effects of a related party transaction on the financial statements of Council, having regard to the following criteria:
  - the nature of the related party transaction;
  - the significance of the transaction (individually or collectively) in terms of size or value (including where the materiality arises due to the fact that no consideration for the transaction is given or received by Council);
  - whether the transaction is carried out on arms-length terms;
  - whether the nature of the transaction is outside normal day to day business operations.
- Outstanding balances in relation to transactions with related parties, including:
  - entities controlled by KMPs; and
  - bad or doubtful debts in respect of amounts owed by related parties.
- Non-monetary transactions such as use of facilities, peppercorn rents.
- Other transactions as required by legislation or AASB124.

#### **5. Register of Related Party Transactions:**

The General Manager is responsible for maintaining and keeping up to date a register of related party transactions – capturing and recording information for each existing or potential related party transaction during a financial year.

The contents of the Register must include details for each related party transaction, including:

- the description of the related party transaction
- the name of the related party
- the nature of the related party's relationship with Council
- whether the notified related party is existing or potential
- a description of the transactional documents that are the subject of the related party transaction.

Disclosure of this information in Council's Financial Statements is the responsibility of the General Manager and must be disclosed in accordance with AASB124.

#### **6. Ordinary Citizen Transaction:**

Transactions, considered to be ordinary citizen transactions are excluded from disclosure requirements. These include:

- Valid discounts and fee waivers that are available to the party as an ordinary citizen and is available to any other ordinary citizen;
- Any service or benefit provided as part of standard Council business operation to the party as an ordinary citizen and is available to any ordinary citizen in the same circumstance;
- Transactions that are assessed non-material, which may include parking at rates available to the general public; attending Council functions that are open to the public; payment of rates and charges.

	<p><b>7. Information Privacy and Right to Information <del>status</del>Status:</b></p> <p>Council will comply with the requirements of the Archives Act 1983 (Tasmania), Privacy Act 1988 (Commonwealth), Personal Information Protection Act 2004 (Tasmania) and the Right to Information Act 2009 (Tasmania) when dealing with the identification, retention, storage, disclosure and reporting of related party transactions.</p> <p>A declaration statement from the KMP is included in the Declaration of Related Party Transactions Form (Attachment 1) to enable disclosure and reporting of information that is in accord with AASB 124.</p> <p>A Related Party Information Collection Notice will be provided to KMP and included in their Declarations (Attachment 2).</p> <p>The following documents are not accessible or required to be released under the provisions of the Right to Information Act 2009:</p> <ul style="list-style-type: none"><li>• A document or information (including personal information) provided by a KMP in a RPT Notification; or</li><li>• Personal information contained in a Register of Related Party Transactions.</li></ul>								
<b>LEGISLATION AND RELATED DOCUMENTS</b>	<p>Local Government Act 1993 Archives Act 1983 (Tas) Privacy Act 1988 (Comm) Personal Information Protection Act 2004 (Tas) Right to Information Act 2009 (Tas) Australian Accounting Standard AASB 124 Related Party Disclosures and the Australian Implementation Guidance for Not-for-Profit Public Sector Entities AASB10 Consolidated Financial Statements AASB 11 Joint Arrangements AASB 128 Investments in Associates and Joint Ventures</p>								
<b>ATTACHMENT/S (IF APPLICABLE)</b>	<p>Attachment 1 – Declaration of Related Party Transactions Attachment 2 – Related Party Information Collection Notice</p>								
<b>TRAINING REQUIREMENTS (IF APPLICABLE)</b>	<table><tr><td><u>Is training required as result of this Policy</u></td><td><u>YES</u></td><td><u>NO</u></td></tr><tr><td><u>Training required by:</u></td><td><u>Councillors</u></td><td><table><tr><td><u>Staff</u></td><td><u>Department</u></td></tr></table></td></tr></table>	<u>Is training required as result of this Policy</u>	<u>YES</u>	<u>NO</u>	<u>Training required by:</u>	<u>Councillors</u>	<table><tr><td><u>Staff</u></td><td><u>Department</u></td></tr></table>	<u>Staff</u>	<u>Department</u>
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<u>Staff</u>	<u>Department</u>								

## ATTACHMENT

## Attachment 1

## Declaration of Related Party Transactions and Consent Form

**Private and Confidential**

**Related Party Declaration by Key Management Personnel**Name of Key Management Person: *(insert name)*Position of Key Management Person: *(insert name)*

Close Family Member Name	Relationship with KMP	Entities over which the close family member has sole or joint control	Nature of likely transactions with Council or Council entities

Name of Entity over which the KMP has control	Relationship with KMP	Nature of likely transactions with Council or Council entities

I *(insert full name)*, *(insert position)* declare that the above list includes all my close family members and the entities controlled, or jointly controlled, by myself or my close family members having had, or likely to have, transactions with Council. I make this declaration after reading Council's policy which details the meaning of the words "close family members" and "entities controlled, or jointly controlled, by myself or my close family members".

I permit the General Manager to access the register of interests of me and persons related to me and to use the information for the purposes specified in Council's Related Party Disclosures Policy.

Declared at *(insert place)* on the *(insert date)*

Signature of KMP:

Name of KMP:

In accordance with Council's *Personal Information Protection Policy*, your information, and the information of others, is protected by law, including the *Privacy Act 1988* and the *Personal Information Protection Act 2004*.

## ATTACHMENT

## Attachment 2

## Related Party Information Collection Notice

## Devonport City Council

## Collection Notice

**Related party transactions disclosure by Key Management Personnel**

From 1 July 2016, Council must disclose related party relationships, transactions and outstanding balances, including commitments, in its annual financial statements, in order to comply with *Australian Accounting Standard AASB 124 Related Party Disclosures*.

**Purpose of collection, use and disclosure of related party information**

The reason for disclosure of related party transactions is to ensure that Council's financial statements contain the information necessary to draw attention to the possibility that its financial position and profit or loss may have been affected by the existence of related parties and by transactions and outstanding balances, including commitments, with such parties.

Council's related parties are likely to include the Mayor, Aldermen, General Manager, senior executives, their close family members and any entities that they control or jointly control. Any transactions between Council and these parties, whether monetary or not, may need to be identified and disclosed.

A related party transaction is a transfer of resources, services or obligations between Council and a related party, regardless of whether a price is charged.

A related party transaction must be disclosed in Council's financial statements if the transaction is material. Information is material when, if omitted or misstated, it could influence decisions that users make on the basis of financial information about a specific reporting entity.

Prior to disclosure, the General Manager will assess the materiality of related party transactions that have been captured, and, if deemed material, will disclose in its financial statements the nature of the related party relationship and information about the transaction. Disclosure in the financial statements may be in aggregate form and/or may be made separately, depending on the nature and materiality of the transaction.

**Related Party Transactions Declaration by Key Management Personnel**

Key management personnel (KMP) are the persons who have authority and responsibility for planning, directing and controlling the activities of Council, directly or indirectly and include the Mayor, Aldermen, General Manager and senior executives. In order to comply with AASB 124, Council has adopted a policy that requires all KMP to declare any existing or potential related party transactions between Council and any of their related parties during a financial year.

Each KMP must provide an annual *Related Party Declaration* in the approved form, by 1 July each year, and update the Declaration should they become aware of any change, error or omission. KMPs must exercise their best judgement in identifying related parties when declaring, or not declaring, entities over which they, or a close member of their family, have control or joint control.

## ATTACHMENT

**How will the information captured in the Declaration be used?**

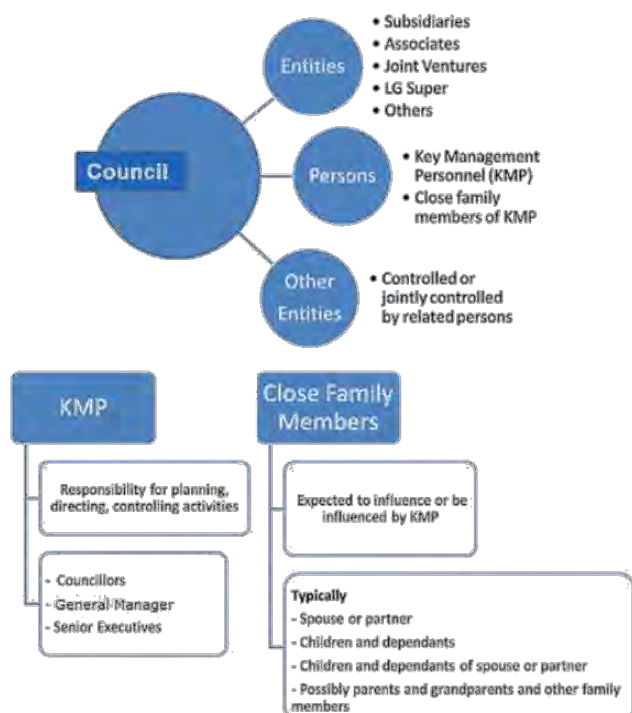
Council will use the declarations of KMPs to establish a list of related parties of Council for the purposes of identifying transactions and reporting under AASB 124. If a KMP or close family member is named individually in disclosure reports, the KMP will be given a copy of the intended disclosure for review and information purposes.

**Who are related parties?**

People and entities, such as companies, trusts and associations, can be related parties of Council.

The following diagram gives an overview of common related parties that a council will have.

The following diagram gives an overview of common related parties that a council will have:



For related party transaction disclosures under AASB 124, the related party relationship must be disclosed for both the KMP and their close family members, even if the same related party entity is held jointly or in common by them. This is separate and in addition to Council's register of interests which is required under the *Local Government Act 1993*.

Under AASB 124, those persons who are prescribed as definitely being close family members of a KMP include:

- that person's children and spouse or domestic partner;
- children of that person's spouse or domestic partner; and
- dependents of that person or that person's spouse or domestic partner.

## ATTACHMENT

Council may determine other family members, such as a parent, grandparent, sibling, cousin, etc, who may be expected to influence, or be influenced by, that person in their dealings with Council or a Council entity.

**What is an entity that I, or my close family members, control or jointly control?**

Entities include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs.

You control an entity if you have:


- a) power over the entity;
- b) exposure, or rights, to variable returns from involvement with the entity; and
- c) the ability to use your power over the entity to affect the amount of your returns.

You jointly control an entity if there is a contractually agreed sharing of control of the entity. Joint control exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.

In some instances, it may not be easy to determine whether or not you, or your close family members, control or jointly control an entity. If you are unsure and require further clarification, you should contact the General Manager for a confidential discussion.


*For more information about Council's disclosure requirements under AASB 124 Related Party Transactions, please refer to the Council's Related Party Disclosures Policy.*

*All information collected by Council is in accordance with Council's Personal Information Protection Policy and is protected by law, including the Privacy Act 1988 and the Personal Information Act 2004.*

	<b>ROOKE STREET MALL AND MARKET SQUARE POLICY</b>		
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM):
Council	24 July 2017	151/17	247575
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Events Coordinator Community Services Manager	Executive Manager Corporate Community and Business Services General Manager	4.1.5.1 – Encourage multi-use of open space and facilities and ensure the terms and conditions of any licence or agreement achieve a positive outcome for the community through the utilisation of sport and recreation facilities and multi-use open spaces	July 2019 July 2021
<b>PURPOSE</b>	To provide a framework to encourage appropriate activities that contribute to the vibrancy of the Rooke Street Mall and Market Square in a manner that does not cause a risk to property, compromise the safety of members of the public or adversely impact local retailers, residents or pedestrians.		
<b>SCOPE</b>	This Policy provides guidelines to address competing demands upon the Rooke Street Mall and Market Square and enables Council to plan, manage and monitor the range of activities. This Policy does not cover "Permits to Work Within the Road Reserve."		
<b>POLICY</b>	<p><b>1. The Policy aims to ensure that:</b></p> <ul style="list-style-type: none"> <li>• The space is used in a fair and equitable manner.</li> <li>• Activities are structured, planned and managed to promote a high quality visual environment &amp; space.</li> <li>• Council supports local economic development and commercial vitality.</li> <li>• Activities contribute to the improvement (i.e. function and safety) of the streetscape.</li> <li>• Pedestrians and other forms of traffic are not unduly obstructed by any activities.</li> <li>• Activities contribute to the overall amenity of adjoining or nearby properties.</li> <li>• Activities are compatible with other community uses of public space.</li> <li>• Council clearly communicates its desires and responsibility of activities and that controls are easy to monitor.</li> <li>• Positive relationships with the Mall retailers are cultivated.</li> </ul> <p><b>2. The objectives of the Policy are to:</b></p> <ul style="list-style-type: none"> <li>• Provide certainty and self-regulation to users within a clearly understood, fair and transparent operating framework for managing activities.</li> <li>• Minimise complaints, criticism and other problems associated with use of the Mall and Market Square.</li> <li>• Facilitate planned use of the Mall and Market Square.</li> <li>• Provide guidelines for the issuing of permits and conditions relating to activities.</li> <li>• Support and encourage activities to enhance the diversity, vibrancy, vitality and ambience of the City.</li> </ul>		

<p><b>PERMITTED-USE GUIDELINES</b></p>	<ul style="list-style-type: none"> <li>• Ensure activity does not adversely affect public safety, pedestrian traffic or the amenity of the Mall and Market Square for City users.</li> </ul>
	<p><b>3. Permitted Use</b></p> <p><b>3.1 Activities <del>promoted</del> Promoted in the Mall and Market Square</b>  The following activities are permitted in the Rooke Street Mall <u>and Market Square</u> after gaining written approval from Council:</p> <ul style="list-style-type: none"> <li>• Collections of donations</li> <li>• Busking</li> <li>• Displays and exhibitions</li> <li>• Entertainment/events</li> <li>• School holiday programs/sport promotions</li> <li>• Indigenous and cultural ceremonies</li> <li>• Drawing/painting</li> <li>• <del>Registered BBQ'S for charity groups</del></li> <li>• Promotions including special events, community health and awareness</li> <li>• Special interest food events</li> <li>• Consultation activities</li> <li>• Vehicles used as a promotional tool i.e. radio stations</li> <li>• Large vehicles used for activities such as blood drives or displays</li> <li>• Delivery vehicles permitted between midnight and 6am for delivery of goods and services</li> <li>• Amplification of sound – amplification may be used however Council reserves the right to impose a decibel limit or stop the activity if it is deemed that the activity is causing an offence to the public.</li> </ul> <p><b>3.2 Activities <del>prohibited</del> Prohibited in the Mall and Market Square</b>  The following activities are prohibited in the Mall <u>and Market Square</u>:</p> <ul style="list-style-type: none"> <li>• Permanent <del>stalls</del> <del>stalls</del>.</li> <li>• Use of any sharp object or dangerous instrument including knives, swords, chainsaws.</li> <li>• Use of bicycles, skateboards, roller blades or roller skates (unless part of permitted activity).</li> <li>• No pets or livestock with the exception of assistance animals.</li> <li>• Feeding of pigeons.</li> <li>• Offensive activities or behaviours.</li> <li>• Hawking of wares, massages, readings and sale of goods other than items for charity such as lapel pins, badges etc. <u>unless specific permission is granted.</u></li> <li>• Distribution of handbills, leaflets or other written material unless specific permission is granted as part of a booking.</li> <li>• Littering.</li> </ul>
	<p><b>4. <del>In-General</del> General Guidelines</b></p> <ul style="list-style-type: none"> <li>• All individuals, buskers, performers, fundraisers (non-commercial and commercial) must submit a Permit Application prior to using the Mall <u>and Market Square</u> and must always carry a current Council permit while operating in Mall <del>either space</del>.</li> <li>• The activity must be the activity stated on the Permit Application.</li> <li>• All activities are restricted to time limits in an effort to increase the diversity of activity in the Mall <u>and Market Square</u>.</li> </ul>

	<ul style="list-style-type: none"> <li>Blocking of shop fronts up to 1.5m, trade areas or doorways is not permitted.</li> <li>Council reserves the right to refuse or restrict temporary promotional or commercial activity that will unreasonably impact on permanent retailers in the Mall and Market Square.</li> <li>An authorised Council Officer has the right to cancel a permitted activity if it breaches policy, conditions of Permit, or is deemed unsuitable.</li> <li>If a permit is cancelled and the permit holder continues to undertake the activity, Police will be notified.</li> <li>If a busker has been removed by another governing authority e.g. Tasmania Police, Council will not issue a permit and/or has the right to cancel an existing permit.</li> <li>It is compulsory to have a minimum of \$20 million Public Liability Insurance when using equipment/furniture e.g. display stands, tables, chairs and exhibitions.</li> <li>Stall operators must keep the area free of rubbish and the stall must be attended to at all times.</li> </ul> <p><b>5. Non-commercial activities/charitable organisations</b> In addition to the Guidelines outlined above:</p> <ul style="list-style-type: none"> <li>Must have proof of charitable status.</li> </ul> <p><b>6. Risk Management</b> <u>Permit holders must ensure a duty of care to themselves and to members of the public in accordance with State legislation (see below).</u> <u>Where structures are to be installed, a risk plan must be attached to the Permit Application.</u></p>		
<b>RISK MANAGEMENT</b>	<p><u>Permit holders must ensure a duty of care to themselves and to members of the public in accordance with State legislation (see below).</u> <u>Where structures are to be installed, a risk plan must be attached to the Permit Application.</u></p>		
<b>LEGISLATION AND RELATED DOCUMENTS</b>	<p>Local Government Act 1993 Public Health Act 1997 Street Trading By-Law Food Act 2003 Food Safety Standards</p>		
<b>TRAINING REQUIREMENTS (IF APPLICABLE)</b>	<u>Is training required as result of this Policy</u>	<u>YES</u>	<u>NO</u>
	<u>Training required by:</u>	<u>Councillors</u>	<u>Staff</u>
		<u>Staff</u>	<u>Department</u>

	<h2 style="text-align: center;">SPONSORSHIP POLICY</h2>		
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM)
Council	24 July 2017	131/17	548096
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Marketing, Tourism & Recreation Manager Community Services Manager	Executive Manager Corporate, Community & Services General Manager	4.7.3 Attract and promote equitable distribution and sharing of financial and other resources throughout the community. Promote the equitable distribution and sharing of resources throughout the community that supports the delivery of quality outcomes.	July 2019 July 2021
<b>PURPOSE</b>	<p>The purpose of the Sponsorship Policy is to establish principles for sponsorship agreements entered into between Devonport City Council and other parties. The policy also provides guidelines for how Council will go about seeking sponsorship.</p> <p>Sponsorship is the contribution of financial and/or "in kind" support that Council receives or provides for the purpose of, partnering in the provision of community infrastructure, a service or program, event or activity that may contribute to the economic, social, sporting, environmental or cultural development of the City.</p> <p>Sponsorships are undertaken or entered into, in order to help achieve business or community objectives.</p>		
<b>SCOPE</b>	<p>This policy applies where sponsorship arrangements are to be negotiated.</p> <p>The Devonport City Council's Sponsorship Policy outlines the receiving or provision of financial and/or in-kind support from/to a commercial or external organisation, in exchange for public recognition or association.</p>		
<b>DEFINITIONS</b>	<p>For the purpose of this policy, the following definitions will apply:</p> <p><b>Activity</b> includes any event or component of an event or any season or roster of a particular sport.</p> <p><b>External Bodies</b> include non-government organisations (NGOs), corporate and business organisations and the Devonport community.</p> <p><b>Company</b> means any form of private entity operating for the purpose of profit creation.</p> <p><b>Organisation</b> means any group, incorporated or unincorporated, operating for a defined purpose or function.</p> <p><b>Sponsorship</b> means the exchange of money, goods or services from one party to another where there are specific obligations on the receiver for a return to the sponsor in some form.</p> <p><b>Naming Rights</b> means the exclusive right for an organisation to name/brand a venue, event or program.</p>		
<b>POLICY</b>	<p><b>1. Principles</b></p> <p>Devonport City Council acknowledges that sponsorship can provide significant benefits to Council and the community, and will</p>		

consider sponsorship opportunities where the following principles apply:

- 1.1. Council invites and seeks sponsorship for selected Council projects, events, services or activities.
- 1.2. Council is approached for sponsorship of projects, events, services or activities.
- 1.3. The sponsorship is complementary to Council's vision, values, policies and strategies.
- 1.4. Sponsorship arrangements above the value of \$15,000 are to be reported to Council for determination. Sponsorship arrangements for \$15,000 or less may be determined by the General Manager under delegated authority.
- 1.5. There should not be any real or perceived conflict between the objectives and mission of the sponsor and Council.
- 1.6. Sponsorship arrangements that impose or imply conditions that limit the Council's ability to carry out its functions fully and impartially will not be agreed to.
- 1.7. Council will not seek sponsorship from or provide sponsorship to any party engaged in current or pending legal proceedings involving the Council.
- 1.8. A sponsorship agreement outlining the full terms and conditions of the agreement will be recorded in writing and signed by both parties.
- 1.9. All sponsorship arrangements will be described in the annual report in a manner commensurate with the significance of the sponsorship.
- 1.10. Sponsor benefits or sponsorship do not include implied endorsement by Council of the sponsor's goods or services or use of Council's logo to promote their products.
- 1.11. Council reserves the right to enter into exclusive arrangements where the integrity of the relationship needs to be protected.
- 1.12. On all sponsorships, appropriate due diligence on the proposed sponsor or recipient is to be undertaken.

Devonport City Council reserves the right to withdraw sponsorship with an external party when they are considered to have not complied with the spirit of this policy and/or a written agreement entered into as a sponsor arrangement.

Devonport City Council will not enter into sponsorship with external bodies who:

- Are involved in unlawful activities;
- Do not share Council's views on promoting a diverse, tolerant and inclusive community;
- Are political parties;
- Are considered to be an unsuitable partner by Council for reasons it sees fit to apply in the context of this policy;
- Offer programs that may present a hazard to the community;
- Offer programs that do not reflect widely held community views; and
- Contravene State and Commonwealth legislation, local laws.

## **2. Guidelines for Seeking Sponsorship**

Page 2 of 5

Do not print and store a copy of this document. Always access the Internet/Intranet copy to ensure you have the latest version.

	<p>2.1. The public interest may be best served by Council making a particular sponsorship opportunity widely known for example, by calling for expressions of interest or by letters of invitation to submit sponsorship proposals to a number of prospective sponsors. However, it is recognised that in some circumstances this ideal would be impractical and Council's request for sponsorship could be by invitation to specific potential sponsors.</p> <p>2.2. A sponsorship proposal should be developed which clearly outlines the nature of the project, why it is being proposed, the benefits to the proposed sponsor and to Council, and the type or value of sponsorship sought.</p> <p>2.3. <del>Aldermen/Councillors</del> interested in assisting with sponsorship arrangements should work through the relevant Council Department and not seek to negotiate sponsorship independently on behalf of the Council.</p> <p>2.4. It is inappropriate for any <del>Alderman/Councillor</del> or Council staff member or their relatives or partners to receive personal benefit from sponsorship agreements.</p> <p><b>3. Examples of Benefits to Potential Sponsors</b></p> <ul style="list-style-type: none"> <li>• Brand awareness and recognition of sponsor status in publicity material associated with the activity, <del>Eg</del>, social media, print and digital advertising, posters and other marketing material</li> <li>• Distribution of materials promoting sponsor's products or services in conjunction with activity</li> <li>• Presence of the sponsor at an activity and access to participants;</li> <li>• Signage and other marketing material displayed at activity;</li> <li>• Acknowledgement in speeches;</li> <li>• Entry tickets to sponsored activity; and</li> <li>• Naming rights of whole or a portion of activity.</li> </ul> <p><b>4. Venue <del>naming</del> Naming Rights s Sponsorship</b></p> <p>Applications for venue naming rights will be considered under the following conditions:</p> <ul style="list-style-type: none"> <li>• Venue naming rights are limited to sports grounds, pavilions or public buildings only or a specific area/portion within a reserve, but not the entire reserve. The term of the sponsorship agreement is limited to the term of the club's licence, lease or agreement over the community venue;</li> <li>• In the case where naming rights are proposed and accepted for an entire reserve, the naming convention would be "(VENUE) PROUDLY SPONSORED BY (SPONSORS NAME)" or "(VENUE) SPONSORED BY (SPONSORS NAME)"; <del>and</del></li> <li>• The proposed name of the sports ground is not in any way offensive or discriminatory; <del>and</del></li> </ul> <p>The community venue ground is only referred to the 'sponsored name' in club, association, competition or league promotions and marketing. Council names for the reserve, pavilion and any other</p>
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public building will prevail in public documents e.g. Council reports, engineering / road plans, directories, web-sites etc.

Community venue naming rights remain vested with the Devonport City Council as venue owner and manager.

Upon approval, the organisation/club will be permitted to install a single naming sign that complies with the current Devonport City Council planning scheme.

#### 5. Sponsorship Agreement

Any sponsorship agreement must be recorded in writing and signed by both parties. This should include:

- The term or purpose of the sponsorship and any conditions regarding renewal.
- Specific services, products or funds to be provided by Council and the reciprocal benefits, including, where practical, a dollar value of services or products
- The form or forms of sponsorship acknowledgement which will be available. ~~E.g. Signage/signage, advertising/social media/digital/media releases.~~
- Any limitations to the sponsorship such as restrictions on seeking additional sponsors.
- The responsibilities and expectations of each party for the project.
- Any guidelines for the use of corporate logos or limitations on advertising, media and other publicity.
- A statement to the effect that any attempted influence of Council's regulatory functions will result in an automatic review and/or termination of the sponsorship agreement.
- Any special conditions which may apply.

#### 6. Policy Non-Compliance

A sponsorship agreement may be refused and/or terminated if deemed by the General Manager as a real or perceived conflict, or where a breach of the terms of an agreement has occurred.

#### 7. Definitions:

~~For the purpose of this policy, the following definitions will apply:~~

~~Activity includes any event or component or an event or any season or roster of a particular sport.~~

~~External Bodies include non-government organisations (NGOs), corporate and business organisations and the Devonport community.~~

~~Company means any form of private entity operating for the purpose of profit creation.~~


~~Organisation means any group, incorporated or unincorporated, operating for a defined purpose or function.~~

~~Sponsorship means the exchange of money, goods or services from one party to another where there are specific obligations on the receiver for a return to the sponsor in some form.~~

~~Naming Rights means the exclusive right for an organisation to name/brand a venue, event or program.~~

<b>LEGISLATION AND RELATED DOCUMENTS</b>	Local Government Act 1993 <del>Devonport City Council</del> Strategic Plan <del>2009-2030</del> <del>Devonport City Council Staff</del> Code of Conduct		
<b>ATTACHMENTS (IF APPLICABLE)</b>	N/A		
<b>TRAINING REQUIREMENTS (IF APPLICABLE)</b>	Is training required as result of this Policy:	<u>YES</u>	<u>NO</u>
	Training required by:	<u>Councillors</u>	<u>Staff</u>
		<u>Staff</u>	<u>Department</u>

REVIEW

	<b>SPORT AND RECREATION GROUPS LEASE POLICY</b>		
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER (IF COUNCIL POLICY)	POLICY DOCUMENT NUMBER (TRIM)
Council	24 July 2017	139/17	047922
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Governance & Governance Executive Manager Organisational Performance	General Manager	5.3.1 – Review and amend governance structures, policies and procedures to adapt to changing circumstances	July 2019 July 2021
<b>PURPOSE</b>	To establish a consistent and equitable approach to the development of leases from of Council property to sport and recreation groups.		
<b>SCOPE</b>	<p>All sport and recreation groups who lease of Council owned buildings on Council owned or leased land, or whose buildings are located on Council land. The terms and conditions of this Policy will be applied apply to all new lease agreements and upon the renewal of any existing lease or licence arrangements.</p> <p>The conditions of this Policy will not be varied unless it is essential to meet the special needs of the property or the lessee.</p>		
<b>POLICY</b>	<ol style="list-style-type: none"> <li><b>Sport and Recreation Groups and Organisations</b> Organisations whose primary objective is to provide sport and recreational opportunities for the community are supported by Council. Council recognises the benefit of supporting sport and recreation groups and organisations.</li> <li><b>Fee Schedule/Determination of Rent</b> The annual rental payable on Council owned sport and recreation facilities is as follows: <ul style="list-style-type: none"> <li>An amount totalling 50% of the rates charged against the property per annum; and</li> <li>Ground Fees attributed to the facility.</li> </ul> (The Ground Fees rate is calculated based on a percentage of Ground Use charges).</li> <li><b>Validation of Lease Agreement</b> Council land and/or buildings shall only be occupied pursuant to a formal signed lease.  Failure to validate the lease agreement by signature may result in the discontinuation of lease negotiations with the tenant.  Once lease terms have been finalised, Council reserves the right to commence rental charges even if the agreement remains unsigned.  If the lease remains unsigned for a period of more than 30 days, 90 days notice to vacate the premises (building and/or land) will then be given to the tenant who currently occupies the premises.</li> <li><b>Risk Management Obligations</b> Lessees of Council owned or managed buildings will be required to have Public liability insurance for a minimum of \$20 million. A copy</li> </ol>		

of the organisation's Certificate of Currency is to be provided to Council at the commencement of the agreement, ~~upon a lease renewal~~ and annually for the duration of the lease.

It is the responsibility of the lessee, in conjunction with Council, to ensure the minimisation of all risks including public safety, hazardous materials and waste removal. The lessee is also required to comply with emergency evacuation procedures and risk management practices at the direction of Council.

#### **5. Maintenance Schedule/Issues**

Prior to an agreement being made, a condition statement shall be produced to determine the condition of the facility, and maintenance responsibilities determined.

~~Building~~ Maintenance Schedules (BMS) ~~will be one~~ developed to ensure consistency and clarity regarding maintenance of Council premises and stipulate responsibilities of both Council and the lessee.

BMS documents will be reviewed every five years in line with the term of the agreement, or as required, i.e. following significant building or infrastructure amendments.

Where an organisation has exclusive use of a Council owned facility, there is an expectation that they assist in funding maintenance costs and contribute towards capital improvement of the facility.

Where improvements on the leased land are owned by the lessee, they have sole responsibility for internal and external maintenance.

#### **6. Term**

Lease agreements will be granted for a period of no more than five years, with a further five year term option offered.

#### **7. Rent Reviews/Increases**

Rental fees for sport and recreation groups will be based on the property's rates struck on a per annum basis. 50% of this figure will be charged in lieu of rental. Ground Fees will also be set annually as part of Council's budgetary process.

Council reserves the right to amend the rental if a lessee gains access to other commercial means of income, other than fundraising, that is generated during the term of the agreement.

#### **8. Outgoings**


8.1. Lessees will be responsible for the costs of all utilities, including electricity, phone and all other outgoings related to the property including water usage charges.

8.2. Council will be responsible for water and sewerage service charges, land tax and the remaining 50% of the annual rates.

#### **9. Determination of Leases**

When a facility or building premises becomes vacant, Council will consider the ongoing future use of the premises in determining a suitable tenant. Factors to consider include: most appropriate use; local community needs; sport and recreational activities within the community that are unrepresented or under-represented; historical

	<p>connection to the facility/location; and Council's strategic direction.</p> <p><b>10. Sub Leases</b>  Terms and conditions of any sub-lease must be in accordance with the terms and conditions of the head lease, including the length of the lease. Council may require the sub-lessee to contribute to charges incurred by Council from Crown or third party, for the head lease.</p> <p>Lessees who wish to sub-let the leased premises are required to seek written permission from Council prior to making such arrangements.</p> <p>Any group to whom a property is sub-let, <del>to</del> must provide Council with a copy of their Certificate of Currency and must have public liability insurance of at least \$20 million.</p> <p>Any subleasing arrangements made must not extend beyond the term of the head lease.</p> <p><b>11. Other Provisions</b>  Other lease provisions may be negotiated as required.</p> <p><b>12. Delegation and Signing</b>  12.1. The General Manager is delegated by Council to finalise and sign lease agreements.  12.2. An authorised signatory of the lessee will be required to execute the lease and a copy of the agreement, once duly executed by both parties, will be returned to the lessee for their safekeeping. The other copy will be recorded as a Legal Document by Council and placed in the Legal Document Register.</p> <p><b>13. Legislation and Statutory Compliance</b>  It is necessary for lessees and Council in the development of lease agreement to ensure compliance with Council's corporate and statutory responsibilities.</p> <p>Legislative requirements need to be determined and stipulated in the lease. Compliance may also extend to the obtaining of permits from Council; liquor licensing requirements; place of assembly licences; adherence to food handling guidelines and relevant Council by-laws.</p>		
<b>LEGISLATION AND RELATED DOCUMENTS</b>	<p>Local Government Act 1993  Local Government (Building and Miscellaneous Provisions) Act 1993  Building Act <del>2000</del>2016  Building Regulations <del>2004</del>2016  Public Health Act 1997  Food Act 2003 (<del>where</del> applicable)  Place of Assembly Licence (<del>if where</del> applicable)  Food Licensing (<del>if where</del> applicable)</p>		
<b>ATTACHMENTS (IF APPLICABLE)</b>	N/A		
<b>TRAINING REQUIREMENTS (IF APPLICABLE)</b>	Is training required as result of this Policy	YES	NO
	Training required by:	Councillors	Staff
			Department

	<b>STORMWATER CONNECTION POLICY</b>		
POLICY TYPE (COUNCIL OR MANAGEMENT)	POLICY ADOPTED (DATE)	MINUTE NUMBER (IF COUNCIL POLICY)	POLICY DOCUMENT NUMBER (TRIM):
COUNCIL	26 June 2017	109/17	04/2019
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Infrastructure and Works Manager	Infrastructure and Works Manager/Deputy CM Infrastructure, Works & Development	2.1.2 – Provide high quality, consistent and responsive development assessment and compliance processes 2.3.2.2 – Provide and maintain stormwater infrastructure to appropriate standards	July 2019/2021
<b>PURPOSE</b>	The purpose of this policy is to ensure consistency and fairness in the provision of stormwater connections to properties and to ensure compliance with the Urban Drainage Act 2013.		
<b>DEFINITIONS</b>	<p><b>Stormwater connection:</b> is a piped connection between the stormwater system on private property and Council's stormwater system.</p> <p><b>Urban area:</b> is the area in which Council provides stormwater connections to private properties. The area is defined on the map in Figure 1 and generally aligns with the urban planning zones.</p>		
<b>SCOPE POLICY</b>	<p>This policy applies to all properties within the urban area of Devonport.</p> <p><b>1. Introduction</b> Stormwater connections are the interface between the stormwater systems on private properties and Council's stormwater system of pipes, kerbs and open drains. Connections allow stormwater to be transferred from private to public systems and minimise flow in overland flow paths between properties.</p> <p><b>2. Definitions:</b>  <b>2.1.</b> Stormwater connection: is a piped connection between the stormwater system on private property and Council's stormwater system.  <b>2.2.</b> Urban area: is the area in which Council provides stormwater connections to private properties. The area is defined on the map in Figure 1 and generally aligns with the urban planning zones.</p> <p><b>3.2. Background</b> Section 19 of the Urban Drainage Act 2013 (the Act) requires Council to provide a single stormwater connection for each property when:</p> <ul style="list-style-type: none"> <li>• The nearest property boundary is within 30 metres of the storm water system;</li> <li>• It is reasonable to provide a connection; and</li> <li>• The property owner requests a connection.</li> </ul> <p>This section of the Act also allows Council to charge an</p>		

appropriate fee for providing a stormwater connection point.

This policy defines when connections are provided and what charges are applicable in accordance with the legislation.

#### **4.3. Level of Service:**

Connections are described as simple or complex. Council will determine if a simple connection is appropriate for the location. If not, a complex connection is required. Connection types are shown in Figures 2-5.

##### **4.1.3.1. Simple connections:**

Council will provide a simple property connection on request at no cost to the property owner.

A simple property connection is:

- 100mm diameter pipe.
- One connection per property.
- Within the urban area (refer to map).
- Connection to kerb or open drain within the property frontage.
- Not resultant from a subdivision development application.

Refer to Figure 2 for a simple connection.

##### **4.2.3.2. Complex connections:**

Council will provide a complex property connection on request and charge the estimated cost of the works.

A complex connection is:

- A larger diameter connection.
- An additional connection.
- Connection directly to Council's piped system.
- Connection not on the property frontage but less than 30m away.
- Connection requires stormwater infrastructure to be constructed in another property.

Refer to figures 3-5 for example complex connections.

##### **4.2.1.3.2.1. Larger diameter connections**

Larger diameter connections will only be approved if the property owner can demonstrate there is sufficient capacity in the downstream stormwater network.

##### **4.2.2.3.2.2. Multiple connections**

Multiple connections to a single property will only be approved if the property owner can demonstrate a need and that there is sufficient capacity in the downstream stormwater network. Council may require on site detention to restrict flows.

##### **4.3.3.3. Exclusions:**

##### **4.3.1.3.3.1. Rural Areas**

Council does not provide stormwater connections to properties outside the urban area (refer to map).

##### **4.3.2.3.3.2. Subdivisions Development**

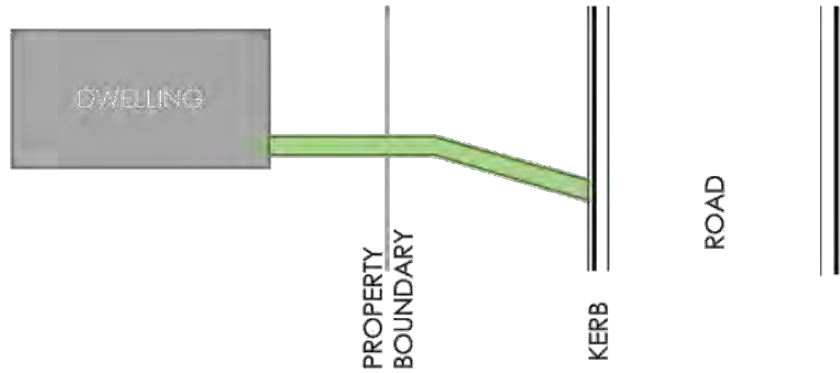
The property owner (developer) is responsible for providing stormwater connections for all properties

	created or changed as part of a subdivision.		
	<p><b>5.4. Installing connections:</b> Council may undertake the work or engage a suitable contractor. Alternatively, Council and the property owner may agree that the property owner can engage a licensed plumber to undertake the work. This work will be subject to inspections by Council.</p> <p><b>6.5. Permits:</b> If a contractor is undertaking work in the road reserve on behalf a property owner, a Road Reserve Permit will be required. If changes are being made to the private stormwater system, a plumbing permit may be required.</p> <p><b>7.6. Payment for connections:</b> Where a charge is applicable, full payment must be received prior to the work commencing. If the property owner engages a contractor, the property owner is responsible for the full cost of the works.</p> <p><b>8.7. Asset ownership and maintenance responsibility:</b> Property connections in the road reserve are owned and maintained by the property owner served by that connection. Council may collect and store information on these property connections to assist in managing the stormwater network. Property connections within another private property are owned and maintained by Council. Refer to Figure 5.</p>		
<b>LEGISLATION AND RELATED DOCUMENTS</b>	Local Government (Highways) Act 1982 Urban Drainage Act 2013		
<b>ATTACHMENT/S (IF APPLICABLE)</b>	Figure 1: Urban Drainage Area Map Boundary Figures 2-5: Example connection types		
<b>TRAINING REQUIREMENTS (IF APPLICABLE)</b>	Is training required as a result of this policy:		<b>YES</b>
	Training required by:		<b>NO</b>
	Councillors	Staff	Department

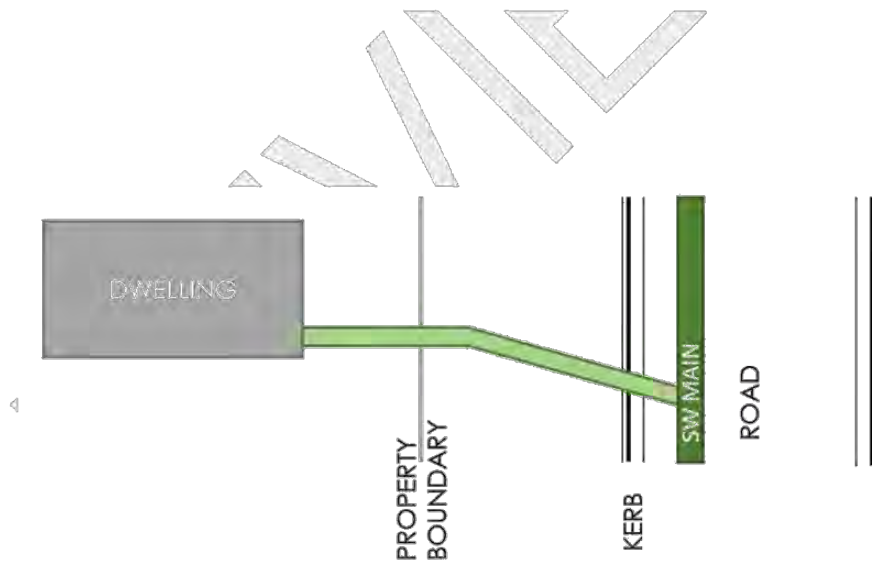




**FIGURE 1: Urban Drainage [Area-MapBoundary](#)**

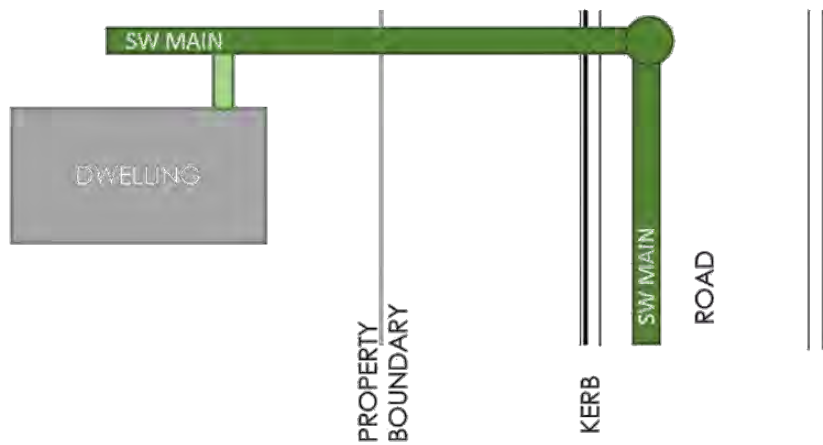


**FIGURE: 2**  
**Simple Connection**

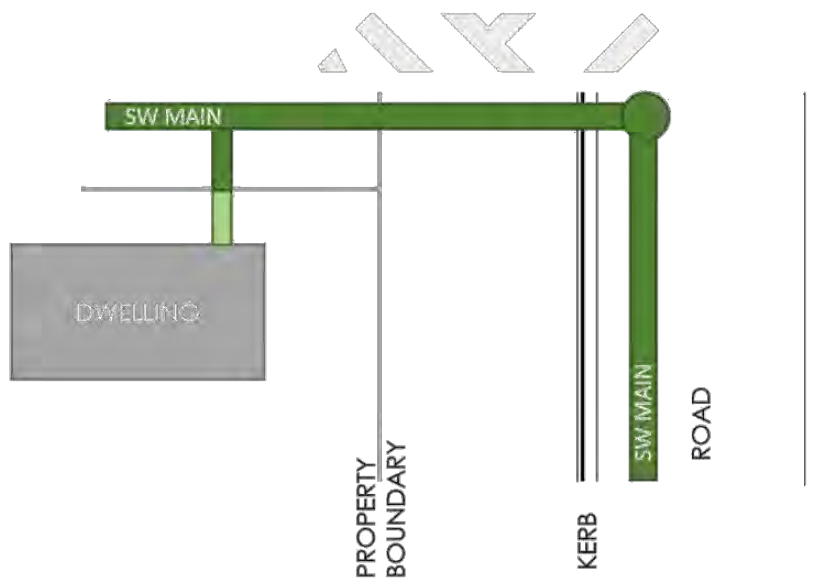


**FIGURE: 3**  
**Example Complex Connection**

- Council Ownership
- Private Ownership




**FIGURE: 4**  
**Example Complex Connection**



**FIGURE: 5**  
**Example Complex Connection**

- Council Ownership
- Private Ownership

	<b>STREET TRADING POLICY</b>		
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM):
Council	<del>24 July 2017</del>	<del>13/17</del>	<del>007/001</del>
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Risk & Compliance Coordinator	Development <del>Services</del> Manager	4.4 Support <del>activities that encourage safe and responsible community behaviour and a proactive approach to community safety.</del>	<del>July 2018 July 2021</del>
<b>PURPOSE</b>	<p>The purpose of the Policy is to:</p> <ul style="list-style-type: none"> <li>• Provide and manage a safe environment throughout the municipality for all footpath users. This is achieved through the provision and maintenance of continuous accessible paths of travel for all people on all footpaths;</li> <li>• Facilitate the appropriate use of footpaths and public areas for the purposes of outdoor dining areas and other footpath activities in the Devonport municipal area;</li> <li>• Encourage outdoor dining in Devonport;</li> <li>• Facilitate improvement in street vitality, amenity and economic viability of Devonport's business zones;</li> <li>• Provide opportunities for shop owners and residents to benefit from pedestrian circulation; and</li> <li>• Set a high standard for public safety.</li> </ul>		
<b>SCOPE</b>	<p>This Policy applies to the use of footpaths within Devonport for commercial purposes by any individual, organisation or business unless a duly-approved variation is permitted by Council. The Policy should be read in conjunction with Council's Street Trading By-Law and Guidelines for Applicants – Street Trading.</p>		
<b>POLICY</b>	<p><b>1. Application of Policy</b>            This Policy applies to all:</p> <ul style="list-style-type: none"> <li>• Commercial premises; and</li> <li>• Food premises within the marked areas of Appendix 1 that are lawfully operating and propose to use Council's footpaths or public areas to either:               <ul style="list-style-type: none"> <li>o establish an outdoor dining area; or</li> <li>o carry out footpath trading activities within the areas marked in Appendix 1.</li> </ul> </li> </ul> <p>Any trade displays or street trading activity must make a positive contribution to the character and amenity of the area marked in Appendix 1.</p> <p>Planning for all footpath use and activities is based on the establishment of Footpath Zones.</p> <p>Commercial use must not encroach on public use of the footpath or impede access to public seating, other public infrastructure or major pedestrian crossing points. Sight lines for road users must be neither</p>		

compromised nor restricted and the requirements of the vision and mobility impaired must be taken into account.

### **1.1. Public Liability Insurance**

An applicant must have current public and products liability insurance for the sum of \$20 million and this must be in a form satisfactory to Council for all activities associated with this policy and Council's By-Law. The Certificate of Currency is to provide a clear statement that acknowledges the insurer is aware of the extension to the business to include on-street trading.

Failure to comply with this requirement will facilitate the immediate removal of Trade Goods, Alfresco Dining Furniture and A-Frame Signs.

A licence will not be issued unless the Applicant indemnifies Council against any action, proceeding, judgement, claim, demand, cost, expense, loss or damage for which Council becomes or may become liable in relation to the death or injury to any person or the damage to any property caused by a display authorised by a licence.

### **1.2. Guidelines**

Applications for Street Trading must comply with the requirements of the 'Guidelines for Applicants' and be in the approved form.

### **1.3. Street Trading Licence Application Requirements**

Applicants are required to complete and submit to Council an application form to conduct activities covered by the By-Law, this Policy and Guidelines. Application forms are available from the Council Offices [and Website](#).

Unless otherwise specified on the licence, an annual licence will expire on a common expiry date, except in those instances where it is withdrawn by Council prior to the expiry date. The Common Expiry date for all Street Trading Licences is June 30 of each year. A lesser fee of 50% of the prescribed fees may be charged where the expiry date is less than 6 months.

If an application is refused, the licence fee will be refunded. Refunds will not be given where a licence or permit is cancelled as a form of enforcement action.

Licences are not transferable. A new licence must be obtained if the proprietor of the business changes.

A licence expires if the licensee ceases to maintain public liability insurance or to meet any of the conditions of the licence and this Policy.

If a licence is revoked for any non-compliance issue, and the applicant wishes to re-apply, the full fee will apply.

## **2. Operators Responsibilities**

The management of a street trading licence is the responsibility of the licence holder. To ensure appropriate management, licence holders are to:

- Operate in accordance with the conditions of the licence, endorsed plans and the requirements of the Street Trading By-Law and Guidelines.
- Monitor the trading zone – i.e. observe patrons at all times and respond to behaviour that may interfere with the use, enjoyment and personal comfort of others using the footpath area.
- Maintain access for all users in and around the footpath at all times, repositioning furniture when moved outside of the trading zone by patrons.
- Ensure the cleanliness of the footpath area and that equipment is kept clean and litter is removed and placed in bins kept inside the premises. Businesses must not sweep or deposit any litter (including cigarette butts), food scraps or any other rubbish left by patrons into the gutter. Businesses found using these practices may incur a fine.
- Remove all approved furniture (other than approved semi-permanent items) from the footpath area each evening when the premises are closed or licence conditions restrict permitted hours.
- Display the current licence clearly on the shopfront window. Failure to display the current licence is a breach of licence conditions.

### **3. Council Responsibilities**

#### **3.1. Maintenance of Footpath**

The Council will continue to manage the use of the land at all times and reserve the right to reclaim access to and remove all street trading at any time for any purpose deemed suitable by the Council.

#### **3.2. Compensation and Loss of Trade**

Where service authorities and others are required to carry out works within the road reserve which require permanent and/or temporary removal and/or alteration to street trading arrangements, no compensation is payable for any removal of fittings, fixtures etc associated with the Street Trading Licence or for loss of trade due to these works.

The responsibility to reinstate fittings, fixtures etc will remain the responsibility of the licence holder and not the person, authority, contractor etc executing the works.

Any problems, inconvenience or loss of trade which may result from activities or works carried out by Council staff, contractors, sub-contractors or agents, at or adjacent to a licence holders' trading area, will not be considered grounds for payment of compensation.

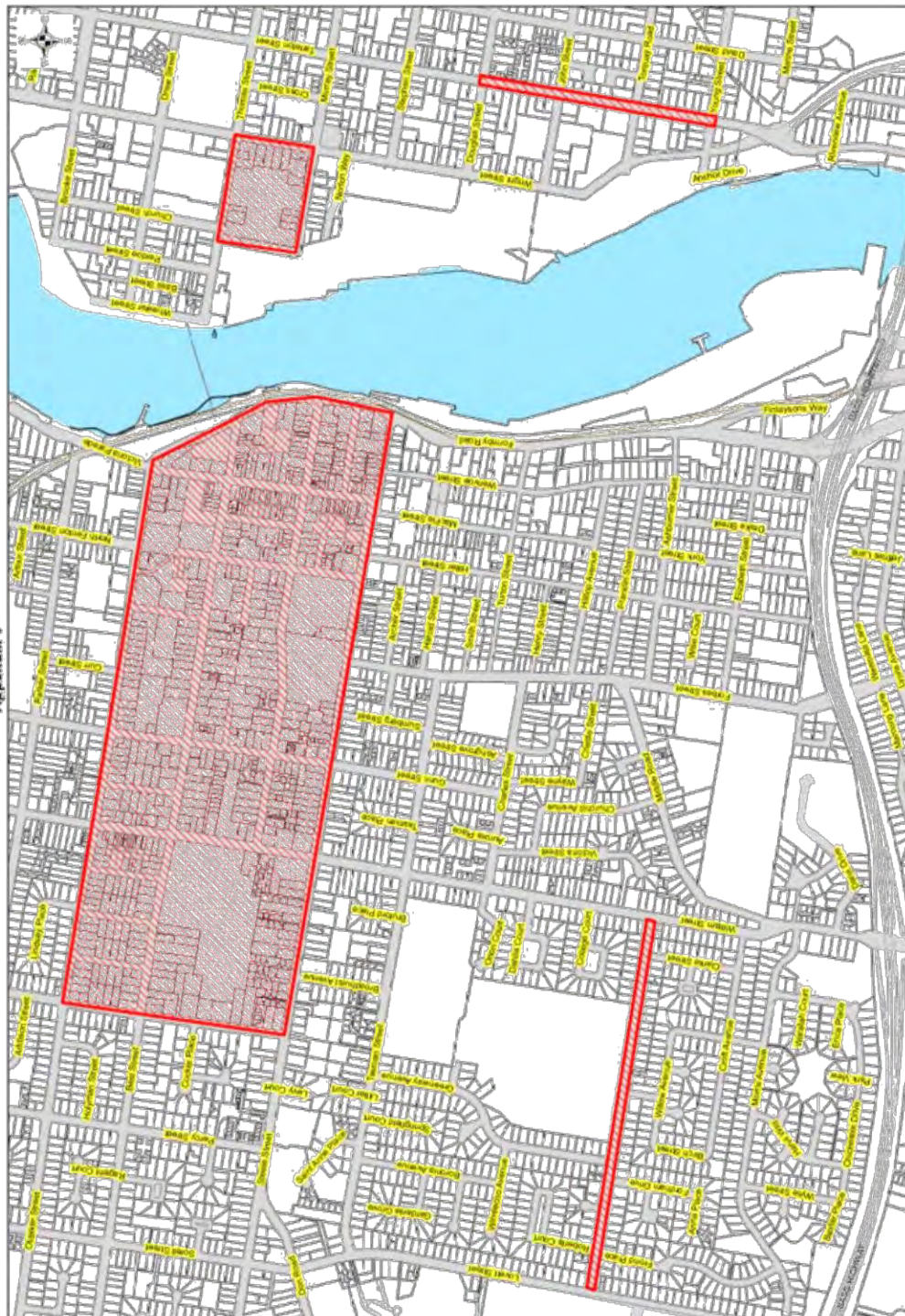
#### **3.3. Access to Underground Services**


Services such as sewers and electricity should not be obstructed by semi-permanent structures including fixed screens, umbrellas or planters.

Removable tables and chairs are permitted over underground services.

	<b>3.4. Monitoring Compliance with Approved Licence</b> The following procedure will be followed in dealing with breaches of the Street Trading By-Law, or non-compliance with the provisions of this Policy: <ul style="list-style-type: none"> <li>• A verbal warning will be issued by an authorised Council Officer, indicating the nature of the breach. The date, time and nature of the warning and reasons given should be documented.</li> <li>• A written warning will be issued setting out the reasons for the warning being issued and the actions required to ensure compliance.</li> <li>• The licence will be revoked, or proceedings for the cancellation of the licence will be initiated, in accordance with the Street Trading By-Law. Reasonable opportunities will be provided between each step in the process to permit the person to either comply or otherwise explain the reason for non-compliance.</li> </ul>		
<b>LEGISLATION AND RELATED DOCUMENTS</b>	Local Government Act 1993 Street Trading By-Law No.1 of <del>2009</del> 2010 Guidelines for Applicants – Street Trading		
<b>ATTACHMENT/S (IF APPLICABLE)</b>	Street Trading Map		
<b>TRAINING REQUIREMENTS (IF APPLICABLE)</b>	Is training required as result of this Policy	<b>YES</b>	<b>NO</b>
	Training required by:	Councillors	Staff
			Department

## Appendix 1




	<h2 style="text-align: center;">SUBDIVISION MAINTENANCE BOND POLICY</h2>		
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM):
Council	24 July 2017	131/17	0479501
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Infrastructure and Works Manager	Infrastructure and Works Manager/Deputy Cllr. Infrastructure Works & Development	2.1.2 – Provide high quality, consistent and responsive development assessment and compliance processes	July 2019/2021
<b>PURPOSE</b>	The purpose of this policy is to ensure that assets from new subdivisions transferred to Council ownership are in good condition and have been constructed in accordance with the approved design.		
<b>SCOPE</b>	This Policy applies to all subdivisions created within the municipal boundaries of the Devonport City Council.		
<b>DEFINITIONS</b>	<p><b>Statutory period:</b> is the period in which the land owner must rectify any identified defects – is six months, commencing from the date a certificate of completion is issued.</p> <p><b>Certificate of Completion:</b> when the subdivision works are complete, Council will issue a certificate of completion to the land owner. This certificate may include a list of identified defects that are to be rectified during the statutory period.</p> <p><b>Land owner:</b> the property owner of the land being subdivided is responsible for the bond.</p> <p><b>Civil works component:</b> the value of the work used to calculate the bond value. It includes all work that is to be transferred to Council on completion including road and stormwater construction, landscaping and reinstatement of public areas. It excludes work on utilities such as water, sewer, gas and telecommunications.</p>		
<b>POLICY</b>	<p><b>1. Introduction:</b> Council requires that a bond be provided by the land owner at the commencement of the statutory period.</p> <p><b>2. Definitions:</b></p> <p>2.1. <b>Statutory period:</b> is the period in which the land owner must rectify any identified defects – is six months, commencing from the date a certificate of completion is issued.</p> <p>2.2. <b>Certificate of Completion:</b> when the subdivision works are complete, Council will issue a certificate of completion to the land owner. This certificate may include a list of identified defects that are to be rectified during the statutory period.</p> <p>2.3. <b>Land owner:</b> the property owner of the land being subdivided is responsible for the bond.</p> <p>2.4. <b>Civil works component:</b> the value of the work used to calculate the bond value. It includes all work that is to be transferred to</p>		

LEGISLATION AND RELATED DOCUMENTS	<p><del>Council on completion including road and stormwater construction, landscaping and reinstatement of public areas. It excludes work on utilities such as water, sewer, gas and telecommunications.</del></p> <p><b>3.2. Calculation of a Maintenance Bond:</b></p> <p><del>3.1.2.1.</del> The value of a maintenance bond will be the value of 5% of the civil works component of the subdivision.</p> <p><del>3.2.2.2.</del> The value of the civil works component of the subdivision will be determined by the land owners' supervising engineer and will be subject to review by Council prior to acceptance.</p> <p><del>3.3.2.3.</del> The supervising engineer will provide appropriate documentation detailing how the value of the works has been calculated. Further documentation and/or calculations may be required as determined by Council.</p> <p><del>3.4.2.4.</del> If the value of the bond is determined to be less than \$1,000, then a bond may not <del>be</del> required.</p> <p><b>4.3. Payment/Lodging of a Maintenance Bond:</b></p> <p><del>4.1.3.1.</del> Council will accept the following types of payment method as acceptable for lodging a maintenance bond:</p> <ul style="list-style-type: none"> <li>• Cash/Direct Debit or Cheque</li> <li>• A <del>non-expiring</del> guarantee from a recognised financial institution</li> </ul> <p><del>4.2.3.2.</del> Bonds will be received and held in accordance with Council's accounting and document control policies.</p> <p><del>4.3.3.3.</del> No interest will accrue on cash deposits.</p> <p><b>5.4. Release of Maintenance Bonds:</b></p> <p><del>5.1.4.1.</del> At the completion of the statutory period, Council officers will inspect the subdivision to ensure that any identified defects have been rectified and no new defects have emerged.</p> <p><del>5.2.4.2.</del> If there are defects that are yet to be rectified, Council will:</p> <p><del>5.2.1.4.2.1.</del> Extend the statutory period for up to an additional six months. Council will advise the land owner in writing.</p> <p><del>5.2.2.4.2.2.</del> If the defects are rectified within this second period, then Council will release the bond.</p> <p><del>5.2.3.4.2.3.</del> If defects are not rectified within this second period, Council <del>will may</del> rectify the defects and recover expenses by drawing on the bond, which may be part or full value of the bond. Council will notify the land owner prior to commencing works and also on completion of works.</p> <p><del>5.2.4.4.2.4.</del> If a defect is identified as a high risk, Council may draw upon the bond at any time, notifying the land owner as soon as possible.</p> <p><del>5.3.4.3.</del> If all defects have been rectified, Council will release the bond. Council will not release any bond to any third parties without the written consent of the land owner.</p>
	<p>Local Government (Building and Miscellaneous Provisions) Act 1993 (No.96 of 1993)</p> <p>Land Use Planning and Approvals Act 1993</p> <p>Local Government (Highways) Act 1982</p>

	<u>Subdivision Maintenance Bond Procedure</u>		
<b>ATTACHMENT/S (IF APPLICABLE)</b>	N/A		
<b>TRAINING REQUIREMENTS (IF APPLICABLE)</b>	Is training required as result of this Policy	<b>YES</b>	<b>NO</b>
	Training required by:	<b>Staff</b>	Department

REVIEW

	<b>SUBDIVISION OUTSTANDING WORKS BOND POLICY</b>		
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM):
Council	24 July 2017	131/17	047553
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Infrastructure and Works Manager	Infrastructure and Works Manager Deputy Cllr Infrastructure, Works and Development	2.1.2 – Provide high quality, consistent and responsive development assessment and compliance processes	July 2019/2021
<b>PURPOSE</b>	The purpose of this policy is to facilitate <del>staged release of property titles</del> <del>lodgement of final plans</del> prior to the completion of subdivision work while ensuring that subdivision work is completed in a timely manner.		
<b>SCOPE</b>	This Policy applies to all subdivisions created within the municipal boundaries of the Devonport City Council.		
<b>POLICY</b>	<p><b>1. Introduction</b> Council will accept bonds from the land owner undertaking subdivision work prior to the completion of the work to allow <del>release of property titles</del> <del>the land owner to lodge the final plan showing some completed lots and a balance lot</del>. A land owner undertaking subdivision work may request an outstanding works bond to facilitate <del>release of some or all of the property titles in the subdivision</del>. <del>This facilitates the sale of these completed lots.</del></p> <p><b>2. Calculation of a Subdivision Outstanding Works Bond</b> 2.1. The value of an outstanding bond will be the value of the incomplete works of the subdivision related to <del>the the lots on the final plan (other than the balance lot) that requested for release</del> plus a further 30%. 2.2. The value of the incomplete work includes all civil works, landscaping and reinstatement but excludes work on utilities such as water, sewer, gas and telecommunications. 2.3. The value of the civil works component of the subdivision will be determined by the land owner's supervising engineer and will be subject to review by Council prior to acceptance. 2.4. The supervising engineer will provide appropriate documentation detailing how the value of the works has been calculated. Further documentation and/or calculations may be required as determined by Council. 2.5. Council will not accept outstanding works bonds valuing equal to or less than \$1,000 or works valuing greater than \$100,000.</p> <p><b>3. Payment/Lodging of a Maintenance Bond</b> Council will accept the following types of payment method as acceptable for lodging an outstanding works bond:  <ul style="list-style-type: none"> <li>• Cash/Direct Debit or Cheque</li> <li>• A guarantee from a recognised financial institution</li> </ul> </p> <p><b>4. Requirements to be met for accepting an Outstanding Works Bond</b></p>		

4.1: For Council to accept an outstanding works bond, the lots ~~requested for release on the final plan (other than the balance lot)~~ must be fully serviceable and development-ready. Works that must be completed include, but are not limited to:

- a) Stormwater mains construction
- b) Domestic stormwater property connections
- c) Energy dispersion devices or scour treatment at any head walls
- d) Stormwater detention basins and OSD's
- e) Side entry pits and road drainage construction
- f) Road pavement construction, up to the frontages of the titles to be released
- g) Retaining walls that provide structural integrity to any drainage or road assets
- h) Kerb and footpath construction
- i) Property accesses – formation only
- j) Intersection construction at the interface between existing council infrastructure and the subdivisional roads
- k) Local area traffic management (LATM) devices
- l) Regulatory signage
- m) Intersection treatments such as roundabouts, traffic lights, dedicated turn facilities or deceleration/acceleration lanes
- n) Any other work that Council deems would present a high risk to the community if it was not completed

4.2. Works that can be covered by an outstanding works bond include:

- a) Line marking
- b) Street lighting
- c) Street and traffic management signage - excluding regulatory
- d) Landscaping and street tree planting
- e) Fencing
- f) Rehabilitation of public open space
- g) Property accesses – excluding formation
- h) Provision of turning head facilities at the termination of subdivisional roads


## **5. Period of an Outstanding Works Bond**

An outstanding works bond will be held for up to 6 months. A request from the land owner to extend the period beyond 6 months must be received in writing and supported by an engineering based justification and is subject to approval by Council's ~~General Manager/City Engineer~~. Resource availability or financial considerations are not valid reasons.

## **6. Release of Outstanding Works Bond**

6.1. At any time during the 6 month period once the outstanding works are completed, the land owner can request that the bond be released. Council's Engineer will inspect the subdivision to ensure that the outstanding works have been completed to a satisfactory standard.

	<p>6.2. If all outstanding works have been completed, Council will issue a certificate of completion and release the bond. Council will not release any bond to any third parties without the written consent of the land owner.</p> <p>6.3. If at the end of the 6 month period there are still outstanding works to complete and no extension has been agreed, then Council <del>can</del> <u>may</u> complete the outstanding works and draw on the full amount of the bond. Council will notify the land owner prior to commencing works and on completion of works.</p>		
<b>LEGISLATION AND RELATED DOCUMENTS</b>	<p>Local Government (Building and Miscellaneous Provisions) Act 1993  Land Use Planning and Approvals Act 1993  <u>Subdivision Maintenance Bond Procedure</u></p>		
<b>ATTACHMENT/S (IF APPLICABLE)</b>	N/A		
<b>TRAINING REQUIREMENTS (IF APPLICABLE)</b>	Is training required as result of this Policy		<b>YES</b>
	Training required by:	Councillors	<b>Staff</b>
			NO Department

	<b>TREE POLICY</b>		
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM):
Council	24 July 2013	131/13	017/003
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Infrastructure & Works Manager	Deputy General Manager – Infrastructure, Works & Development	2.3.4.2 – Provide, <del>maintain</del> and <del>maintain</del> sustainable parks, gardens and open spaces to appropriate standards	July 2019/2021
<b>PURPOSE</b>	The purpose of this policy is to provide clear direction for the management of trees throughout the City.		
<b>SCOPE</b>	<u>This policy applies to:</u> <ul style="list-style-type: none"> <li>Trees located on Council owned, leased or managed land (e.g. road reservations, parklands and bushland).</li> <li><del>Trees on land to be donated to Council (e.g. subdivisions being developed).</del></li> <li><del>Trees on private land that may impact Council owned, leased or managed land.</del></li> </ul>		
<b>POLICY</b>	<ol style="list-style-type: none"> <li><b>1. Recognise the benefits of trees</b> <ol style="list-style-type: none"> <li>1.1. Establish vegetation to provide benefits for the community including shade, aesthetics, temperature and UV control, wind suppression and reduction in noise and air pollution.</li> <li>1.2. Community goodwill from tree planting projects.</li> </ol> </li> <li><b>2. Conserving and enhancing the city's streetscapes, open space and bushland</b> <ol style="list-style-type: none"> <li>2.1. Maintain existing trees and wildlife corridors between bushland areas for biodiversity and habitat.</li> <li>2.2. Allocate budget resources for <del>new tree planting projects, planting tree replacement trees and or tree removal of trees where determined appropriate.</del></li> <li><del>2.3. Plant new trees as part of Council projects where appropriate.</del></li> <li><del>2.3.2.4. Require new trees to be planted as part of developments and subdivisions to be funded by the developer as appropriate.</del></li> <li><del>2.4. Require new trees to be planted as part of reconstruction or upgrade works where appropriate.</del></li> <li><del>2.5. Progress tree plantings in nature strips in identified streets.</del></li> <li><del>2.6.2.5. Utilise the "Tree &amp; Plant list - preferred species" Tree Species Register for guidance when selecting new plantings to ensure the correct species are selected, the selected species is suitable for the location</del></li> <li><del>2.7. Provide protection to new trees to suit the environment it is planted in.</del></li> <li><del>2.8. Assess locations for trees considering the impact and risks to the community, the environment and the surrounding infrastructure both short and long term.</del></li> <li><del>2.9.2.6. Ensure trees are protected during works.</del></li> </ol> </li> </ol>		

	<p><del>2.7. Maintain the "Tree &amp; Plant list - preferred species" to reflect current practice</del></p> <p><del>2.10.2.8. Observe and maintain</del> the Significant Trees Register to prevent destruction of significant trees.</p> <p><del>2.11.2.9. Physically maintain existing trees including tree planting, pruning, ongoing maintenance is to be carried out in accordance with:</del></p> <ul style="list-style-type: none"><li>a) Australian Standard AS4373-2007 Pruning of Amenity Trees;</li><li>b) Council's Tree Maintenance Manual;</li><li>c) Hazardous Tree Assessment Form;</li><li>d) Tasmanian Standard Drawings.</li></ul> <p><del>2.10. Encourage, support and advise</del> organisations in planting and management of trees.</p> <p><del>2.11. Inform landowners regarding tree planting programs</del></p> <p><del>2.12. Provide information to landowners regarding appropriate planting on private property</del></p> <p><del>2.13.2.12 involve residents in ongoing maintenance and management of street trees where appropriate.</del></p> <p><b>3. Other</b></p> <p>3.1. Public requests will be assessed in accordance with <del>the Tree Maintenance Manual</del> <u>Legislation and related documents as well as Council's work program.</u></p> <p>3.2. Unauthorised removal – loss or damage of a tree can be pursued through Council's Asset Loss Recovery Procedure and or via the <u>Roads and Jetties Act 1935 Section 51.</u></p>			
LEGISLATION AND RELATED DOCUMENTS	<p>Local Government Act 1993</p> <p>Roads and Jetties Act 1935</p> <p><u>Neighbourhood Dispute about Plants Act 2017</u></p> <p><u>Tree &amp; Plant list - preferred species</u> <u>Tree Species Register</u></p> <p>Significant Tree Register</p>			
ATTACHMENT/S (IF APPLICABLE)	N/A			
TRAINING REQUIREMENTS (IF APPLICABLE)	Is training required as result of this Policy		YES	NO
	Training required by:	Councillors	Staff	Department

## 4.2 PURCHASING POLICY AND CODE FOR TENDERS AND CONTRACTS

File: 26315 D591123

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

#### Council's Strategic Plan 2009-2030:

Strategy 5.3.1 Review and amend structures, policies and procedures to adapt to changing circumstances

### SUMMARY

To present the reviewed Purchasing Policy and Code for Tenders and Contracts for adoption.

### BACKGROUND

Council policies are in place to facilitate and ensure the effective and consistent administration of relevant legislation and/or matters of significance to both Council and the community.

To guarantee the relevance, practicality and currency of Council policies (including uniformity in content and format), documents are regularly reviewed. Council is committed to a biennial review of its policies. The Code for Tenders and Contracts (Code) is only required to be reviewed every four years, however given the changes proposed this document has been included in the review process.

Council's Policy framework enhances the administration and management of policies that assist in the delivery of Council services.

Currently all purchases above \$100,000 are generally made in accordance with the Code and reported to Council for approval. The proposed changes to the documents still require purchases at this level to be subject to the conditions of the Code, however tenders below the prescribed amount, as defined in the *Local Government (General) Regulations 2015*, can be awarded by the General Manager rather than being referred to Council for approval.

### STATUTORY REQUIREMENTS

The Code for Tenders and Contracts has been drafted in accordance with s28 of the *Local Government (General) Regulations 2015*.

### DISCUSSION

The purchasing process aims to procure goods and services for use in Council operations in accordance with accepted purchasing principles as set out in the attached Policy and Code. The overriding objective is to procure goods and services that best meets requirements and provides the best value for money.

The Policy is designed to complement the Code and applies to purchases up to \$99,999. The proposed Code applies to purchases above \$100,000, however purchases between \$100,000 and \$249,999 can be awarded by the General Manager and all purchases over \$249,999 must be reported to Council for approval.

### COMMUNITY ENGAGEMENT

There has been no community engagement undertaken as a result of this report.

#### FINANCIAL IMPLICATIONS

There are no direct financial implications as a result of this report. The Policy and Code set controls around the purchasing function which aim to reduce the risk of financial loss to Council.

#### RISK IMPLICATIONS

- **Political/Governance**  
Without policies in place, Council undertakes the risk of inconsistency and ineffective management and oversight of legislation and matters that affect its operations and the community. Likewise, out of date or defunct policies pose a risk to Council's performance and operations, particularly if not aligned with current legislative and best practice requirements and obligations.

#### CONCLUSION

The attached Policy and Code outlines the purchasing principles, thresholds and relevant documentation and approval process governing the purchasing process. The Policy and Code reflects contemporary internal controls and business processes and was reviewed by the Audit Panel on 3 June 2019.


#### ATTACHMENTS

- [1.](#) D479445 Purchasing Policy
- [2.](#) D498331 Code for Tenders and Contracts revised July 2019

#### RECOMMENDATION

That it be recommended to Council that the reviewed Purchasing Policy and the Code for Tenders and Contracts be adopted and be made publicly available on Council's website.

Author:	Kym Peebles	Endorsed By:	Paul West
Position:	Executive Manager Organisational Performance	Position:	General Manager

	<b>PURCHASING POLICY</b>		
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM):
Council	24th/2015	23112	00000
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Executive Manager – Organisational Performance	General Manager	5.5.1 – Provide financial services to support Council's operations and meet reporting and accountability requirements	July 2015
<b>PURPOSE</b>	<p>To establish a framework and control for the purchase of goods and services by Council.</p> <p>Council aims to achieve the purchasing principles of:</p> <ul style="list-style-type: none"> <li>• open and effective competition;</li> <li>• value for money;</li> <li>• enhancement of the capabilities of local business and industry;</li> <li>• ethical behaviour and fair dealing;</li> <li>• environmentally sustainable goods and services are considered; and</li> <li>• recognised accountability standards and risk management considerations are satisfied.</li> </ul>		
<b>SCOPE</b>	<p>This Policy applies to purchases for goods and services up to \$299,999 and is to be read in conjunction with Council's Code for Tenders and Contracts.</p>		
<b>POLICY</b>	<p><b>1. Definitions:</b></p> <p><b>"Authorising Officer"</b> refers to a Council officer who is authorised under this Policy to expend monies on behalf of Council.</p> <p><b>"Financial Delegations Thresholds"</b> detail the extent to which Council officers are permitted to authorise the procurement of goods and services for Council.</p> <p><del>"Invitation for Quotation" refers to an invitation by Council for the submission of quotations for works and services.</del></p> <p><b>"Project Officer"</b> means an officer of Council assigned responsibility for the project management of a key project initiative which requires the procurement of goods and services based on an approved budget allocation.</p> <p><b>"Purchasing Officer"</b> means an officer authorised to complete and place Purchase Orders with suppliers for the supply of goods and services.</p> <p><b>"Purchases"</b> includes the procurement of both goods and services by Council.</p> <p><del><u>"Request for Quotation" refers to an invitation by Council for the submission of quotations for works and services.</u></del></p>		

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	<p><b>“Requisitioning Officer”</b> means an officer who has obtained quotes or prices for goods and services and has prepared a Purchase Requisition for authorisation.</p>
	<p><b>2. Purchasing Principles:</b> The following provides a brief definition of each principle and what it means in practice to Council.</p>
	<p><b>2.1. Open and effective competition</b> Ensuring that the purchasing process is impartial, open and encourages competitive offers.</p> <p>In practice this means that Council will:</p> <ul style="list-style-type: none"> <li>• Ensure specifications are clear and unbiased;</li> <li>• Provide all potential suppliers with the same information;</li> <li>• Treat all suppliers consistently and equitably; and</li> <li>• Evaluate each submission fairly.</li> </ul>
	<p><b>2.2. Value for money</b> Achieving the required outcome for the best possible price.</p> <p>In practice this means that Council will weigh up the benefits of each purchase against the costs of that purchase. In doing so Council may take the following factors into consideration:</p> <ul style="list-style-type: none"> <li>• how well goods or services meet needs;</li> <li>• price;</li> <li>• <del>maintenance and running costs</del> <u>lifecycle costs of the product over the lifetime of the product</u>;</li> <li>• the advantages of buying locally, eg shorter delivery times, local backup and servicing and the availability of spare parts;</li> <li>• disposal value of the goods; and</li> <li>• the capacity of the supplier (e.g. technical abilities).</li> </ul>
	<p><b>2.3. Enhancing the capabilities of local business and industry</b> Ensuring that local businesses that wish to do business with Council are given the opportunity to do so.</p> <p>In practice this means that Council will, where possible:</p> <ul style="list-style-type: none"> <li>• actively seek bids from local business;</li> <li>• develop documentation to ensure local businesses have the same opportunities as all other suppliers to tender for goods and services;</li> <li>• make documentation available on request at Council offices or via mail or email; and</li> <li>• ensure that sufficient time has been provided to allow prospective suppliers to prepare an adequate quote.</li> </ul>
	<p><b>2.4. Ethical behaviour and fair dealing</b> Ensuring all purchasing is undertaken in a fair and unbiased way and in the best interests of Council.</p> <p>In practice this means that Council will:</p> <ul style="list-style-type: none"> <li>• be fully accountable for the purchasing practices that it uses and the decisions it makes;</li> <li>• ensure that decisions are not influenced by self-interest or</li> </ul>

	<p>personal gain;</p> <ul style="list-style-type: none"> <li>• identify and deal with conflicts of interest;</li> <li>• maintain confidentiality;</li> <li>• ensure that all procurement is undertaken in accordance with Council's policies; and</li> <li>• ensure compliance with Council's Gifts &amp; <del>Benefits</del> Donations Policy.</li> </ul> <p><b>2.5. Environmental and sustainability considerations</b></p> <p>Consideration of the potential environmental impact of the product or services to be purchased and the long-term sustainability impacts of the purchase.</p> <p>In practice this means that Council may:</p> <ul style="list-style-type: none"> <li>• undertake an assessment of the life cycle costs of the purchase with a view to minimising the use of energy, fuel and like inputs; and</li> <li>• consider the source of the materials incorporated in the purchase and favour products that are produced using sustainable resources.</li> </ul> <p><b>2.6. Risk management considerations</b></p> <p>Risks associated with the procurement process and in the actual implementation of the service or use of a product or material are assessed.</p> <p>In practice this will mean:</p> <ul style="list-style-type: none"> <li>• Council contracts will include current, relevant clauses;</li> <li>• security deposits or retentions will be held where appropriate;</li> <li>• technical specifications will be referred to relevant specialists;</li> <li>• use of or reference to relevant Australian Standards;</li> <li>• appropriate dispute management and resolution provisions will be included in contracts; and</li> <li>• effectively managing the contract including monitoring and enforcing performance.</li> </ul> <p><b>3. Purchasing Thresholds and related Quotation Procedures:</b></p> <p>There are four purchasing thresholds that require different levels of involvement in planning and executing for the procurement of goods and services. These thresholds (<b>GST exclusive</b>) are as follows:</p> <ul style="list-style-type: none"> <li>• Purchases less than \$999</li> <li>• Purchases between \$1,000 and \$4,999</li> <li>• Purchases between \$5,000 and \$14,999</li> <li>• Purchases between \$15,000 and \$99,999</li> </ul> <p>The following outlines the details of the thresholds and summarises the procurement practice and procedures that will be utilised based on the total dollar value of the purchase (ex GST). These requirements will be applied to the procurement of all goods and services except in certain identified circumstances. The circumstances in which the following requirements need not be followed are described under Section 7, <i>Exemptions</i>, and Section 8, <i>Preferred Supplier Arrangements</i>.</p>
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**Purchases less than \$999**

- No formal quotation requirements apply to purchases below this threshold. Approved financial delegation thresholds must be followed.

**Purchases between \$1,000 and \$4,999**

- The Purchasing Officer is to obtain two verbal quotes, unless it is impractical to do so. If two quotes are obtained, at least one must be sought from a local business providing suitable options exist.

**Purchases between \$5,000 and \$14,999**

- At least two written quotations will be obtained, unless it is documented that this is impractical. If two quotes are obtained, at least one must be sought from a local business providing suitable options exist.

The successful quote will be based on the lowest based price quoted unless there are clear reasons for not doing so.

Acceptance of other than the lowest quote is to be authorised by the relevant Manager.

**Purchases between \$15,000 and \$99,999**

- At least three written quotes will be obtained, unless it is documented that this is impractical. If three quotes are obtained, at least one must be sought from a local business providing suitable options exist. The quotes can be obtained by ~~direct~~ contact with the supplier and/or through using Council's Approved Supplier Register.

**Purchases between \$100,000 and \$249,999**

- Purchases in this category are to be made in accordance with the Code for Contracts and Tenders. The General Manager is authorised to approve tenders below the prescribed amount.
- Purchases in this category which exceed the set budget are to be referred to Council for approval.

Purchases above \$249,999 are to be made in accordance with the Code for Tenders and Contracts and reported to Council for approval.

**Sections 4 to 6 relate to purchases over \$15,000.****4. Inviting Offers:**

The Request for Quotation (RFQ) is a document inviting offers from businesses to provide specified goods or services. Council maintains standard RFQ documentation which can be obtained from the Project Management Officer, and this The RFQ standard documentation should be used when obtaining written quotations for purchases over \$15,000 where practical. If the standard documentation is not used, the relevant Manager is to ensure the request sent to potential suppliers includes all necessary information.

Council's quotation documents will include all terms and conditions of quotation, together with a clear description of the goods and services required and the details on any applicable Council policies.

The Project Officer is to seek approval for the specifications included in a RFQ from the relevant Manager/Co-ordinator prior to finalising the

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documentation and distribution to third parties.

The complexity of the documentation will depend upon the nature and value of the purchase. Generally, the RFQ documentation will consist of:

- terms and conditions of quotation – the conditions set out the terms under which Council will receive and evaluate quotes. The conditions will usually include:
- specification – the specification clearly describes the essential requirements of the goods and services being purchased. The specifications will usually include the functional requirements, performance requirements and technical requirements;
- closing date, time and place of lodgement;
- Council contact details;
- pricing requirements (e.g. the price should exclude GST);
- relevant Council policies and principles;
- evaluation criteria for open request for quotations;
- entitlement of unsuccessful bidders to be notified; and
- information on Council's complaints process.

Where a large range of suppliers exists (e.g. for building work), a list of the invited parties is to be prepared and provided to the relevant Manager to approve.

#### **5. Receiving Offers:**

In receiving quotations, Council will hold any written or documented verbal quotation received prior to the closing time in a secure location to maintain confidentiality, to ensure probity and to protect individuals involved from claims of unfair practices.

Where a formal RFQ process is undertaken, quotations that Council receives will be recorded in an appropriate schedule or register within the records management system.

For written quotations, Council will follow the procedures set out in the specifications for dealing with late quotations. By accepting a late quotation, the Project Officer will ensure that the late bidder is not advantaged over other bidders.

Council employees with a conflict of interest with a potential supplier must declare the interest to the relevant Manager and will be removed from the process if necessary.

#### **6. Evaluating Offers:**

When evaluating verbal and written quotations, Council will do so with the objective of identifying the offer that best meets requirements and provides the best value for money. When evaluating quotations Council will take into consideration the specified evaluation criteria where relevant and the following aspects of a bid:

- value for money, taking into account estimated life, disposal value and maintenance requirements and costs (whole of life costs). Consideration should include environmental and sustainability considerations;
- compliance with quotation specifications;
- quality, delivery and service;
- the benefits of sourcing the goods and services locally;
- the consequences, including possible risks, of entering into a contract

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	<p>where there is one supplier, or a limited number of suppliers, that can provide and maintain the particular product over its lifetime; and</p> <ul style="list-style-type: none"> <li>any relevant Council policies.</li> </ul> <p>Acceptance of quotes is based on the lowest price quoted unless there are clear reasons for not doing so. Any exceptions and reasons must be fully justified in writing by the Requisitioning Officer.</p> <p>Acceptance of other than the lowest quote is to be authorised by the relevant Manager up to their established financial delegations limit and may include consideration of past performance of the suppliers against the following factors:</p> <ul style="list-style-type: none"> <li>reliability;</li> <li>experience;</li> <li>WHS practices;</li> <li>supplier's location; or</li> <li>other relevant considerations.</li> </ul> <p>All other existing <del>Procurement</del> <u>Purchasing</u> Policy procedures are to be observed.</p> <p><b>7. Exemptions:</b></p> <p>The <i>Local Government Act 1993</i> provides for exemptions to the public tender process and these circumstances are outlined in the <i>Local Government (General) Regulations, 2015</i>. These provisions form the basis of exemption categories to be applied to this purchasing policy for procurements under \$100,000 (GST exclusive).</p> <p>The General Manager may determine not to use a quotation process outlined in this policy where the goods and services sought relate to:</p> <ol style="list-style-type: none"> <li>an emergency if, in the opinion of the General Manager, there is insufficient time to obtain quotes for the goods or services required in that emergency;</li> <li>a contract for goods or services obtained through, or supplied or provided by an agency of a State or of the Commonwealth, where that body has established whole-of-government contracts for the supply of goods or services to agencies and other authorised organisations;</li> <li>a contract for goods or services supplied or provided by another council, a single authority, a joint authority or the Local Government Association of Tasmania such as Local Buy;</li> <li>a contract for goods or services in respect of which a council is exempted under another Act from the requirement to obtain quotes;</li> <li>a contract for goods or services that is entered into at public auction;</li> <li>a contract arising when a council is directed to acquire goods or services due to a claim made under a contract of insurance;</li> <li>a contract for goods or services obtained as a result of a tender process conducted by: <ol style="list-style-type: none"> <li>another Council; or</li> <li>a single authority or a joint authority; or</li> <li>the Local Government Association of Tasmania; or</li> <li>any other local government association in the State or in</li> </ol> </li> </ol>
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	<p>another State or Territory; or</p> <p>v. any organisation, or entity, established by any other local government association in this State or in another State or a Territory;</p> <p>7.8. a contract of employment with a person as an employee of Council; or</p> <p>7.9. any other exemption provided for under the Act or other legislation.</p> <p><del>7.10. a contract of employment with a person as an employee of Council; or</del></p> <p><del>7.11. any other exemption provided for under the Act or other legislation.</del></p> <p><b>8. Other exemptions</b></p> <p>The General Manager may determine not to use a quotation process outlined in this policy under the following <del>the following</del> circumstances:</p> <p>8.1. where it can be established that there is only one supplier of a particular product or service and there is no appropriate substitute available, or where alternative options are not suitable or do not provide value for money;</p> <p>8.2. where the original product or service has been selected through an open tender process and the request for exemption relates to the proposed purchase of an upgrade or addition to the existing system and there are limited supply options;</p> <p>8.3. where the product is being tested/trialled to assist in the evaluation of its performance prior to a large scale purchase for which open tenders will be called;</p> <p>8.4. to assist in the development of a new product/process in conjunction with a private sector business;</p> <p>8.5. where there are established whole-of-Government contracts for the supply of goods or services to agencies and other authorised organisations; or</p> <p>8.6. where the provision of goods and services are of a specialised nature that requires a high level of relevant intellectual property and its operations (eg specialists, consultants, legal services, specific training needs, supplier of goods for emergency repairs etc).</p> <p><del>• where it can be established that there is only one supplier of a particular product or service and there is no appropriate substitute available, or where alternative options are not suitable or do not provide value for money;</del></p> <p><del>• where the original product or service has been selected through an open tender process and the request for exemption relates to the proposed purchase of an upgrade or addition to the existing system, and there are limited supply options;</del></p> <p><del>• where the product is being tested/trialled to assist in the evaluation of its performance prior to a large scale purchase for which open tenders will be called;</del></p> <p><del>• to assist in the development of a new product/process in conjunction with a private sector business;</del></p> <p><del>• where there are established whole-of-Government contracts for the supply of goods or services to agencies and other authorised organisations; or</del></p> <p><del>• where the provision of goods and services are of a specialised nature</del></p>
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that requires a high level of familiarity of Council relevant intellectual property and its operations (eg specialist consultants, legal services, specific training needs, supplier of goods for emergency repairs etc).

This Policy does not apply to the procurement of goods and/or services:

- that will form part of the art gallery collection or maritime centre collection;
- that will form part of a public art project;
- to engage artists/performers at the Devonport Entertainment and Convention Centre;
- to engage artists as part of a Council event such as Jazz; or
- to payments in relation to community grants and benefits.

These ~~payments~~ procurements will be approved through the relevant established approval process at the time.

#### **Conditions for this category**

The exercise of these exceptions must be clearly stated and where appropriate justified in writing.

Goods and services that are required for genuine emergencies include the following:

- in the case of a natural disaster;
- a risk to public safety;
- the security of Council premises;
- an environmental risk; or
- a risk to Council assets.

The use of the purchase at public auction exemption category must be authorised by the General Manager prior to attending the auction.

The General Manager is to approve all exemption procurements.

#### **9. Approved Supplier Arrangements:**

It is recognised that circumstances may exist where Council is best served by the provision of goods and services by approved suppliers. These circumstances will usually be limited to specialised goods and service provision. The purchase of goods and services may be made without obtaining quotes where there is a contract between Council and the supplier (i.e. there is a formal agreement in place arising from a Council decision to use the supplier in preference to others – e.g. annual supply contracts or a supplier on Council's Approved Supplier Register etc).

#### **Conditions for this category**

Use of approved supplier arrangements can only be authorised by an Executive Manager up to their established financial delegation limits. The General Manager is to authorise all purchases above the Managers financial delegation limits.

Approved supplier arrangements are not to be used for any purchase of goods or services valued at over \$99,999 (excluding GST) for which an Expression of Interest (EOI) or tenders are to be called.

Under no circumstances are orders or contracts to be split to bring amounts below the thresholds specified in this policy.

**10. Financial Delegations Thresholds:**

~~The following table represents the financial delegations to Council staff for the authorisation of purchase order requisitions and the related thresholds of expenditure of Council funds that may be authorised in accordance with Council's budget.~~

~~The Financial Delegations Thresholds outlined in this policy (as revised from time to time) gives effect to the financial delegations that Council makes under this policy.~~ Council has provided a delegation to the General Manager to expend funds. The General Manager has in turn provided delegations to specific Council officers with threshold limits. Generally, the limits which apply are:

Position	Financial Delegation
Deputy General Manager	\$75,000
Executive Management Team	\$30,000
Senior Management	\$20,000
Coordinators & Supervisors	\$10,000
Others (as required)	Up to \$5,000

**Conditions for Financial Delegations**

When authorising expenditure under financial delegations, Authorising Officers are to ensure that such expenditure is within the amounts included in Council's budget.

Authorising Officers are to ensure that any variations to the initial quoted/contracted amount do not cumulatively exceed the threshold of the Authorising Officer's delegation. Where this occurs, the Authorising Officer is to seek further appropriate authorisation for the total amount.

~~Authorising Officers are to ensure that any variations to the initial quoted/contracted amount do not cumulatively exceed the procurement thresholds outlined in this policy. Where this occurs, the Authorising Officer is to detail the events and circumstances of the variation and seek further authorisation from the relevant Executive Manager for this variation.~~

For procurements where the tendering process has not occurred, variations to the initial quoted/contracted amount are not to cumulatively exceed \$99,999.

If, following the acceptance of a quote, the quote is subsequently altered by the contractor to substantially exceed (i.e. greater than 10%) the initial quoted amount, the Authorising Officer is to ensure that all such variations are documented, ~~and justified and approved by the delegated Authorising Officer.~~

**Effect of Financial Delegation Thresholds and Review**

To maintain the effect of Council policy, it is noted that the General Manager may:

- review the Financial Delegations Thresholds based on organisational change to best reflect the nature of the assigned responsibilities of staff; and
- revise, modify and/or withdraw the financial delegations held by staff at any time by notice in writing.

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	<b>Assignment and Instruction of Council's Annual Plan and Budget Responsibility</b> Responsibility for each Program under Council's Annual Plan and Budget is held by the relevant Executive Manager or specifically assigned Program Manager.  An Executive Manager may assign (with or without specific instructions) Budget "line item" responsibility for the authorisation of budget expenditure in programs and projects under their responsibility. Such assignment of responsibility: <ul style="list-style-type: none"> <li>• Is subject to the limitations outlined in the Financial Delegations Thresholds;</li> <li>• Is to be made by a person working under the direction of the relevant Executive Manager or assigned Program Manager who has budget responsibility for the Program.</li> </ul>		
<b>LEGISLATION AND RELATED DOCUMENTS</b>	Local Government Act 1993 DCC Code for Tenders and Contracts Financial Delegated Authorities Gifts & Benefits Policy		
<b>ATTACHMENT/S (IF APPLICABLE)</b>	Request for Quotation		
<b>TRAINING REQUIREMENTS (IF APPLICABLE)</b>	Is training required as result of this Policy Training required by:		
	Councillors	YES Staff	NO Department

## REQUEST FOR QUOTATION



## REQUEST FOR QUOTATION

From  
Subject  
Date  
Closing Date

Item	Description	Unit	Quantity	Amount \$
1	Description of Goods/Services			
Sub total				
GST				
TENDER TOTAL				

State the earliest possible start date and practical completion date for the work:

Earliest possible start date: .....

Practical completion date: ..... (xx/xx/xxxx Preferred) Contractor to nominate if not achievable

State the number of working days required to complete the work:

Number of working days: .....



## REQUEST FOR QUOTATION



## Supervisory &amp; Other Key Personnel

Position	Name	Site Involvement		Present Position No. of yrs experience	Previous Position No. of yrs experience
		Hours/Week	Visits/Week		
Project Manager					
Contract Manager Officer					
Site Manager					
Site Foreman					
Any Other (please List)					

## Plant &amp; Equipment

Item of Plant/Equipment	Model	Age	Capacity /Size	Site Involvement	
				Hours/Week	Visits/Week



## REQUEST FOR QUOTATION



## Subcontractors &amp; Materials

Subcontractor	Description of Works	Address / Telephone
1		
2		
3		
Supplier	Material Description / TYPE	Source
1		
2		
3		

## Methodology

Provide details of the construction plan for the critical tasks of the project and describe how they will be completed.

.....

.....

.....

.....

.....

.....

.....

.....

.....



## REQUEST FOR QUOTATION

**Non-Compliance**

List and describe all matters in which the submission varies from the requirements of the documents specification and drawings.

Any item not listed in this schedule shall be considered to conform fully with the specification and drawings.

If this schedule is left blank the tenderer will be considered to conform with the specification and drawings.

.....

.....

.....

**Extent of works:**

This quote shall cover the construction and maintenance of all works/delivery of goods/service. The Works generally includes the following:

Provide outline of all required works/supply of goods/service

Safety requirements required prior to starting work on site

- Outline all relevant safety requirements.

**Hold point description**

Outline any relevant hold points

Quotations to be directed to (Council Officer) at the Devonport City Council on or before XXp.m. XX/XX/XXXX. Quotations can be emailed

If you have any queries, please call.

Regards

Project Officer





|

REVIEW

~~Revised Version Adopted by Council 23 October 2017 – Minute No. 208/17~~

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## 1 Introduction

The purpose of this Code for Tenders and Contracts ('the Code'), is to provide a policy framework on best practice Tendering and Procurement methods in line with the legislative requirements of the *Local Government Act 1993* ('the Act') and the *Local Government (General) Regulations 2005* (or successor legislation) ('the Regulations').

With this Code, Council aims to achieve the Tendering principles of:

- open and effective competition;
- value for money;
- enhancement of the capabilities of local business and industry; and
- ethical behaviour and fair dealing.

This Code:

- is consistent with the Act and the Regulations; and
- includes procedures and guidelines for any prescribed matter.

As a measure of accountability and transparency, the General Manager will:

- make a copy of this Code (and any amendments) available for public inspection at Council's offices during ordinary office hours; and
- provide a copy of this Code to any interested party free of charge; and
- publish a copy of this Code on Council's website.

The Act and Regulations require Council to invite Tenders for any Contract it intends to enter into for the supply or provision of goods or services valued at or above the legislated prescribed amount in the Regulations. Council has set its tender threshold at \$100,000. The General Manager is delegated to award tenders up to the value of \$249,999. Tenders above the value of \$250,000 will be referred to Council for approval. In accordance with the Regulations, Council will invite Tenders by one of the following means:

- (i) an open Tender process;
- (ii) a Multiple-Use Register (refer Section 3.7); or
- (iii) a Multiple-Stage Tender (refer Section 3.8).

There are circumstances in which Council is exempt from undertaking the above processes. These circumstances are described in Section 4 of this document.

This Code applies to the Devonport City Council and its management of Tenders and Contracts. Some operational matters in this Code will be managed by the General Manager or other authorised Council Officers under formal delegation.

## 2 Definitions

In this Code the following words have the following meanings:

**Code** – refers to this Code for Tenders and Contracts ~~which has been developed in accordance with the requirements of the Local Government Act 1993 and the Local Government Regulations 2005 and subsequent amendments.~~

**Conditions of Tendering** – means the documents referred to in Section 6.

**Contractor** – a person or organisation, external to Council, engaged under a Contract for services (other than as an employee) to provide specified goods or services.

**Contract** – a Contract is an obligation, such as an accepted offer, between competent parties with consideration to do some act.

**Expression of Interest** – a submission to Council either by a publicly advertised invitation process or by direct request.

**Invitation for Quotations** – a process used to secure Contracts for goods or services

**Multiple-Stage Tender** – a process that allows for a staged assessment of the market to be made in terms of the capabilities of potential suppliers and the goods and services that are available to satisfy the requirement, before a final Tender stage is undertaken with selected suppliers.

**Multiple-Use Register** – a register of suppliers who, in response to an Expression of Interest, meet criteria established by Council in respect of the supply of goods or services.

**Procurement** – the entire process by which all goods and services are obtained by Council, and includes all planning, design, standards determination, specification writing, selection of suppliers, financing, contract administration, disposals and other related functions.

**Probity** – is a risk management approach to ensuring procedural integrity.

**Probity Advisor** – a Probity Advisor is a person who provides advice on Probity issues before, during and after the Tender process and contracting to ensure the process is, or has been, fair and in accordance with legislative and other requirements. Probity Advisors would only be engaged at the General Manager's discretion.

**Public Tender Process** – a process where any party that can meet the requirements of the ~~Request for Tender~~ has the opportunity to submit a ~~Tender Response~~.

**Request for Tender** – a document inviting offers from interested parties capable of providing specified goods or services valued over the legislated prescribed amount in the Regulations or when determined appropriate by the General Manager.

**Tender Planning and Evaluation Committee** – a committee established to oversee and manage the process of scoping, evaluating, selecting and managing tenders and related contracts.

**Tender Response** – ~~a proposal, bid or an offer that is submitted in response to a Request for Tender for goods or services from the Council, valued over the legislated prescribed amount in the Regulations or when determined appropriate by the General Manager.~~



### 3 Tendering Principles

This Code has been developed as a set of guidelines that Council will follow in order to comply with the tendering requirements under the Act. The following provides a brief definition of each principle and what it means in practice to Council.

#### 3.1 Open and effective competition

Ensuring that the tender process is impartial, open and encourages competitive offers.

In practice this means that Council will:

- use transparent tender processes which potential contractors, suppliers and the public can have confidence in;
- test the market by pre-determined and clear unbiased specifications and processes;
- establish and maintain procedures to ensure that fair and equitable consideration is given to all tenders ~~responses~~ received;
- establish and maintain procedures to ensure a prompt and courteous responses to all reasonable requests for advice and information from potential or existing tenderers;
- establish and maintain procedures to ensure that all potential tenderers are provided with the same information relating to each tender, and are given an equal opportunity to meet the tender requirements;
- treat all suppliers of goods and services consistently and equitably;
- Council will endeavour not to amend the terms of a tender during the period that the tender is open, however, if it is necessary for Council to make an alteration to the terms of a tender, the alteration will be made by addendum and forwarded to prospective tenderers. In order to do this, Council will record details of all parties provided with tender documentation;
- apply reasonable and uniform tender evaluation criteria for the assessment and consideration of tenders. Unless otherwise specified in the tender documentation, the following tender evaluation criteria will be used as the basis of tender evaluation criteria in the assessment of tenders ~~responses~~:
  - o Cost of goods or services;
  - o Experience, capability and resources of the tenderer to best meet the tender requirements;
  - o Quality systems in place and compliance with statutory requirements if relevant;
  - o Provision of services to best meet the tender requirements;
  - o Workplace health and safety requirements (including requirements of relevant Acts, Regulations, Standards, Codes of Practice and Council policies and procedures; and
  - o Evidence of required insurance policies, and financial security, where required.

- 
- wherever applicable in tenders, include in the evaluation criteria that Council will consider the acceptance of alternative tenders provided that they achieve the outcomes specified in the tender invitation.

### **3.2 Value for money**

Achieving the required outcome at the best possible price.

In practice this means that Council will consider:

- the value of the acquisition and potential benefits against the costs of that purchase;
- an assessment of risks associated with the purchase including the preferred procurement method;
- how well goods or services meet needs;
- maintenance and running costs over the lifetime of a product;
- disposal value;
- time constraints;
- the impact of the procurement decision on the local economy, such as through industry development and employment creation;
- The impact of the procurement decision on the environment, such as through minimising waste and reducing demand for goods and services which have a direct impact on the environment (such as printing, utilities and travel).

### **3.3 Enhancement of the capabilities of local business and industry**

Ensuring that local businesses that wish to do business with Council are given the opportunity to do so.

In practice this means that Council will:

- wherever possible, develop the tender evaluation criteria to ensure local businesses have the same opportunities as all other respondents to tender for goods or services;
- at a minimum, always advertise each tender locally in a newspaper circulating in the area and when considered appropriate, advertisement nationally will occur;
- make tender documentation available on request at Council offices or via mail or email;
- ensure that sufficient time has been provided to allow prospective tenderers to prepare an adequate response when inviting tenders. At a minimum, tenders will be open for a period not less than 14 days.



### 3.4 Ethical behaviour and fair dealing

Ensuring all purchasing is undertaken in a fair and unbiased way and in the best interests of Council.

In practice this means that Council will:

- be fully accountable for the tendering practices that it uses and the decisions it makes;
- ensure that decisions are not influenced by self-interest or personal gain;
- establish and maintain procedures to deal honestly with, and be equitable in the treatment of, all potential or existing suppliers;
- identify and deal with any conflicts of interest identified; and
- ensure that all tendering is undertaken in accordance with this Code and Council policies.

### 3.5 Open Tender

Council will utilise the procedures in the Regulations and this Code for conducting its tenders process. Tenders responses will be opened in private by two Council officers and the name of the prospective tenderer and the tender price, where appropriate, will be recorded in Council's electronic records management system.

Tenders responses will be either opened manually at the designated closing time or through a suitable, secure electronic tendering system.

### 3.6 Standing Tenders

From time to time Council may utilise a standing tender in which one or more tenderers are contracted through an open tender process to provide specified goods or services over a period of time without the need for a further tender process.

The way in which a standing tender is established is the same as for an open tender process where the specification and description of the tender describe the intent of the standing contract and the conditions of its use.

Evaluation of standing tenders will be undertaken in the same manner as ordinary tenders.

### 3.7 Multiple-Use Register

From time to time Council may utilise a Multiple-Use Register process to establish a register of suppliers that Council may use more than once. Council's policy is that the Multiple-Use Register will be divided into three main value categories namely:

1. Category 1 - small scale supply of goods and services valued at less than \$50,000 (excluding GST).
2. Category 2 – supply of goods and services of large scale or specific professional consultancies usually in excess of \$50,000 (excluding GST) but less than the prescribed amount in the Regulations.
3. Category 3 – supply of goods and services in excess of the prescribed limits in the Regulations.

If it is determined that such a register is to be established, Council will invite Expressions of Interest from prospective suppliers for inclusion on the register.

All prospective suppliers who have sought to be included on the register will be advised of the results of their submission.

Based on established evaluation criteria, Council may accept or reject a submission for inclusion on the Multiple-Use Register. If a submission is rejected, Council will advise the reasons for that rejection as soon as practicable.

Council will allow any supplier to apply for inclusion on an established Multiple-Use Register at any time, unless the supplier has made an application within the previous twelve months that has not been accepted. Applicants will be assessed on the original evaluation criteria for that register.

For all Category 2 and 3 goods and services, Council will invite all successful applicants that are registered (unless this is not practical in the circumstances) to quote for the provision of the required goods and services.

All successful applicants that are registered in the Multi Use Register for the relevant category of those goods and services will be invited.

Council will review each Multiple-Use Register and readvertise its invitation for service providers and suppliers to be included on Council's Multi Use Registers at least once every two years.



### 3.8 Multiple-Stage Tenders

A multiple-stage tender process may be used from time to time in cases where it is considered appropriate to:

- gain market knowledge and clarify the capability of potential contractors;
- obtain industry input into specific proposals which are proposed from time to time; and
- pre-qualify respondents for the following stage of this type of tender process.

Multiple-stage tenders will follow the processes set out in the Regulations that Council is required to follow. The main stages in the process are:

#### 3.8.1 Expression of Interest

An expression of interest (sometimes called a registration of interest) will be used to shortlist potential suppliers before the formal tender stage is commenced. Suppliers will be short-listed based on the evaluation criteria set out in the expression of interest. This will be based on the principles of open and effective competition and value for money as set out in sections 3.1 and 3.2 of this Code. Evaluation will also include such matters as the experience, capability, resources, technical, managerial and financial capacity of respondents, and the methodology that will be implemented to best achieve the contract requirements. Other specific evaluation criteria may be included in the tender documentation when applicable.

By proceeding through this initial Expression of Interest stage, opportunities for the reduction in the overall costs of the tendering process may be achieved because this first stage will limit the "Request for Tender" to those respondents who have been assessed as best meeting the evaluation criteria.

#### 3.8.2 Request for Tender

At the completion of stage one, (expression of interest phase), short-listed respondents will be formally invited to tender.

### 3.9 Strategic Alliances

Rather than traditional tendering processes, Council may choose to procure goods and or services through contract arrangements already established and administered by other organisations, including:

- Local Government Association of Tasmania (LGAT) through the National Procurement Network
- State Government Contracts and
- any other purchasing group of which Council is a member.



## 4 Exemptions

The Regulations detail the tender requirements for goods and services valued in excess of the legislated prescribed amount in the Regulations. Council may not issue a tender or use a quotation process where the goods and services sought relate to:

- (a) an emergency if there is insufficient time to invite tenders for the goods or services required to adequately respond to the emergency;
- (b) a contract for goods or services supplied or provided by, or obtained through, an agency of a State or the Commonwealth;
- (c) a contract for goods or services supplied or provided by another Council, a single authority, a joint authority or the Local Government Association of Tasmania;
- (d) a contract for goods or services obtained as a result of a tender process conducted by another Council, a single authority, a joint authority, the Local Government Association of Tasmania, or any other local government association in this State or in another State or Territory;
- (e) a contract for goods or services in respect of which a Council is exempted under another Act from the requirement to invite a tender;
- (f) a contract for goods or services that is entered into at public auction;
- (g) a contract for insurance entered into through a broker;
- (h) a contract arising when a Council is directed to acquire goods or services due to a claim made under a contract of insurance;
- (i) a contract for goods or services if the Council resolves by absolute majority and states the reasons for the decision, that a satisfactory result would not be achieved by inviting tenders because of –
  - (i) extenuating circumstances; or
  - (ii) remoteness of the locality; or
  - (iii) the unavailability of competitive or reliable tenderers; or
- (j) a contract of employment with a person as an employee of the Council.

## 5 Tender Planning and Evaluation Committee

A Tender Planning and Evaluation Committee will be formed to oversee and manage processes for the scoping, evaluation, selection and management of tenders and related contracts, prior to tender documents being finalised. A Committee will be formed for every tender with the composition of the Committee to be approved by the General Manager.

Tender Planning and Evaluation Committees will include persons with relevant background and experience required for the particular project, and may include external consultants to provide expert input. Tender Planning and Evaluation Committees will usually consist of three members with at least one person appointed with accounting experience and qualifications.

All Tender Planning and Evaluation Committee meetings will have an agenda item regarding declarations/conflicts of interest.

If a conflict of interest is identified and/or perceived, full disclosure is to be made to the General Manager who will then determine whether the conflict of interest would likely influence the tender outcome. The General Manager may remove a person from the Committee if deemed necessary.

Outcomes of all Tender Planning and Evaluation Committee meetings will be formally minuted and these minutes are to form the basis of the Tender Report to Council for projects over the legislated prescribed amount in the Regulations or to the General Manager for projects under the legislated prescribed amount.

If a conflict of interest is identified and/or perceived, full disclosure is to be made to the General Manager who will then determine whether the conflict of interest would likely influence the tender outcome. The General Manager may remove a person from the Committee if deemed necessary.

The Tender Planning and Evaluation Committee will review and consider the following aspects of a tender:

- the tender and evaluation process adopted;
- critical dates (e.g. when the contract is to start, when the current contract is due to expire, critical project milestones, expenditure constraints etc.);
- a certification by the officer responsible for managing the tender process, verifying conformity with relevant Council policies and guidelines; and
- any other relevant issues or information, such as a Probity Advisor's report.

When references checks are undertaken, a set of questions will be developed by the Tender Planning and Evaluation Committee and utilised when conducting the checks. The results will be compiled by the Tender Planning and Evaluation Committee as part of the overall Tender Report.

The Australian Standard Code of Tendering AS 4120-1994 and this Code underpins the way in which Council will manage its tender processes.

## 6 Conditions of Tendering

The Conditions of Tendering form the basis on which prospective Tenderers are to submit their Tender Responses. The procedures for these matters, if not already covered by this Code, are to be set out in the Conditions of Tendering and Form of Tender which generally forms Part 2 of the Tender.

The Conditions of Tendering will include the following:-

- details of the goods or services required;
- details of the duration of the contract, including any extensions that are specified in the contract;
- the criteria for evaluating tenders;
- the method of evaluating tenders against the evaluation criteria;
- any mandatory tender specifications and contract conditions; and
- a reference to Council's Code for Tenders and Contracts.

The Conditions of Tendering may be changed or modified from time to time to give effect to this Code's requirements, the requirements of the Act and Regulations, and to reflect any necessary operational changes and requirements that are necessary.

Any changes to the Conditions of Tendering are to be consistent and in accordance with this Code, the Act and Regulations.

## 7 Use of Probit Advisors

Council will engage the service of Probit Advisors where the nature of the tender warrants particular sensitivity to due process. For example, where Council is seeking tenders for large and complex developments that may involve joint venture proposals, or where the contractual engagement is for extended periods.

## 8 Acceptance of Tenders

Late tenders ~~responses~~ will not be accepted.

A tender ~~response~~ that does not comply with the Conditions of Tendering may be rejected and excluded from Council's tender evaluation process.

Any tender ~~response~~ provided that does not fully comply with the mandatory evaluation criteria set out in the tender will be regarded as non-conforming and will not be considered or evaluated further.

All tenders ~~responses~~ conforming with the mandatory requirements will be further assessed as to compliance with other evaluation criteria and where they do not meet these other criteria, may be excluded from further evaluation.

Tenders ~~responses~~ that do not comply with other evaluation criteria in the following circumstances will be excluded:

- if the variation is of a nature that cannot be met by a simple request for information or clarification or where this further information is sought and not provided; or
- does not respond directly to the purpose or suggests alternative solutions to that sought in the tender and has not been allowed for in the evaluation criteria meaning that other prospective tenderers have not been given the opportunity to consider.

The tender assessment report will provide for the;

- results of each tender submission against the evaluation criteria established; and
- advice and recommendations concerning the acceptance or rejection of tenders ~~responses~~ based on the evaluation undertaken.

Any decision by Council to award a tender to a tenderer other than the recommended tenderer will need to be supported by written reasons.

## 9 Debriefing unsuccessful tenderers

Council will provide a debriefing interview to any unsuccessful tenderer who requests one. The purpose of the debriefing session is to help unsuccessful tenderers submit more competitive bids in future by identifying ways in which each tenderer's offer could be improved.

At the interview, discussions will centre on how the unsuccessful tender performed with respect to the evaluation criteria.

During this interview, the following will NOT happen:

- comparisons between the unsuccessful tenderer's offer and the successful, or any other, offer; or
- the debriefing interview being used to justify the selection of the successful tenderer.

The debriefing will include at least one member from the Tender Planning and Evaluation Committee.

Council will document the proceedings of each debriefing interview in writing, including:

- attendees;
- the information provided to the unsuccessful tenderer;
- any issues arising;
- the details of any information that was requested, but not disclosed due to commercial in confidence or other considerations; and
- any other issues.

Where a multiple-stage tender process is used in which expressions of interest are used to shortlist, respondents not short-listed may be offered a debriefing interview, in a similar way to unsuccessful tenderers.

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## 10 Complaints Process

Councils are provided with broad competency powers under the Act to carry out their functions and powers and to procure works or services.

The Act also includes accountability measures under which Councils can be held responsible for their actions and decisions taken when carrying out their functions and exercising their powers.

Information regarding Council's formal complaint resolution process is set out in Council's Customer Service Charter.

In the first instance, complainants are encouraged to seek resolution of their complaint by contacting the Council representative who managed the tender to which the complaint relates.

If a complainant is not able to satisfactorily resolve the issues of concern with the Council directly, complainants may make disclosures of 'improper conduct' by public officers and public bodies (Council) in accordance with the *Public Interest Disclosures Act 2002*. Such disclosures can be made directly to the Ombudsman or the Integrity Commission (refer to details below).

Clause 6.3 of the Public Interest Disclosures Model Procedures Manual deals specifically with Contractors, and Clause 6.1 details the right to make a disclosure. Further information on making of disclosures is located on Council's website - <http://www.devonport.tas.gov.au/Council/Council-Policies-Public-Interest-Disclosures-Act>.

**Contact details:**

The Ombudsman, GPO Box 960, Hobart TAS 7001 [www.ombudsman.tas.gov.au](http://www.ombudsman.tas.gov.au)

Tasmanian Integrity Commission, GPO Box 822, Hobart TAS 7001 [www.integrity.tas.gov.au](http://www.integrity.tas.gov.au)

## 11 Reporting Procedures

Council is obliged to report at a minimum on a series of procurement matters.

Council will report in its Annual Report details of any contract entered into during the year for the supply or provision of goods and or services valued at or above the legislated prescribed amount in the Regulations.

**Contract Extension:**

Council will report in its Annual Report, the details of any extension of a contract where Council agreed to extend a contract by an absolute majority and the pre-existing contract did not specify extensions.

Details that will be reported at a minimum are:

1. A description of the contract;
2. The period of the contract;
3. The periods of any options for extending the contract;
4. The value of any tender awarded, or if a tender was not required, the value of the contract excluding GST;
5. The business name of the successful contractor; and
6. The business address of the successful contractor.

Council will report in its Annual Report, the details of all instances where non application of the public tender process has been applied.

## 12 Review of Tender Process

The General Manager, or an Executive Manager authorised to do so by the General Manager, will ensure the effective operation of the Code by ensuring each Tender process will be subject to control verifications during the pre-advertisement and pre-decision making periods, and before any contract is signed.

## 13 Review of Code

Council will formally review this Code at least every four years.

## 4.3 DEVONPORT REGIONAL GALLERY ACQUISITION AND COLLECTION POLICY

File: 26315 D591584

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

#### Council's Strategic Plan 2009-2030:

Strategy 4.2.3 Develop and implement an integrated approach to public art

### SUMMARY

To present the revised Devonport Regional Gallery Acquisition and Collection Policy, previously titled, Permanent Art Collection Policy, for adoption.

### BACKGROUND

Council policies are in place to facilitate and ensure the effective and consistent administration of relevant legislation and/or matters of significance to both Council and the community.

To guarantee relevance, practicality and currency of Council policies (including uniformity in content and format), documents are regularly reviewed. Council is committed to a two-yearly review of its policies.

Council's Policy framework enhances the administration and management of policies that assist in the delivery of Council services.

### STATUTORY REQUIREMENTS

There are no specific statutory requirements relating to this report. The Devonport Regional Gallery Acquisition and Collection Policy is based on the International Council of Museums Code of Professional Ethics and the Museum Collections Management Standards.

### DISCUSSION

The Devonport Regional Gallery Acquisition and Collection Policy was previously titled, Permanent Art Collection Policy. Key changes to the policy include the following:

- Changes to the Definitions to define Gallery Staff, and noting that the Advisory Board Committee will be known as the Advisory Committee, and refers to the parnaple arts centre Special Advisory Committee (changed from Devonport Regional Gallery Advisory Board).
- Clause 1.1 Acquisition Criteria – changes have been made to the acquisition criteria to clarify what it means to be a Tasmanian artist, and to ensure alignment with the aims of the Gallery.
- Clause 1.3 Tidal: City of Devonport Art Award – changed the criteria for Tidal to reflect the purpose of the Policy.
- Clause 1.4 Acquisition Procedure – introduces the development of a sub-committee of the Advisory Committee to assess acquisition proposals against the criteria. Recommendations will be made to Gallery Staff and require the endorsement of the Advisory Committee.
- Added clause 2.7 Exception – This clause relates to clause 2.6 Restrictions, which states that under no circumstance shall a deaccessioned work be purchased by or transferred or given to any Trustee, Devonport City Council elected member, employee, volunteer or committee member or any member of their immediate family.

Clause 2.7 notes the exception being unless purchased in an open and transparent process, which provides fair opportunity to the Community, for example, a public auction.

- Clause 3.1 b) – changed from monthly assessment to biannual assessment of the condition of the Collection, with any identified conservation requirements recorded, prioritised, and actioned.
- Clause 3.1 c) – changed the revaluation of the Collection to be recommended every five years, and not beyond ten years.
- There are several wording changes throughout the document that are intended to improve the readability of the Policy, but do not impact on the intent of the Policy.
- Minor formatting changes may be made to the document post endorsement to ensure consistency with Council Policy Guidelines.

#### COMMUNITY ENGAGEMENT

The Devonport Regional Advisory Board has reviewed the policy and have endorsed the suggested changes. The Committee consists of Councillors, staff and members of the community.

#### FINANCIAL IMPLICATIONS

There are no financial implications relating to this report.

#### RISK IMPLICATIONS

- Asset & Property Infrastructure  
The Policy seeks to preserve, protect and conserve its assets through effective management of the Collection.
- Financial Fraud  
The acquisition and deaccessioning of art works may provide opportunity for financial fraud; the Policy provides an effective, open and accountable system of acquiring and deaccessioning works to mitigate this risk.

#### CONCLUSION

The Devonport Regional Gallery Acquisition and Collection Policy has been developed to ensure sound management of the Council's Permanent Collection. Key changes to the revised policy have been made to the acquisition criteria to ensure alignment with the aims of the Gallery.


#### ATTACHMENTS

- [1.](#) Devonport Regional Gallery Acquisition and Collection Policy - Revision July 2019

#### RECOMMENDATION

That Council adopt the revised Devonport Regional Gallery Acquisition and Collection Policy with immediate effect.

Author:	Jacqui Surtees	Endorsed By:	Paul West
Position:	Executive Officer	Position:	General Manager

	<b>PERMANENT DEVONPORT REGIONAL GALLERY ACQUISITION AND ART COLLECTION POLICY</b>		
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM):
Council	24 July 2013	131/13	140753
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
<del>Convention and Arts Centre Director</del> Director	<del>Convention and Arts Centre Manager</del> Director	4.2.3 – Develop and implement an integrated approach to <del>public</del> art	July 2019
<b>PURPOSE</b>	To ensure sound management of the Devonport City Council's Permanent Art Collection, managed by the <u>Devonport Regional Gallery</u> . Key objectives of the policy are to: <ul style="list-style-type: none"> <li>• Conserve, document and develop the Collection in accordance with International Council of Museums (ICOM) Code of Professional Ethics;</li> <li>• Develop a Collection that is cohesive, focused and significant within Tasmania;</li> <li>• Provide an effective, open and accountable system of acquiring and de-accessioning of works;</li> <li>• Preserve, protect and conserve its assets through effective management of the Collection;</li> <li>• Provide and advocate access to the collection through <u>exhibitions and public programs</u>; <del>public programs and exhibitions</del>;</li> <li>• Provide guidelines for the expenditure of the annual allocation of funds for the acquisition of <u>new artworks for the Collection</u>.</li> </ul>		
<b>SCOPE</b>	The policy applies to all artworks <u>and cultural objects</u> in the Collection, including artworks that are currently on display in public buildings.		
<b>DEFINITIONS</b>	Definitions: To assist in the interpretation the following definitions shall apply: <ul style="list-style-type: none"> <li>• <u>"Artworks"</u> shall mean various art mediums including paintings, drawings, prints, photographs, ceramics, sculpture, textiles and electronic media;</li> <li>• <u>"Gallery Staff"</u> shall mean Council employees whose position is predominantly to assist in the delivery of the Gallery Exhibition program, namely the <u>Convention and Arts Centre Director, Curator and Visual Arts Coordinator</u>;</li> <li>• <u>"Advisory Board/Committee"</u> shall mean <u>Devonport Regional Gallery Advisory Board/principals arts centre Special Advisory Committee</u>;</li> <li>• <u>"Collection"</u> shall mean City of Devonport Permanent Art Collection;</li> <li>• <u>"Council"</u> shall mean Devonport City Council;</li> <li>• <u>"Gallery"</u> shall mean Devonport Regional Gallery.</li> </ul>		

<b>POLICY</b>	<p>The Devonport Regional Gallery will acquire significant <del>art</del>works by Tasmanian artists. Focus will be on collecting works by practising, contemporary artists, with the aim that over time the Collection will become a strong, accumulative record of serious artistic activity and development within the state <del>of Tasmania</del>. The Collection will be unique, owing to its representation of Tasmanian practitioners, and hence will have state, national and international significance.</p> <p>The policy is intended to bring together the disparate elements of the existing Collection by assessing the relevance of each item in accordance with the Collecting Guidelines outlined below.</p> <p>The Policy will support the growth of a collection of significant <del>Tasmanian art</del>works <del>of art</del>, craft and design that embodies the best of contemporary practice within the state <del>of Tasmania</del>.</p> <p>The Collection benefits Devonport <del>in the following ways</del>:</p> <ul style="list-style-type: none"> <li>• <del>Identifies</del> the City's heritage and <del>honours</del> <u>honouring</u> the region;</li> <li>• <del>Assists in building</del> <u>Assisting to build</u> a community identity;</li> <li>• <del>Collecting art on behalf of the community</del> <u>contributes to</u> the development of <u>cultural</u> services that <del>enhance</del> <u>enriches</u> the quality of life offered in the <del>city</del> <u>City</u>;</li> <li>• <del>Integrates</del> <u>Integrating</u> works of art into the community so the community is regularly exposed to quality art;</li> <li>• <del>Reflects</del> the culture and interests of the community and the state of Tasmania;</li> <li>• <del>Provides</del> <u>Providing</u> an educative function <u>for academics, artists and curators</u> <del>which allows residents to enjoy a range of quality art, thereby enriching lives</del>;</li> <li>• <del>Provides</del> <u>Providing</u> access to key aspects of the development of contemporary art, craft and design in Tasmania;</li> <li>• <del>Is being a</del> <u>valuable</u> drawcard for cultural tourism;</li> <li>• <del>Acting</del> <u>as</u> an important reference point for art studies for children, art students, <del>curators</del> <u>researchers</u> and residents;</li> <li>• <del>Maintains</del> <u>the</u> tradition established by the foresight of past Gallery Directors, Committee members and <del>Aldermen</del> <u>Elected Members of Council</u>.</li> </ul> <p>The Collection is held in trust by Council for the community and the proper stewardship for this asset will provide maximum exposure, utilisation and benefits for the community, the Devonport Regional Gallery and Council.</p> <p><b>Collection Profile</b></p> <p>The Collection is managed by the Gallery.</p> <p>The Gallery was founded as The Little Gallery by Mrs Jean Thomas in 1966. During the late 1960s and 1970s the Gallery's exhibition program supported emerging, contemporary Tasmanian artists and Thomas' decision to purchase one work from each exhibition formed the genesis of Council's permanent collection.</p> <p>In 1979, Council purchased The Little Gallery and gained custodianship of the Collection. The Collecting focus has varied between Directors since</p>
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Council began managing the Gallery and hence the Permanent Collection comprises a number of disparate components, including:

- Art Collection – approximately ~~13000~~ 1000 items including works by Tasmanian and Australian artists, and objects of the collection known as the Moon Collection;
- ~~Ceramic Collection – 400 items.~~
- Robinson Photographic Collection – ~~over 40,000~~ approximately 100,000 photographic negatives;
- Davis Collection (DC) - items of ~~old-obsolete~~ technology, includes televisions and gramophones;
- ~~Moon Collection (MC) – historic household items and clothes from the Devonport-based Moon family.~~

The ~~s~~ Strategic management of the Collection will ensure its potential significance is realised as individual items are acquired, de-accessioned, and maintained according to the guidelines outlined in this document.

#### ~~Devonport Regional Gallery Advisory Board~~ paranaple arts centre Special Advisory Committee

The Advisory ~~Board's Committee's~~ role in relation to the Collection is to provide advice and recommendations to Council on the following:

- Assistance in the identification of, and provide strategic advice on, the acquisition of art works;
- Endorsement ~~of~~ recommendations from ~~the~~ Gallery ~~Director staff~~ for the acquisition of art works;
- ~~Provide~~ Input and advise on ~~art-related~~ Collection related policy development;
- Act as ambassadors for the Gallery, actively advocating on behalf of and promoting the Gallery initiatives and the ~~permanent art collection~~ Collection at local, state and national levels;
- Engage the local Devonport and regional community in Collection exhibitions, activities and programs; and
- Support Council efforts to attract funding and other resources in accordance with identified needs and the strategic direction of the Gallery.

### 1. ACQUISITION:

#### 1.1 Acquisition Criteria

~~It is~~ This policy recommended recommends that works of art, craft, and design acquired by Council for accessioning into the Collection by purchase, commission, gift or donation fulfil the following criteria:

- The artist ~~is identified as~~ Tasmanian by either birth, or by  
~~or by living having demonstrated a strong and ongoing association with in Tasmania for no less than two years, which is evident in their practice;~~  
~~for a minimum period of two years or until to which they demonstrate a strong connection to Tasmania, or has been living and working in Tasmania for at least two years as a practising artist;~~
- a) ~~The artist demonstrates a strong connection to Tasmania;~~  
~~OR~~
- a) The artist is able to adequately demonstrate a strong connection to

Tasmania, which is evident in the work recommended for acquisition. The artist is able to adequately demonstrate a strong connection to Tasmania, which is evident in the work recommended for acquisition.

- a/b) The artist demonstrates a history in visual arts practice or, in the case of emerging artists, the realistic potential for establishing a long-term career in the visual arts. The artist demonstrates a professional history in visual arts practice or, in the case of emerging artists, the realistic potential for establishing a long-term career in the visual arts;

- The condition of the work must be assessed as fair and stable, and any risk of damage or deterioration of the work in the Gallery's storage facility or display should be addressed prior to acquisition. The proposed art work must be significant within the realm of the artist's practice at the time of purchase, and not considered to be a minor work or study;

- The acquisition supports and builds on existing work by a recognised Tasmanian artist in the Collection;

- a/c) Works of art must be at no risk of damage or deterioration in the Gallery's existing display and storage facilities;

- d) Purchases for the Collection must be accompanied by a Certificate of Authentication from the Vendor/Gallery where the work was purchased or an equivalent signed document from the artist;

- a/e) The work, or works, directly purchased by Council (excludes donations, or works purchased by other means) does not exceed the annual acquisition budget (capital budget) set by Council. Purchases for the Collection must be accompanied by a Certificate of Authentication from the Vendor/Gallery where the work was purchased or an equivalent signed document from the artist.

### **1.2 Acquisition Criteria - Exceptions**

- a) To provide an opportunity that is outside the Collection policy/Acquisition Criteria parameters, artworks may be acquired where it can be demonstrated that there would be significant value in acquiring a certain piece of artwork/artwork due to its cultural relevance, and would need to be assessed as significantly and benefiting to the Collection and City of Devonport.

### **1.3 Tidat: City of Devonport Art Award**

To assist build a valuable collection. To assist build a valued collection of contemporary Tasmanian art, Tidat: City of Devonport Art Award will be presented as an acquisitive award. The entry criteria will align with the acquisition criteria of contemporary artworks by significant Tasmanian artists. Tidat: City of Devonport Art Award will be presented biennially as an acquisitive award. The entry criteria for the award will align to the acquisition criteria.

- a) The artist is identified as Tasmanian by either birth, or by having demonstrated a strong and ongoing association with Tasmania for no less than two years, which is evident in their practice;

**OR**

The artist is able to adequately demonstrate a strong connection to Tasmania, which is evident in the work entered in the award;

~~b) The artist demonstrates a history in visual arts practice or, in the case of emerging artists, the realistic potential for establishing a long-term career in the visual arts;~~

~~a) The artist is identified as Tasmanian, by either birth or by living in Tasmania for a minimum period of two years or until to which they demonstrate a strong connection to Tasmania;~~

~~— 1.4 OR~~

~~— The artist is able to adequately demonstrate a strong connection to Tasmania, which is evident in the work entered in the award;~~

~~.) The artist demonstrates a history in visual arts practice or, in the case of emerging artists, the realistic potential for establishing a long-term career in the visual arts;~~

- ~~• ii In accordance with Exception (i) the winning entry of Tidal City of Devonport National Art Award, which may not originate from Tasmania, will be acquired to build a valuable collection for the community of Devonport.~~

#### **Acquisition Procedure**

~~Works for acquisition can be proposed by Gallery staff and/or members of the Special Advisory Committee. Proposals are to be considered and discussed by an Acquisition sub-committee made up of Gallery Staff and nominated members of the Special Advisory Committee.~~

~~The sub-committee has the responsibility to assess proposals against the acquisition criteria.~~

~~As the officer with the financial delegation related to the expenditure of Council Capital budget, only the Convention and Arts Centre Director can provide advice on, and report against, the acquisition budget which is to form part of the assessment procedure.~~

~~Once a work is identified and recommended by the acquisition sub-committee, the recommendation is to be documented by Gallery Staff, detailing the recommendation's relevance against the Acquisition Criteria.~~

~~Recommendations then require the endorsement of the Advisory Committee and are to be co-signed by the Committee Chair and Convention and Arts Centre Director.~~

~~All works of art proposed for acquisition will have been pre-assessed for relevance to against the Acquisition Criteria by the Gallery Director staff and Curator of Collections prior to seeking presentation to endorsement of the paragonable arts centre Special Advisory Committee the Special Interest Group. Proposals Endorsed by the Advisory Committee acquisitions will be reported to Council.~~

~~The provenance of all artworks approved for acquisition will be checked and approved by the Gallery Director and Curator of Collections Gallery staff prior to purchase.~~

~~The legal title of all works will remain with Council.~~

~~Copyright of acquired works remain with the artist. (Generally, copyright is valid for the life of the artist plus 70 years, refer to the Copyright Act 1968). At the time of acquisition, the Gallery will seek~~

the artist's permission to publish images of the work for reasons solely related to the promotion of the Gallery, the Council, and the Collection. This will be undertaken according to the Copyright Act 1968.

~~All proposals must be assessed against the Collection Policy and receive endorsement by the Devonport Regional Gallery Special Interest Group. Acquisitions will be reported to Council.~~

All artworks approved for acquisition will be officially accessioned into the Collection.

### **1.5 Donations**

Encouragement of philanthropy is a strategic approach to support the realisation of specific targets and goals of the Collection. The Gallery has Deductible Gift Recipient Status, which assists in encouraging donations of artworks.

The "Cultural Gifts Program" encourages gifts of significant cultural items to public art galleries by offering donors a tax deduction for the market value of their gifts. Artworks accepted as a donation for the Collection must have cultural importance relative to the Collection and therefore meet the Acquisition Criteria. It is the responsibility of the donor to have the artwork assessed by two valuer's and arrive at an average based on these two assessments. This value will be used for the purpose of insurance and recorded on the Collection data base. The donor can use this information to claim an income tax deduction.

### **1.6 Donation Exceptions**

~~a. To provide for the exceptional Gift or opportunity that is outside the Collection policy parameters/acquisition criteria, artworks may be accepted where it will benefit the Collection and the City. Gifts to the Collection will be encouraged with a view to enhancing the congruence of the Collection. The Gallery Director in consultation with the Special Interest Group Advisory Committee will assess each exceptional Gift or opportunity that do not meet the acquisition criteria, and will accept or refuse such offers of gifts as they occur and report them to Council.~~

## **2. DEACCESSION AND DISPOSAL:**

### **2.1 Deaccessioning**

'Deaccessioning' is the formal process of removal of an object from the collection register, catalogue or database.

'Disposal' is the physical removal of the object from the organisation by the process decided upon by the ~~Special Interest Group Advisory Committee.~~

Objects identified and approved for disposal must remain in the Collection for a minimum period of 12 months after the deaccessioning approval has been granted.

Deaccession decisions, like acquisition decisions, are based on objective criteria and not personal taste. ~~The Director and Curator of Collections/Gallery staff shall determine whether a work of art warrants should be considered for deaccessioning or disposal of: if the work does not legally belong to the Collection; is damaged or~~

inappropriate for the Collection or does not relate to the Collection Policy. The proceeds from any sale of a deaccessioned work must be reserved and applied only to acquisitions. The proceeds from any sale are to be entered into Council's Assets budget.

## **2.2 Deaccession Criteria**

The following classes of works may be considered for deaccession:

- ~~(a)~~ i. Works which may not have been lawfully obtained by the Devonport Regional Gallery or the Devonport City Council or which may legitimately be claimed by an individual or their heirs, trustees or representatives, or by an organisation or institution representing a claimant community or nation;
- ~~(b)~~ ii. Works which are in poor physical condition, whether through accidental damage, deterioration or infestation and which are beyond restoration to a level suitable for public display, scholarly use or other appropriate museum purposes;
- ~~(c)~~ iii. Works which have been determined to be forgeries, or which have been falsely or wrongly attributed;
- ~~(d)~~ iv. Works which fall outside the parameters of the Collection, as defined by the ~~Acquisition~~ acquisition Criteria criteria (refer 4.1Section 1.1).

## **2.3 Restrictions**

~~Works~~ Works shall not be deaccessioned which are subject to a trust or other legal impediment which forbids deaccessioning.

~~The following works will generally not be considered for deaccessioning:~~

~~Works~~ Works which were acquired less than ten years prior to the time of the proposed deaccession ~~shall not be deaccessioned.~~

## **2.4 Deaccession Procedure**

Based on the Collections Policy, and the Significance Assessment of individual collections within the overall Collection a proposal for deaccessioning shall be initiated by ~~the Director in consultation with the Curator of Collections~~ Gallery staff, to be considered by the Advisory Committee.

Except in the case of returns ~~(see 5.1 above)~~, the Gallery and Council's clear and unrestricted title in the work shall be established.

A written deaccession proposal shall be prepared by ~~the Director and Curator of Collections~~ Gallery staff for the ~~Special Interest Group~~ Advisory Committee, and the proposal ~~will be to include~~ include:

- ~~(a)~~ i. Accession number;
- ~~(b)~~ ii. Provenance including full details of the circumstances of the work's acquisition, including any prohibitions or restrictions on deaccessioning, including statutory restrictions;
- ~~(c)~~ iii. Reasons for the proposed deaccessioning; ~~(see 5.1);~~
- ~~(d)~~ iv. Recommendations for the means of disposal; ~~(see 5.3);~~
- ~~(e)~~ v. Estimated current market value of the work.

The work shall be approved in principle for deaccessioning on the absolute majority vote of the ~~SIG and Director~~ Advisory Committee. Works that have the ~~full support of endorsement of~~ the Committee for deaccessioning will be recommended to Council.

The object/s identified for deaccession must be placed separately in the storage facility away from the rest of the Collection. All items endorsed for deaccessioning must be set aside for a 12 month 'cooling off period' prior to active disposal.

If the object/s is approved for deaccession, the object/s must be removed from the Permanent Collection records including the computer database and hard copy files. The deaccessioning of the object must be recorded in the collection data base. A deaccessioned object's number cannot be used again for another object.

If an object is to be sold at auction, and does not possess a current valuation, a certificate of valuation must be sought.

2.5 All items endorsed for deaccessioning must be set aside for a 12 month 'cooling off period' prior to active disposal.

#### **Methods of Disposal**

Objects identified and approved for disposal must remain in the Collection for a minimum period of 12 months after the deaccessioning approval has been granted. At the end of ~~a 12 month~~ such period, ~~the Director/Gallery Staff~~, in consultation with the Advisory Committee, will determine which of the following methods is most appropriate for disposal of the identified item:

- ~~(a)~~ Return the object to the donor, if donor in agreement;
- ~~(b)~~ Transfer to another institution. This will be an institution with a similar collecting area, i.e. if a maritime related object, a maritime museum would be appropriate;
- ~~(c)~~ Exchange with another institution;
- ~~(d)~~ Sale by public art auction or by tender;
- ~~(e)~~ Destruction – only to be carried out if the object has irreparable damage.

#### 2.6 Restrictions

Under no circumstance shall a deaccessioned work be purchased by, or transferred or given to any Trustee, ~~or~~ Devonport City Council ~~elected member~~, employee, ~~or~~ volunteer ~~or Committee Member~~, of ~~the Devonport Regional Gallery~~ or any member of their immediate ~~families/family~~.

#### 2.7 Exception

Unless purchased in an open and transparent process, which provides fair opportunity to the Community, for example, a public auction,

#### 2.8 Recording deaccessioned information

Note on the accession register that the object has been deaccessioned; this information must remain on record. A deaccessioned object's number can never be used again.

All decisions and actions are to be fully documented and recorded on the Collection database and the object removed from Council's asset management register.

### **3. Collection Management:**

#### 3.1 Storage, Valuation and Insurance

~~The Gallery Director~~Gallery staff will endeavour to ensure each item in the Collection is housed according to international standards and best practice regarding conservation, handling, storage, cataloguing and security.

Routine monitoring of the Collection will be conducted and reported in the following ways:

- ~~(a)~~ Weekly facility storage check, this includes atmospheric conditions relating to the Robinson Collection;
- ~~(b)~~ Biannual assessment of the condition of the Collection with any identified conservation requirements recorded, prioritized and actioned~~Monthly assessment of the condition of the collection and co-ordination of actions relating to conservation and maintenance;~~
- ~~(c)~~ Annual assessment of storage requirements. Improvements identified are to be included for consideration by Council in future capital budget projections;

Revaluation of the Collection is recommended every five years, and not beyond 10 years to ensure works are insured according to value. Changes in status of Artists can and does impact on the value of Art works.

The Collection's insurance value is of priority. ~~All~~ works are to be valued by an accredited art valuer. Evidence of the valuer's credentials will be requested and recorded.

### 3.2 Display and Promotion

An important part of the exhibition program is the provision of a Collection known both for its quality and diversity, ~~however the lack of adequate exhibition spaces to showcase the Collection suggests that for most residents it is a little known cultural resource.~~

Gallery staff will promote the Collection by curating collection-based exhibitions in accordance with the Gallery's strategic plan.

~~The~~ Gallery ~~Director~~staff will endeavour to ensure that art works from the Collection are displayed according to international standards and best practice regarding museum and gallery conservation, handling, storage, cataloguing and security.

~~Gallery staff will promote the Collection by curating collection-based exhibitions on an annual basis.~~

Alternative exhibition spaces to the Devonport Regional Gallery are required to be secure public areas where works can be shown safely. Criteria for public display of the Collection falls part of the ~~exhibition~~ Exhibition policyPolicy.

### 3.3 Loans

All loans from the Collection will be managed by ~~the Gallery Director~~ and a formal loan agreement, including information regarding freight arrangements and insurance details, confirmed before art works leave Council premises.

Works of art will be available for loans in the order of priority listed below:

	<p><del>a)</del> Devonport Regional Gallery exhibitions;</p> <p><del>b)</del> Temporary exhibition loans to other galleries and museums, including interstate venues;</p> <p><del>c)</del> Council offices;</p> <p><del>d)</del> Public and other suitable spaces.</p> <p>Images and a brief description of selected works of art from the Collection are accessible on <a href="http://www.devonportgallery.com">www.devonportgallery.com</a>. As an ongoing initiative, Gallery staff will endeavour to upload images to ensure the Collection is represented in the broadest possible context.</p> <p><b>3.4 Conservation</b></p> <p>The Gallery will only engage professionally trained <u>or suitably qualified</u> conservators to undertake conservation on any work of art from the Collection.</p> <p><b>3.5 Record Management and Documentation</b></p> <p>All items in the Collection will be documented within the Devonport City Council asset management system. Details regarding each item will be as specific as possible, including an image of each item, a brief description, provenance, an accession number, artist details, current location update, and a given value. The following numbering system will be used for accessioned items: year the work is acquired i.e. 2012 then a full stop followed by a number in order of acquisition i.e. 2012.002 – (002 denote the second work acquired in 2012).</p> <p><b>3.6 Access</b></p> <p>Gallery staff aim to ensure that, wherever possible, the Collection, and information pertaining to it, is available to researchers requesting access. Any access to the collection/storage facility shall be under the supervision of <del>the Gallery Director staff</del> or nominated <u>Council Officer staff</u>. Maintenance workers checking equipment and/or building will also need to be accompanied by <del>the Gallery Director or</del> nominated staff.</p> <p><b>3.7 Priorities</b></p> <p>Priorities for managing the Collection are developed in consultation with the <del>Special Interest Group Advisory Committee</del>. Budget restraints will determine what can be achieved in particular timeframes:</p> <p><del>a) De-accession works with no relationship to the Collection Criteria</del></p> <p><del>b) Promote the Collection on the Gallery website;</del></p> <p><del>c) Expand the Collection by continued acquisition of new work;</del></p> <p><del>d) Exhibit the Collection;</del></p> <p><del>e) Undertake assessments of the Collection and actions associated with Conservation and Collection collection Management management;</del></p> <p><del>f) Risk Management;</del></p> <p><del>g) Undertake regular valuations to provide for appropriate asset and insurance assessments;</del></p> <p><del>h) De-accession works with no relationship to the Collection Criteria, Insurance and valuation.</del></p> <p><b>LEGISLATION AND RELATED DOCUMENTS</b></p> <p>Local Government Act 1993 Copyright Act 1968 Asset Management Policy International Council of Museums Code of Professional Ethics</p>
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	Museum Collections Management Standards		
ATTACHMENT/S (IF APPLICABLE)	N/A		
TRAINING REQUIREMENTS (IF APPLICABLE)	Is training required as result of this Policy	YES	NO
	Training required by:	Councillors	Staff
			Department

REVIEW

## 4.4 193 MELROSE ROAD ABERDEEN - SURRENDER OF LAND TO THE CROWN

File: 8426 D590959

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

#### Council's Strategic Plan 2009-2030:

Strategy 5.3.1 Review and amend structures, policies and procedures to adapt to changing circumstances

### SUMMARY

The purpose of this report is to consider surrendering vacant land at 193 Melrose Road, Aberdeen, deemed surplus to Council's needs, back to the original property owner, the Crown.

### BACKGROUND

193 Melrose Road, Aberdeen (PID 6383989; Title Reference 157648/1) is a vacant parcel of land of 1.211ha (8,100m<sup>2</sup>) and is zoned Rural Resource under Council's Planning Scheme.



Historical records indicate that the Aberdeen School was formerly located on the site. The school was destroyed by fire in 1956, and in 1959, a 99-year lease agreement was entered into between the Crown and Council. The permitted use detailed in the lease was "Community Centre".

As the land was under a long-term lease agreement, it was identified by the Crown as being eligible for transfer to Council under the Crown Land Assessment and Classification (CLAC) Project in 2007, whereby parcels of Crown land were transferred to local councils. The permitted use in the Deed of Transfer is "Public Hall".

### STATUTORY REQUIREMENTS

There are no legislative requirements in relation to this report. However, the CLAC Deed of Transfer stipulates that the land must only be used for its "Permitted Use", and that it is not to be sold without Ministerial consent.

**DISCUSSION**

A recent review of Council's land assets identified the vacant parcel of land at 193 Melrose Road, Aberdeen, as surplus to Council's needs and therefore could be considered for potential sale.

The parcel of land is heavily vegetated and undeveloped. Given the permitted use is Public Hall (of which one is not actually located on the site), Council is restricted in undertaking any alternative use of the land. Ministerial consent would be required for any alternative use to be applied.

Council wrote to Crown Land Services in May 2019 requesting advice on the future of the land and were advised that it is not permitted to sell the land, and that if it is deemed surplus to Council's needs, that it would need to be returned to the Crown via a Deed of Surrender.

**COMMUNITY ENGAGEMENT**

No community engagement has been undertaken as a result of this report.

**FINANCIAL IMPLICATIONS**

Maintaining the parcel of land costs Council approximately \$2,000 per annum, by way of general verge mowing and maintenance. This cost could increase further if any additional works were required. This is particularly the case in regard to tree maintenance, given the site is heavily vegetated by large, old pine trees, with the potential hazard of limbs or trees falling onto Aberdeen Road or neighbouring properties. Abatement risks and associated costs would also increase the financial impost to Council if identified.

**RISK IMPLICATIONS**

There are no obvious risk implications as a result of this report. If the recommendation is supported by Council the property will revert to the ownership of the Crown.

**CONCLUSION**

Given restrictions on the land's permitted use, and that it has not been identified for any alternative use or development, it is considered surplus to Council's needs. Essentially, Council is maintaining a vacant parcel of land that it cannot utilise nor dispose of, without Ministerial consent being first obtained.

**ATTACHMENTS**

- [1.](#) Request for approval to sell - 193 Melrose Road Aberdeen
- [2.](#) Response from Crown Land Services re-request to sell 193 Melrose Road Aberdeen

**RECOMMENDATION**

That it be recommended to Council that it write to the Crown requesting that the vacant parcel of public land located at 193 Melrose Road, Aberdeen, be returned to the Crown by way of a Deed of Surrender.

Author:	Claire Jordan	Endorsed By:	Paul West
Position:	Governance Officer	Position:	General Manager

**DEVONPORT CITY COUNCIL**

ABN: 47 611 446 016

PO Box 604 Devonport TAS 7310 – 137 Rooke Street, Devonport

Telephone 03 6424 0511

Email [council@devonport.tas.gov.au](mailto:council@devonport.tas.gov.au) Web [www.devonport.tas.gov.au](http://www.devonport.tas.gov.au)

20 May 2019

**In reply please quote:**

File 8426

Tasmanian Parks & Wildlife Service  
DPIPWE  
GPO Box 44  
HOBART TAS 7001

Email - [PropertyServices@parks.tas.gov.au](mailto:PropertyServices@parks.tas.gov.au)

Dear Property Services Officer,

**REQUEST FOR APPROVAL TO SELL – 193 MELROSE ROAD ABERDEEN – PID 6383989**

The property located at 193 Melrose Road, Aberdeen, was transferred from Crown Land Services to the Devonport City Council in December 2007, as part of the CLAC Project. The land/permitted use stipulated in the Deed of Transfer, was "Public Hall".

A long-term lease agreement was formerly in place between Council and the Crown which would indicate why this parcel of land was identified for transfer.

An overview of the site shows that the land is heavily treed and undeveloped, and that a public hall is not located on the site (please see attached).

This parcel of land is categorised as surplus to Council needs and identified for potential sale (subject to Ministerial and Council approval).

In accordance with the Transfer Deed, Council must obtain prior written consent of the Minister, should it wish to sell any land transferred under the CLAC Project.

Please accept this as Council's formal request to seek Ministerial consent to commence the process to further consider its options in relation to this parcel of land.

Yours sincerely

Paul West  
**GENERAL MANAGER**

Enquiry Officer: Claire Jordan  
Direct Line: 6424 0524

*The City with Spirit*



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**Department of Primary Industries,  
Parks, Water and Environment**

GPO Box 44, Hobart, TAS 7001 Australia  
Ph (03) 6233 6413 or 1300 368 550  
[www.parks.tas.gov.au](http://www.parks.tas.gov.au)



Enquiries: Jerome McGee  
Phone: (03) 6165 4674  
Email: [jerome.mcgee@parks.tas.gov.au](mailto:jerome.mcgee@parks.tas.gov.au)  
Our ref: M479510

Mr Paul West  
General Manager  
Devonport City Council  
PO Box 604  
DEVONPORT TAS 7310

**193 Melrose Road, Aberdeen**

Dear Mr West,

I write in response to your letter of 20 May 2019 regarding 193 Melrose Road, Aberdeen, CT 157648/1 and enquiring about sale of the property.

As you are aware, the land was transferred to the Devonport City Council (DCC) in 2010 by a Ministerial Order pursuant to s.12 of the *Crown Lands Act 1976*, for the permitted purpose, which is a 'Public Hall'.

As the DCC considers the land as surplus to its needs, the land should be surrendered to the Crown, in accordance with conditions placed on CT 157648/1 when transferred to the DCC.

Following surrender of the land to the Crown, the Parks and Wildlife Service (PWS) will consider options for the property, including sale.

Subject to approval by the Minister administering the *Crown Lands Act 1976*, PWS will make arrangements with the Office of the Crown Solicitor for a Deed of Surrender to be drafted for the DCC's consideration.

If wish to discuss this matter further, please contact me by ph. (03) 6165 4674 or through email to [jerome.mcgee@parks.tas.gov.au](mailto:jerome.mcgee@parks.tas.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read "Jerome McGee".

Jerome McGee  
Senior Property Officer – Sales  
**PARKS AND WILDLIFE SERVICE**

3 June 2019

## 4.5 ELECTED MEMBERS' EXPENDITURE REPORT MAY AND JUNE 2019

File: 22947 D591587

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

#### Council's Strategic Plan 2009-2030:

Strategy 5.3.2 Provide appropriate support to elected members to enable them to discharge their functions

### SUMMARY

To detail expenditure of the Mayor and Councillors.

### BACKGROUND

This report is a regular bi-monthly update on the costs associated with the payment of allowances and expenses for Councillors.

### STATUTORY REQUIREMENTS

Under the *Local Government Act 1993*, Council is required to publish details of the total allowances and expenses paid to the Mayor, Deputy Mayor and Councillors in its Annual Report, however there is no obligation to do so at any other time.

### DISCUSSION

Expenditure processed for the months of May and June 2019, is detailed below:

Mayor, Cr Annette Rockliff

\$1,249 – National General Assembly (NGA) of Local Government 2019

\$ 823 – LGAT Conference Registration

\$ 54 – LGAT Regional Breakfast, Devonport

\$ 40 – Queens Birthday Luncheon

\$ 751 – Airfares, travel to NGA

\$ 69 – Mobile Phone

Deputy Mayor, Cr Jarman

\$ 823 – LGAT Conference Registration

\$ 80 – Lions Club Changeover Dinner

Cr Hollister

\$ 823 – LGAT Conference Registration

Cr Milbourne

\$ 823 – LGAT Conference Registration

Cr Laycock

\$ 54 – LGAT Regional Breakfast, Devonport

\$ 670 – Travel to ALGWA Conference in April

\$ 252 – Accommodation – LGAT seminar held in March

Cr Alexiou

\$ 250 – Accommodation – LGAT seminar held in March

Cr Enniss

\$ 243 – Accommodation – LGAT seminar held in March

Councillors

\$ 1,022 – iPads (3 months)

The attached table sets out the cumulative expenditure for the 2018/19 financial year. Expenditure will be reported as and when the account is paid. Items in this report may relate to transactions that occurred in previous months.

#### COMMUNITY ENGAGEMENT

There was no community engagement as a result of this report.

#### FINANCIAL IMPLICATIONS

Mayoral and Councillor expenses are costed to the general ledger account for Councillor Support.

#### RISK IMPLICATIONS

There are no identified risks in relation to this report.

#### CONCLUSION

Expenses are reported in accordance with Council's direction.

#### ATTACHMENTS

[1.](#) Cumulative Totals - YTD - June 2019

#### RECOMMENDATION

That it be recommended to Council that the bi-monthly report advising of Councillor allowances and expenses be received and noted.

Author:	Jacqui Surtees	Endorsed By:	Paul West
Position:	Executive Officer	General Manager	

### Councillor Expenses

Cumulative figures year to date -May/June 2019

Councillor Expenses	Mayoral Allowance	Deputy Mayoral Allowance	Councillor's Allowance	Mileage R'ments	IPads	Conference/ Professional Development Attendance	Travel, Accommodation & Meal expenses	Meeting expenses	Mobile Phone	Total
Mayor Rockliff	55,213		22,085	10,500	463	2,326	1,269		255	\$ 92,110
Deputy Mayor Cr Jarman (from 12/11/18)		10,615	22,085		463	1,253	460			\$ 34,876
Cr Alexiou			13,583		223	430	250			\$ 14,486
Cr Enniss			13,583		223	630	379			\$ 14,815
Cr Hollister			13,583		223	823				\$ 14,629
Cr Laycock			22,085		463	1,393	922			\$ 24,863
Cr Milbourne			13,583		223	1,023				\$ 14,829
Cr Murphy			13,583		223					\$ 13,806
Cr Perry (Acting Deputy Mayor 1/7/18-2/11/18)		6,215	22,085		463		585			\$ 29,348
<b>1 July - 31 October 2018</b>										
Ald Emmerton			7,951		240					\$ 8,191
Ald Goodwin			7,951		240		307			\$ 8,498
Ald Matthews			7,951		240					\$ 8,191
Ald Milne			7,951		240		344			\$ 8,535
Other Non Attributable										\$ -
<b>TOTAL - YEAR TO DATE</b>	<b>\$ 55,213</b>	<b>\$ 16,830</b>	<b>\$ 188,059</b>	<b>\$ 10,500</b>	<b>\$ 3,926</b>	<b>\$ 7,878</b>	<b>\$ 4,515</b>	<b>\$ -</b>	<b>\$ 255</b>	<b>\$ 287,176</b>
Budget	55,292	17,510	201,365	10,500	3,300	15,000	11,450	1,000	700	316,117
<b>BALANCE UNSPENT</b>	<b>\$ 79</b>	<b>\$ 680</b>	<b>\$ 13,306</b>	<b>\$ -</b>	<b>-\$ 626</b>	<b>\$ 7,122</b>	<b>\$ 6,935</b>	<b>\$ 1,000</b>	<b>\$ 445</b>	<b>\$ 28,941</b>
% Spent Year to Date	100%	96%	93%	100%	119%	53%	39%	0%	36%	91%

Note: Council provides a motor vehicle for use by the Mayor - the cost of this vehicle is shown in the Mileage column.

## 7.0 INFORMATION REPORTS

### 7.1 MINUTES OF COUNCIL'S SPECIAL INTEREST GROUPS AND ADVISORY BOARDS

File: 34511 D580524

#### RELEVANCE TO COUNCIL'S PLANS & POLICIES

##### Council's Strategic Plan 2009-2030:

Strategy 5.3.4 Ensure effective administration and operation of Council's committees

#### SUMMARY

To present the Minutes of the Council's Special Interest Groups and Advisory Boards.

#### BACKGROUND

Minutes of Special Committees are presented to Council for their information and consideration of any decisions when and if required.

#### STATUTORY REQUIREMENTS

Under Section 24 of the *Local Government Act, 1993*, a Council may establish Special Committees on such terms and for such purposes as it thinks fit.

#### DISCUSSION

The minutes of the following meetings are attached (May and June):

Devonport Maritime and Heritage Special Interest Group (May and June):

- Discussed General Marketing and Heritage Trail Actions
- Reviewed the recent Bass Strait Maritime Centre and Julie Burgess Reports

Devonport Regional Gallery Advisory Board:

- Reviewed the updated Acquisition Policy
- Discussed the selection process for the Galleries Annual Solo Commission.
- Discussed and endorsed a Public Art Proposal for Mary Binks Wetlands
- Reviewed the Gallery Report

East Devonport Special Interest Group:

- Discussed East Devonport infrastructure with Infrastructure and Works Manager, Michael Williams, including:  
bike paths, traffic flow to/from TT-Line, Pioneer Park, Mary Binks Wetlands, and rising sea levels
- Received updates on:
  - Suicide Prevention Projects being developed in the area,
  - East Devonport Outdoor Fitness Equipment project, and
  - Upcoming East Devonport Events.

**COMMUNITY ENGAGEMENT**

Committees allow Council to engage with the community in collaboration. This means the public are partners in decision-making including the development of alternatives and identifying the preferred solution.

**FINANCIAL IMPLICATIONS**

There are no financial implications which relate to this report.

**RISK IMPLICATIONS**

There are no risk implications which relate to this report.

**CONCLUSION**

The minutes of Council's Special Interest Groups and Advisory Boards are provided for Council's consideration.

**ATTACHMENTS**

- [1.](#) Unconfirmed Minutes of the Devonport Maritime and Heritage Special Interest Group Meeting 8 May 2019 and accompanying documents
- [2.](#) Unconfirmed Minutes of the Devonport Maritime & Heritage Special Interest Group Meeting 12 June 2019
- [3.](#) Unconfirmed Minutes of the Devonport Regional Gallery Advisory Board Meeting 11 June 2019 and accompanying documents
- [4.](#) Unconfirmed Minutes of the East Devonport Special Interest Group - 19 June 2019

**RECOMMENDATION**

That it be recommended to Council that the minutes of the Devonport Maritime and Heritage Special Interest Group, Devonport Regional Gallery Advisory Board and East Devonport Special Interest Group be received and noted.

Author:	Karen Hampton	Endorsed By:	Paul West
Position:	Community Services Manager	Position:	General Manager

**MINUTES FOR A MEETING OF THE  
DEVONPORT MARITIME AND HERITAGE SPECIAL INTEREST GROUP  
MEETING HELD WEDNESDAY, 8 MAY 2019 2.30PM**

**PRESENT**

Cr Laycock (Chair), Graham Kent, Helen Anderson, Frances Wilson, Judy Wilson, Niels Bruns, Ann Teesdale, Geoff Dobson, Timothy Cooper, Megan Burton

**1.0 APOLOGIES**

Cr Murphy, Jayden Thomas

**NOT PRESENT**

Judy Cecil

**2.0 DECLARATION OF INTEREST**

NIL

**3.0 CONFIRMATION OF PREVIOUS MINUTES**

The group reviewed and noted the minutes of the Devonport Maritime and Heritage Special Interest Group meeting held 31 October 2018.

Moved: G Kent/F Wilson

**CARRIED**

**4.0 ACTION LIST**

Reviewed. See attached Action List for updates.

- Scanned copies of past marketing collateral to be sent with Minutes
- HA to obtain and forward notes from Jaydeyn/Sarah at BSMC regarding Heritage Trail
- Group to email Heritage Trail area updates to MB as often as required to forward to the Group to keep project momentum
- TC to investigate drone imagery of accessible areas in Devonport
- TC to provide mock-up of Devonport Attractions flyer with costings
- MB to email confirmation of number of committee places available

**5.0 REPORTS****5.1 Don River Railway**

Update provided on operations, reporting a successful year to date with numbers up and positive feedback. Great volunteer numbers with 120 on the books with 70 being regular volunteers - low driver numbers though, especially for steam train, with only 5 competent drivers and most of them aging.

There has been much public interest and excitement in the main line project, and successful meetings have been held with TasRail and Tas Government. Main line runs currently scheduled to begin around Christmas 2019. Acknowledgment goes to Cr Laycock who has been instrumental in securing a \$200,000 grant and acting as a community liaison for the project.

**5.2 Home Hill**

General visitor numbers have been low, but events have been successful. No more scheduled events until Devonport Jazz in July and then the house will be closed to the public for July and August for conservation and cleaning - private tours and events can still be arranged. The popular fete will be held in November with approximately 2000 expected.

The garden plan has not progressed any further mainly due to funding, and still working towards an Interpretation Centre to provide extended space for groups, functions and events.

A collection significance assessment is being undertaken, working with Arts Tasmania's Roving Curator Melissa Smith alongside 7-8

volunteers.

The house recently hosted a successful visit from the Governor, Her Excellency Kate Warner.

### **5.3 Bass Strait Maritime Centre & Julie Burgess**

The Julie Burgess will be birthed for winter from July through to September, with pontoon maintenance taking place during this time. The recent Wooden Boat Festival was a successful event, with further updates detailed in the BSMC report.

## **6.0 GENERAL BUSINESS**

### **6.1 Committee Changes**

The two-year period of the current committee ends in June. Letters and nomination forms will be sent out. GD to confirm number of community positions available which may allow for more members on the committee.

### **6.2 General Marketing**

TC has been appointed as the new Visitor Services Coordinator for the Devonport City Council. Marketing of Devonport, the Council and the paranple arts centre form part of his role.

- Drone Imagery - Tim has limited capacity to obtain some drone imagery himself, but as he is unlicensed, he cannot be paid for any services. As most of Devonport is within a flight path and within 5km of the airport and helipad, drones may only fly west and south of the Bluff lighthouse. The committee agreed to endorse TC to provide some drone footage and imagery for marketing purposes.

### **6.3 Heritage Trail**

NB has provided a spreadsheet as a starting point for further research by committee members to add to list. Research zones allocated so far to NB (Don area), HA (East Devonport) and Cr Laycock (Victoria Parade). Past collateral provided by HA, who will also look to obtain existing notes and lists from BSMC.

Future collateral to be a series of documents and resources including walking and driving trails, with future possibilities of apps, audio tours, themes trails and tours, and with the primary audience being visitors. First priority pulling together content including history, photos and stories.

### **6.3 Future Meetings**

To be held monthly at the paranple centre, aiming for 60- 90 minutes per meeting. Tentative dates booked to secure room at the paranple centre (subject to change).

## **7.0 AGENDA ITEMS FOR NEXT MEETING**

- Heritage Trail Updates
- Maritime and Heritage Workshop
- Marketing Update

### **NEXT MEETING WEDNESDAY, 12 JUNE 2019, COMMENCING 2.30PM ROOM**

Future Meetings (Subject to change):

- Wednesday 10 July 2019, 2.30pm - Eugenana Room, paranple centre (Level 2)
- Wednesday 14 August 2019, 2.30pm - Eugenana Room, paranple centre (Level 2)
- Wednesday 11 September 2019, 2.30pm - Eugenana Room, paranple centre (Level 2)
- Wednesday 16 October 2019, 2.30pm - Aberdeen Room, paranple centre (Level 2)
- Wednesday 13 November 2019, 2.30pm - Eugenana Room, paranple centre (Level 2)
- Wednesday 11 December 2019, 2.30pm - Eugenana Room, paranple centre (Level 2) Day, Date, Commencing 4.00pm

**MEETING CLOSED 4.05PM**

**DEVONPORT MARITIME AND HERITAGE SPECIAL INTEREST GROUP ACTION LIST  
MEETING HELD WEDNESDAY 8 MAY 2019**

DATE	ACTION	RESP. PERSON	STATUS Not started In progress On-going Completed	COMMENT	DUE
8 MAY 2019	Heritage Trail & Flyer	TC	In Progress	DCC to work on the branding – TC to develop mock-up and source quotes for production	June 2019
		MB	In Progress	Past collateral gathered by HA, to be scanned and distributed to committee by MB	
		All	On-going	Group to provide content, zones allocated initially to:  NB – Don Area HA – East Devonport LL – Victoria Parade	
		HA	In Progress	Contact Jaydeyn and Sarah at the BSMC to source lists and notes that already exist	
11 APRIL 2018		NB	Completed	In April 2018, NB compiled a spreadsheet of information that is available online:  <a href="https://drive.google.com/open?id=1a1w3TEOBDOmbzcEZY7hqO2eBtO9Kfxx9">https://drive.google.com/open?id=1a1w3TEOBDOmbzcEZY7hqO2eBtO9Kfxx9</a>	
12 AUGUST 2015		All	On-going	Information  A report reviewing current East Devonport signage was distributed by H. Anderson and P. Kent. (Distributed @ March 2017 D517206)  Webpage on a Cultural facility/Destinations website, to include Heritage images  Heritage Trail <ul style="list-style-type: none"><li>• fact sheet and flyer in progress</li><li>• long-term project, to begin once information and Website are in place</li></ul> 2017 - Suggested that when all signage is finalised and installed a guided walk be developed	

DATE	ACTION	RESP. PERSON	STATUS Not started In progress On-going Completed	COMMENT	DUE
18 NOVEMBER 2018	General Marketing	TC	On-going	Drone Imagery <ul style="list-style-type: none"> <li>• TC to provide free drone imagery of accessible areas in Devonport</li> <li>• 7 March 2018</li> <li>• Action:</li> <li>• Justin Rattray to seek updated quotes on still imagery and video of Julie Burgess, Mersey River and surrounds for historical and advertising purposes.</li> <li>• Initial Brief</li> <li>• Explore the use of a drone to obtain aerial imagery from mouth of Mersey River to Latrobe as a resource for research enquiries, Maritime &amp; History talks or exhibitions</li> </ul>	



## BSMC Report May 2019

**EXHIBITIONS 15 December 2018 – 2 July 2019***Flow: Natural History of the Bass Strait*

Opening Friday 14 December

Opening attendance: 30 pax

**UPCOMING EXHIBITIONS 6 – 21 July 2019***Embroiderers' Guild of Tasmania Exhibition*

Exhibition and Details to be confirmed

**27 July 2019 – February 2020***Torquay/East Devonport*

Opening 26 July 2019

East Devonport is underserved in interpretation in the Museum. The geography and history of this place since settlement will be explored. If there are any stories, or people you can think of to interview for our oral history program, please let me know.

**VISITATION**

31 October 2018 – 30 April 2019: 4874 pax

**EDUCATION & PUBLIC PROGRAMS 30 October 2018 – 30 April 2019**

Date	Program	Attendance
31-Oct	After Dark Tour with Jim Rouse	19
8-Nov	DIGS School Workshop – Miandetta Primary School	57
8-Nov	Maritime & History Talk with Katrina Ross – Shipwreck Ale	18
27-Nov	Maritime & History Talk with Scott Pooke – NASA Liberty Bell	55
15-Dec	<i>Flow</i> Exhibition Opening	30
14-16-Dec	Dino Digs	47
22-Jan	Ebb & Flow: Adults	5
30-Jan	Ebb & Flow: Kids Edition	12
16-Mar	Bluff to Bluff Bus Tour	22
26-Mar	Maritime & History Talk with David Maynard – Forgotten Emus	18
14-Apr	Bluff Blitz Citizen Science Day	96
15-Apr	Curious Creatures Workshop - Children's University	77
16-Apr	Curious Creatures Workshop – Our Lady of the Lourdes Vacation Care	18
17-Apr	Curious Creatures Workshop – 1912 Childcare and Early Learning Centre	36
	<b>Total</b>	<b>510</b>



## BSMC Report May 2019

## UPCOMING EDUCATION &amp; PUBLIC PROGRAMS 1 May 2019 – 26 July 2019

Date	Program	Attendance
28-May	Maritime & History Talk with Peter Puskic – Birds vs Plastic	
29-May	Curious Creatures Workshop – Zeehan Primary School	29
27-June	Curious Creatures Workshop – Port Sorell	44
9-July	Maritime & History Talk with Karl Rowbottom – Memoirs of a Lighthouse Keeper	
11&15-July	Newspaper School Holiday Workshop – details tbc	

**Café**

The Pearl Oyster Bar and Café opened May 1. Their menu can be seen at [pearloysterbar.com.au/menu](http://pearloysterbar.com.au/menu) and the coffee is really good. Opening Day was quite busy and there is a lovely atmosphere in the building. Several gift shop sales happened 'while people were waiting for coffee'.

**Marketing**

Radio advertisements – ReDiscover Tasmania – have been running for six months and there have been a few primary referrals. I may do an informal survey over a week to see if anyone has heard the advertisement at all during May to assess whether to continue.

LetsGoKids will be running a page with a discount voucher in July and December and we are looking at being a part of a short-run television advertisement they are offering – it runs 200-300 times in July and December to coincide with school holidays and targets parents.

**Australian Maritime Museums Council Workshop**

The AMMC Board will be meeting on 9 May at the Jervis Bay to confirm and finalise plans for October. The dates are set for 31 October – 1 November with a possible addition to the program of a MHOOT seminar as well. The AMaGATas Committee are happy to advertise their membership as well. The theme is set as how to build an educational program from scratch. Accommodation and catering options have been discussed: AMMC will subsidise catering costs from the paranapple convention centre.

**Julie Burgess****JB Pax**

31 October – 01 May 406 pax

**JB Who Do You Think You Are?**

The episode that we filmed in September 2018 will be airing on 18 June 2019.



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#### BSMC Report May 2019

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##### **Australian Wooden Boat Festival 2019**

The *Julie Burgess* attended her fourth Australian Wooden Boat Festival to much praise and several feature media articles. The esteem in which the ship, crew, and Council's restoration work are held is high amongst Festival visitors and fellow Tall Ship operators. Staff and volunteers crewed the trade stall and open for inspection tours of the vessel. It was a busy Festival with tens of thousands of visitors attending and special sailings were successful with 128 passengers.

The festival was held over 8 - 11 February and visitors enjoyed sailing demonstrations from the feature vessels, including the *Julie Burgess*, as well as the exhibition of wooden boat building, food, live entertainment, music, demonstrations, and displays.

The *Julie Burgess* has now attended four festivals, 2013, 2015, 2017, and 2019. The *HMAS Choules* visited port, transporting the *Mistral* to Hobart for restoration. Two cruise ships also docked during the festival.

##### Objectives and Recommendations

As this was the first AWBF for current staff, the main objectives were:

- the showcasing of the *Julie Burgess* at this premiere event;
- the maximisation of networking opportunities with other operators and maritime professionals;
- to ensure the profitability and passenger numbers justify attendance;
- and the positive promotion of Devonport.

The *Julie Burgess* is very well known in the maritime sector and was widely publicised as part of the fleet of tall ships to be featured at the festival. An appearance fee was paid by the AWBF to encourage attendance. The number of people visiting the trade stand and the ketch, the number of tickets sold for sailings and merchandise sold, all show a successful event and achievement of the first objective.

Networking between staff and professional organisations included meetings with the Tall Ships Australia and New Zealand organisation, another between ship operators, and several stall visits from owner-operators, museums, and enthusiasts. There were many more opportunities for networking events but given the business of the marquee and even with two staff and volunteer support, it was not possible to attend them all.

The income and catering expenditure are attached and show a healthy profit.

Visitors to the marquee have since visited the Bass Strait Maritime Centre and all have commented on how lucky we are to have the *Julie Burgess* and such a beautiful museum. There were multiple conversations between marquee visitors and staff and volunteers about Devonport.

There are a number of things staff would change about their approach to the marquee and time management during the festival. Earlier marketing is required to ensure pax on the journey to and from the festival. Overall, it was a successful, if tiring, experience.



## BSMC Report May 2019

## Australian Wooden Boat Festival

Sailings (including bookings prior to AWBF)

Date	Sailing	Pax	Income	Costs	Total Profit	\$ Pax	FOC	Notes on Costs
2-Feb	Devonport - Hobart	1	1800	1767.92	32.08	1		Catering for crew and pax
8-Feb	Parade of Sail	20	2700	270	2430	19	1	Coach for pax to get to Kettering
9-Feb	Day Sailings	37	1800		1800	36	1	
10-Feb	Day Sailing	12	600		600	12		
10-Feb	Ketch Review	8	850		850	6	2	
10-Feb	Fireworks Sail	19	2100	290	1810	14	5	Musician's family FOC
11-Feb	Day Sailing	10	500		500	10		
11-Feb	Sail Past	19	2550	30	2520	17	2	
12-Feb	Hobart - Devonport	2	2000	1967.92	32.08	1	1	Catering for crew and pax
	Appearance Fee		2500		2500			
		128	17400	4325.84	13074.16	116	12	
	Without appearance fee		14900		10574.16	128		



## BSMC Report May 2019

Takings from AWBF Stall

Date	BSMC Sales	JB Sales	Total Sales	JB Donations	JB Sails	Totals
8-Feb	230	280	510	145	950	1605
9-Feb	255.89	178.5	434.39	114	2740	3288.39
10-Feb	591.69	225	816.69	110	1500	2426.69
11-Feb	123.95	115	238.95	128	1700	2066.95
	1201.53	798.5	2000.03			9387.03
BSMC*						
Date	BSMC Sales	JB Sales	Total Sales			
8-Feb	271	0	271			271
9-Feb	312.49	0	312.49			312.49
10-Feb	187.5	5	192.5			192.5
11-Feb	395.95	0	395.95			395.95
	1166.94	5	1171.94			1171.94

\* includes admissions/public programmes as well as shop sales

<b>Totals</b>	2368.47	803.5	3171.97	497	6890	10558.97
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## OTHER ATTRACTIONS TO VISIT in and around our CITY

◆ Pioneer Cemetery ◆

Home Hill



Lighthouse



Devonport Gallery  
and Arts Centre



Information on these and other attractions is available at...

### THE DEVONPORT SHOWCASE

Situated on the riverside West Devonport  
Just follow the signs to the

CITY CENTRE

Open Daily 9.00 a.m. - 5.30 p.m.  
5 Best Street, Devonport. 7310

Phone: 24 0520

Designed and Printed by Richmond Printers,  
Devonport.

Artwork by:  
*Alix Robertson*  
Graphic Designer

## A Riverside Ramble



DEVONPORT  
TOP CENTRE IN TASMANIA



### Court Building

The Court Building was built  
The original police house and ce  
1896, is the small house at the  
used as a Community Resource  
centre for most volunteer welfare  
in the city.

YOUR WALK  
STARTS HERE



The Showcase

Originally a spare parts and reconditioning  
company business.

In 1984, Sir Ninian Stephen P.C. K.B.E.  
opened it as "The Showcase", the new  
Tourist Information Centre for Devonport.

BEST  
STREET



Harbour Master's Office

It was built in 1881 as the Marine Board  
Office. On 21 April 1893, the tide again  
reached the steps. After exceptionally high  
tides in 1901, the building was move  
further along the river and extended.  
The office was used as the first Town Board  
meeting place.

## ACTIONS TO VISIT around our CITY



Devonport Gallery  
and Arts Centre



other attractions is available at...

### PORT SHOWCASE

Riverside West Devonport  
Follow the signs to the

Y CENTRE

9.00 a.m. - 5.30 p.m.  
Tel. Devonport: 7310  
Fax: 24 0520

Printed by Richmond Printers,  
Devonport.

Network by:

Robertson  
Graphic designer

# A Riverside Ramble

DEVONPORT  
TOP CENTRE IN TASMANIA



YOUR WALK  
STARTS HERE



### The Showcase

Originally a spare parts and reconditioning  
company business.  
In 1984, Sir Ninian Stephen P.C., K.B.E.  
opened it as "The Showcase", the new  
Tourist Information Centre for Devonport.

### Court Building

The Court Building was built in 1904.  
The original police house and cells, built in  
1896, is the small house at the rear, now  
used as a Community Resource Centre, the  
centre for most volunteer welfare work done  
in the city.

### Town Hall

The Town Hall was begun on 21 March  
1899. The foundation stone was laid on 24  
May 1899 — a gala occasion with band and  
bunting. A public vote was held to  
determine the site. The site now occupied  
by the Hydro Electric Commission Offices  
was then the "Royal Hotel" — one block  
away.

On 21 November 1893, votes were cast  
for:—

1. Royal Hotel Site — 125 votes.
2. Current Site — 2 votes.
3. South Rooke Street (the present Roger  
Jacobs store) — 41 votes.

Later, the Royal Hotel site was determined  
as "too far out of the way" and the South  
Rooke Street site was "too expensive".



ROOKE STREET

BEST  
STREET

FORMBY ROAD



### Harbour Master's Office

It was built in 1881 as the Marine Board  
Office. On 21 April 1893, the tide again  
reached the steps. After exceptionally high  
tides in 1901, the building was moved  
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The office was used as the first Town Board  
meeting place.

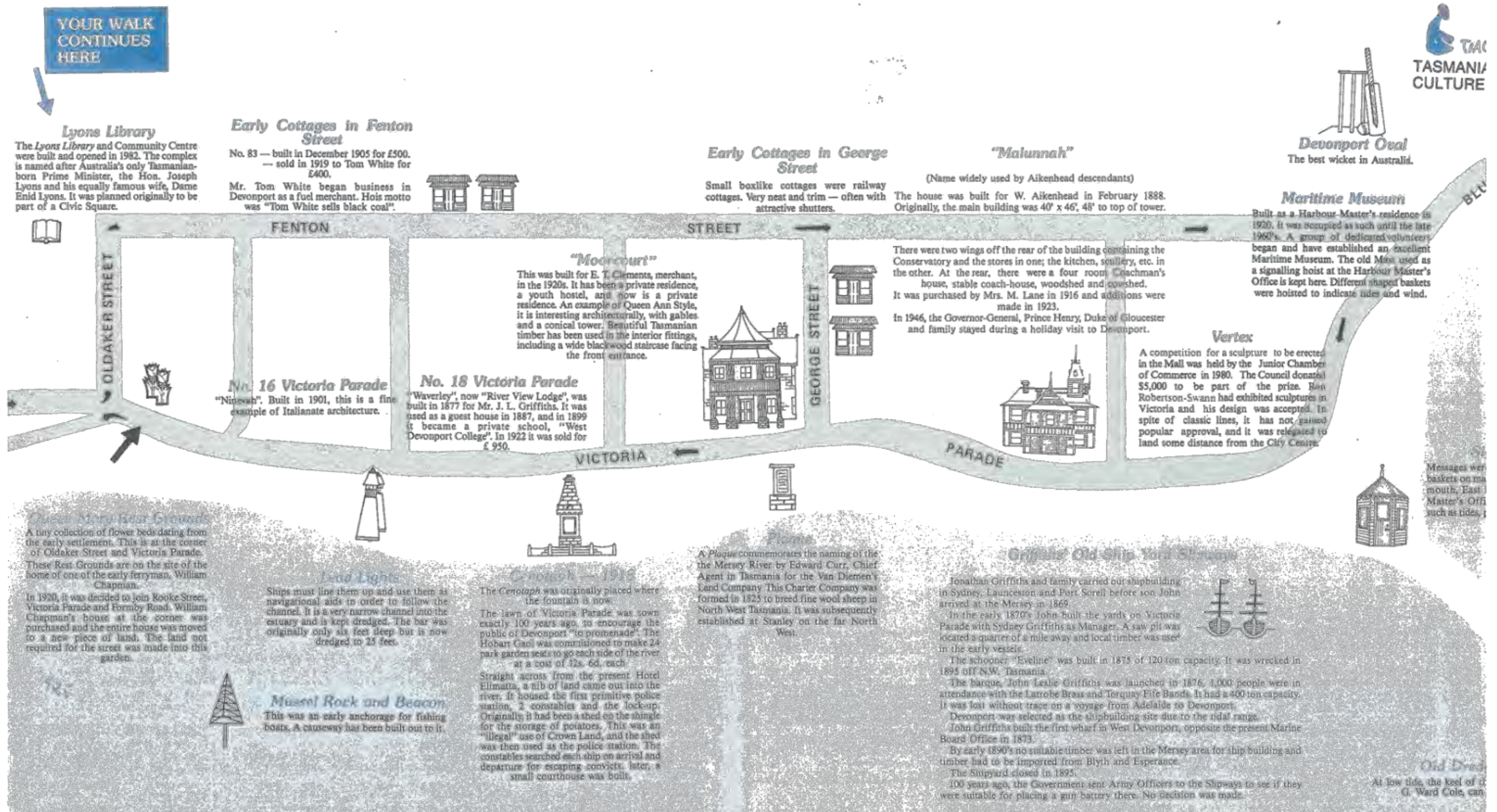
### Rose Garden

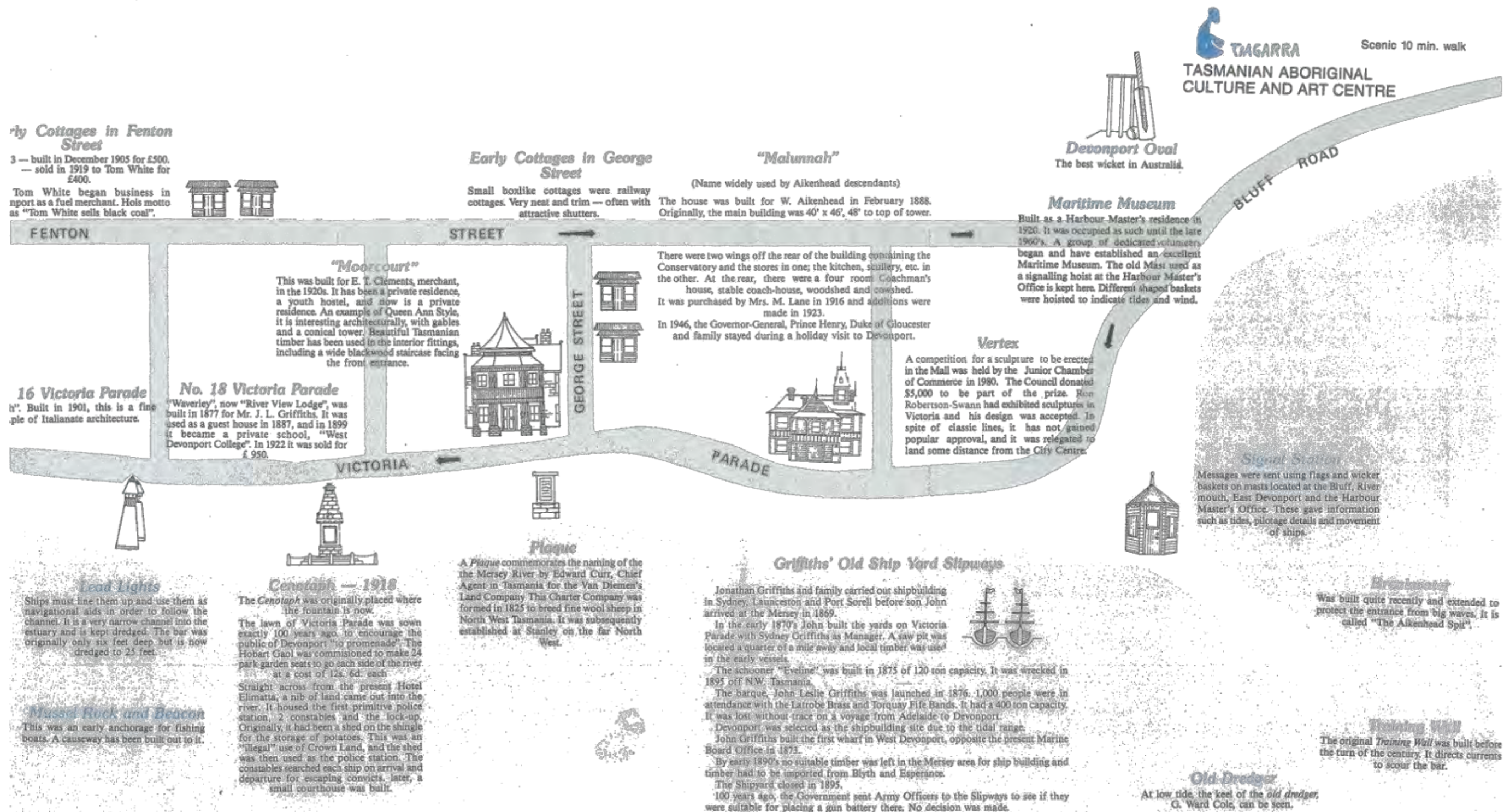
Blooms on the site of the old Railway  
Roundabout. This rose garden was  
originally located on the site of the Council  
Chambers. When the new council buildings  
were erected, the gardens were transferred  
to the present site.

The golden roses were donated to the City  
by the Soroptimists' Club to celebrate its  
golden anniversary in 1971.

The red and white roses were donated by  
the Royal Society of St. George.

Assistance was given by the Devonport  
Horticultural Society and the landscaping  
was done by the Devonport Council Parks  
and Reserves staff.







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**MINUTES FOR A MEETING OF THE  
DEVONPORT MARITIME AND HERITAGE SPECIAL INTEREST GROUP  
MEETING HELD WEDNESDAY, 12 JUNE 2019 2.30PM**

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**PRESENT**

Cr Laycock (Chair), Cr Hollister, Helen Anderson, Graham Kent, Frances Wilson, Geoff Dobson, Timothy Cooper, Jaydeyn Thomas, Megan Burton

**1.0 APOLOGIES**

Cr Murphy, Ann Teesdale

**NOT PRESENT**

Niels Bruns, Judy Cecil

**2.0 DECLARATION OF INTEREST**

NIL

**3.0 CONFIRMATION OF PREVIOUS MINUTES**

The group reviewed and noted the minutes of the Devonport Maritime and Heritage Special Interest Group meeting held 8 May 2019.

Moved: G Kent/F Wilson

**CARRIED**

**4.0 ACTION LIST**

Group reviewed and discussed the Action List, Updated list attached,

**5.0 REPORTS****5.1 Don River Railway**

No report provided due to NB absence. LL advised the group of \$220,000 heritage and tourism grant confirmed by Senator Colebeck.

**5.2 Home Hill**

No report due to AT absence. LL reminded group the house is closing soon for winter maintenance, and that popular garden fete scheduled for November 2019.

**5.3 Bass Strait Maritime Centre & Julie Burgess**

Verbal report given by JT. New Pearl Oyster Bar & Café at the centre doing extremely well, although museum visitation has remained the same retail sales have increased. Suggestion to survey diners as to why not going into museum. JT to put request to Council to consider offering entrance deal combining museum entrance with café goods.

The next exhibition at the centre will be from the Embroidery Guild, who will have someone in the space at all times to talk to visitors, as well as running associated workshops throughout the exhibition period. The centre will also host an Australian Maritime Museums Council workshop 30 October – 1 November.

Friday 21 June winter solstice cruise scheduled for Julie Burgess in partnership with the café. Sunday 28 June will be the end of the 2018/2019 sailing season. Talks to include a docked JB for events during the Devonport Food & Wine Festival, as well as during Seniors Week. The Julie Burgess was used in September 2018 for filming an episode of 'Who Do You Think You Are' featuring actor Rodger Corser, which will be aired on SBS on 18 June.

Suggestion from group that the JB be a presence on the river whenever possible when there are events at Roundhouse Park, such as New Year's Eve.

**6.0 AGENDA ITEMS**

**6.1 Heritage Trail Updates**

As per the attached Action List.

**6.2 Maritime & Heritage Workshop**

The Bass Strait Maritime Centre will also host an Australian Maritime Museums Council workshop 30 October – 1 November.

**6.3 Marketing Update**

As per the attached Action List.

Discussion took place on which attractions to include in a tourism brochure, with emphasis on Council-owned attractions and cultural heritage attractions and locations. Those discussed included the Arboretum, Don River Railway, Bass Strait Maritime Centre, Julie Burgess, Devonport Regional Gallery, Home Hill, Tiagara, Splash, Kelsey Tiers Bike Track, Big Big House, East Devonport Precinct.

**7.0 BUSINESS ARISING**Don to Tugrah Walking Trail

- Group to investigate walking trail to promote the area
- Include Melrose Quarry and Arboretum in walk from Don

**8.0 AGENDA ITEMS FOR NEXT MEETING**

- New committee formation
- Heritage Trail Updates
- Marketing Update

**NEXT MEETING TO BE CONFIRMED**

**MEETING CLOSED 3.50PM**

**DEVONPORT MARITIME AND HERITAGE SPECIAL INTEREST GROUP ACTION LIST  
MEETING HELD WEDNESDAY 12 JUNE 2019**

DATE	ACTION	RESP. PERSON	STATUS Not started In progress On-going Completed	COMMENT	DUE
12 JUNE 2019	Heritage Trail	All	In Progress	Zones allocated to conduct trail research: <ul style="list-style-type: none"> <li>• Don Area – NB</li> <li>• East Devonport – HA</li> <li>• Victoria Parade – LL</li> </ul> September meeting set as due date for all information to be gathered for each area of the trail.	Sept 2019
	Heritage Flyer	TC	In Progress	Quote for 20,000 A4 trifold brochures obtained from Impressprint: \$989.00 Two brochures to be developed by end of 2020 financial year: <ul style="list-style-type: none"> <li>• Heritage Trail</li> <li>• Devonport Tourism Attractions</li> </ul>	June 2020
8 MAY 2019	Heritage Flyer	TC	Completed	Develop mock-up trifold brochure and obtain printing quotes.	June 2019
	General Marketing	TC	On-going	Drone Imagery to be investigated and provided as sourced of accessible Devonport areas. Suggestion – high (not low) tide images and Spirit turning at night. March 2018: J.Ratray to seek updated quotes on still imagery & videos of Julie Burgess, Mersey River & surrounds for historical & advertising purposes. Initial Brief: Explore the use of a drone to obtain aerial imagery from the mouth of the Mersey River to Latrobe as a resource for research enquiries, maritime & history talks or exhibitions.	
11 APRIL 2018	Heritage Trail & Flyer	NB	Completed	In April 2018, NB compiled a spreadsheet of information that is available online: <a href="https://drive.google.com/open?id=1aTw3TEOBDOmbzcEZY7hqO2eBtO9Kfxx9">https://drive.google.com/open?id=1aTw3TEOBDOmbzcEZY7hqO2eBtO9Kfxx9</a>	April 2018

DATE	ACTION	RESP. PERSON	STATUS Not started In progress On-going Completed	COMMENT	DUE
12 AUGUST 2015	Heritage Trail & Flyer	All	On-going	<p><b>June 2019:</b> East Devonport markers require maintenance/cleaning. <b>GD</b> to request through M.Williams (DCC).</p> <p>Future Project: Photographic imagery display of historic sites; refer to map from 2010 DRG exhibition 'Tales from Suburbia'.</p> <p><b>2017:</b> Information - a report reviewing current East Devonport Signage was distributed by H.Anderson &amp; P.Kent (distributed March 2017 meeting, document number D517206). Suggestion - when all signage is finalised &amp; installed a guided walk be developed.</p> <p><b>2015:</b> Development of a webpage on a cultural facility/destinations website to include heritage images. Heritage Trail - fact sheet &amp; flyer in progress; a long-term project to begin once information &amp; website are in place.</p>	

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**MINUTES FOR A MEETING OF THE  
DEVONPORT REGIONAL GALLERY ADVISORY BOARD  
MEETING HELD TUESDAY, 11 JUNE 2019 5.38PM**

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**PRESENT**

Josephine Kelly (Chair), Cr John Alexiou, Cr Peter Hollister, Lee Dixon, Alexandra Morse, Marilyn Raw, Carol Whish-Wilson, Geoff Dobson, Megan Burton

**1.0 APOLOGIES**

Cr Alison Jarman, Alister McCrae, Karen Mathew

**NOT PRESENT**

Vienne Breheney, Linda Johnston

**2.0 DECLARATION OF INTEREST**

NIL

**3.0 CONFIRMATION OF PREVIOUS MINUTES**

The group reviewed and noted the minutes of the Devonport Regional Gallery Advisory Board meeting held Wednesday, 10 April 2019.

*Moved: C Whish-Wilson/ M Raw*

**CARRIED**

**4.0 ACTION LIST**

Reviewed and updated; attached.

**5.0 REPORTS****5.1 Gallery Report**

Attached

*Moved: L Dixon/M Raw*

**CARRIED**

**6.0 GENERAL BUSINESS****6.1 Acquisition Policy**

Group reviewed and discussed the revised Acquisition Policy, proposed to be renamed the Devonport Regional Gallery Acquisition and Collection Policy. Key changes to the policy have been made to the criteria to align with the aims of Gallery, and for Tidal to align with the policy and these aims. Moving forward, the committee will include an Acquisitions Sub-Committee.

The revised policy was endorsed by the group.

*Moved: L Dixon /P Hollister*

**CARRIED**

**6.2 Solo Commission Selection**

The group discussed the selection process for the \$5000 Solo Commission.

1. Option #1: artist should be approached with the offer of the commission
2. Option #2: an invitation should be extended to a shortlist of artists to submit one-page proposal to be submitted for decision to offer commission

The group endorsed Option 2 for selection process.

**Action:**

Geoff to take back feedback to Gallery staff.

**6.3 Application for the Committee**

Link distributed to current group, applications close 26 June 2019.  
This meeting last as Devonport Regional Gallery Advisory Board; moving forward the committee will be called the parnaple arts centre Special Advisory Committee.

**Action:**

Interested parties to submit online Expression of Interest by closing date.

**6.4 Public Art Proposal**

Mary Binks Wetlands Public Art proposal is attached.  
Support given from a number of groups and Council works department.

The group reviewed the proposal and endorsed the project.

Moved: M Raw / L Dixon

**CARRIED**

**Action:**

GD to discuss collaboration with Melaleuca for the project with Debbie Qadri.

**6.5 Engagement with Potential Supporters**

Invite business leaders and politicians to openings to begin engaging with potential sponsors. Targeting key people, links with exhibitions (eg. Tas Alkaloids and the nature/science exhibition scheduled for 2020). Personal touch invitations work well. Funding for exhibitions not required as covered by exhibitions budget, but funds towards acquisitions policy and Tidal prize money would be boost.

**7.0 AGENDA ITEMS FOR NEXT MEETING**

New sub-committee formations

**NEXT MEETING TO BE CONFIRMED**

Future Meetings to be confirmed pending formation of new committee and preferred day/time

**MEETING CLOSED 6.57PM**

**DEVONPORT REGIONAL GALLERY ADVISORY BOARD ACTION LIST  
MEETING HELD 11 JUNE 2019**

<b>DATE</b>	<b>ACTION</b>	<b>RESP. PERSON</b>	<b>STATUS</b> Not started In progress On-going Completed	<b>COMMENT</b>	<b>DUE</b>
<b>13 FEB</b>	2020 Exhibition Program	MB	In progress	Collate list of current 2020 Exhibition Program for distribution	Aug 2019
<b>10 APRIL 2019</b>	Acquisition Policy terms and Tidal criteria	GD	Completed	Draft of revised criteria to be presented to Board.  Update: Endorsed at June meeting	12 June
	Tidal Sponsorship	GD/All	On-going	Sponsorship partnerships to be investigated to increase Tidal prize money	June 2020



## Gallery Report June 2019

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### EXHIBITIONS

**2 March – 2 June 2019**

***Littoral***

Opened Friday 15 March 2019

Opening attendance: 46

**16 March – 19 May 2019**

***Placing Things Kelly Austin***

Opened Friday 15 March 2019

Opening attendance: 46

**16 March – 26 May 2019**

***Del Kathryn Barton: The Nightingale and The Rose***

Opened Friday 15 March 2019

Opening attendance: 46

**16 May – 2 June**

***International Museums Day – Foyer Presentation***

Foyer

Special Event Thursday 16 May, attendance: 22

**25 May – 21 July 2019**

***10 Objects – 10 Stories Celebrating Community Collections***

Little Gallery

Opened Saturday 25 May 2019 (Official Opening Friday 7 June)

Opening attendance: 42

**EXHIBITION 8 June – 28 July 2019**

***As far as the eye can see***

Main Gallery

Opened Friday 7 June

Opening attendance: 42

**EXHIBITION 8 June – 25 August 2019**

***Uncanny***

Upper Gallery

Opened Friday 7 June

Opening attendance: 42

### VISITATION

Month	Main Entrance	Main Gallery (In)
April	3538	893
May	4991	707



## Gallery Report June 2019

**EDUCATION & PUBLIC PROGRAMS 10 April – 10 June 2019**

<b>Program</b>	<b>Attendance</b>	<b>Date</b>
Spreyton Primary (Gr3-4): Gallery Visit & Workshop	50	10 April
Outreach: Devonport Community House: Workshop: Wind spinners	7	11 April
Youth Week Tasmania, Embrace the Place: Creative Space In Market Square	70	12 April
Children's University Tasmania (CUT) 4 groups Gallery tour and workshop	70	15 April
School holiday program: Paper Making Basic	41	16 April
Friends Workshop: Painting in the spirit of Del Kathryn Barton Tutor: Deb Conroy	15	16 April
School holiday program: Paper Making - Stencils and pulp painting	26	17 April
School holiday program: Weaving baskets with natural materials	41	18 April
School holiday program: Weave & Wrap - Animal sculptures	50	24 April
Untutored Life drawing	8	30 April
Untutored Life drawing	8	7 May
Toddler Pop Up	2	7 May
Create & Make	23	8 May
Gallery visit: TASTAFE Certificate 2 Art	17	10 May
Gallery visit: Orana Day service	9	13 May
Youth Art	4	13 May
Create & Make	13	14 May
Untutored Life drawing	7	14 May
Create & Make	16	15 May
Friends International Museum Day	22	16 May
Youth Arts	4	20 May
Untutored Life drawing	5	21 May
Create & Make	15	21 May
Make and Create	20	22 May
Outreach: Munnew Day Service Responses to Robinson Images	10	23 May
Gallery visit: Devonport Highschool	10	23 May
Twilight Talk: Marilyn Raw, Curator on Littoral	12	23 May
Youth Arts	5	27 May
Create & Make	12	28 May
Create & Make	18	29 May
Youth Arts	4	3 June
Create & Make	15	4 June
Create & Make	23	5 June
Droogs Workshop: Print and paint on textile	5	6 June
Exhibition Opening: Afatecs, 10 Objects, Uncanny	42	7 June
Floor talk: Artist Gary Shinfield for Afatecs	10	8 June
<b>Total</b>	<b>709</b>	



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**Gallery Report June 2019**

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**STAFF**

Erin Wilson attended the Australian Museums and Galleries Association National Conference in Alice Springs, 13 to 17 May. The conference theme was At the Centre: Our People, Our Places, Our Practices. Themes of indigenous representation, accessibility for diverse groups and directly engaging community members in the development of policies and programs were key to the conference. Erin presented a paper titled *Engaging community members as curators and citizen curators*. This paper focused on Erin's PhD research and work with the Gallery's Robinson Collection, through The Robinson Project; a project that engaged community members as keepers of knowledge, and co-producers of historical and cultural narratives, with the aim of facilitating the self-representation of the community through an historic photographic archive .

**THE DROOGS**

The Droogs are now holding monthly workshops, open to people aged between 15 – 30 years. The workshops are followed by a meeting for the members of the committee.

Six of the committee members selected works for the International Museum Day display in the foyer space and four of them were present to talk on their choice.

**GALLERY WEBSITE**

Niche Ignite have begun work on the new Devonport Regional Gallery website. It is expected to go-live in the first quarter of the new financial year 2019.

**SIGNAGE**


Signage to the entrance of the Main Gallery has been installed. The intention is to highlight the Gallery entry point and provide information on the content of all three gallery spaces.

A large sign has been installed on the façade of the building.

Wayfinding signage for the paranapple precinct has been finalized and likely to be installed in the in near future Likewise, wayfinding signage throughout the city and mall has been finalized and likely to be installed in the coming months.

**STEWART STREET GALLERY**

Council resolved at the April Meeting to seek a commercial lease for 45 Stewart Street.

	<b>DEVONPORT REGIONAL GALLERY ACQUISITION AND COLLECTION POLICY</b>		
POLICY TYPE	POLICY ADOPTED (DATE)	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM):
Council			
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Convention and Arts Centre Director	Convention and Arts Centre Director	4.2.3 – Develop and implement an integrated approach to art	
<b>PURPOSE</b>	<p>To ensure sound management of the Devonport City Council's Permanent Collection, managed by the Devonport Regional Gallery. Key objectives of the policy are to:</p> <ul style="list-style-type: none"> <li>• Conserve, document and develop the Collection in accordance with International Council of Museums (ICOM) Code of Professional Ethics;</li> <li>• Develop a Collection that is cohesive, focused and significant within Tasmania;</li> <li>• Provide an effective, open and accountable system of acquiring and de-accessioning of works;</li> <li>• Preserve, protect and conserve its assets through effective management of the Collection;</li> <li>• Provide and advocate access to the collection through exhibitions and public programs;</li> <li>• Provide guidelines for the expenditure of the annual allocation of funds for the acquisition of artworks for the Collection.</li> </ul>		
<b>SCOPE</b>	<p>The policy applies to all artworks and cultural objects in the Collection, including artworks that are currently on display in public buildings.</p>		
<b>DEFINITIONS</b>	<p>Definitions:</p> <p>To assist in the interpretation the following definitions shall apply:</p> <ul style="list-style-type: none"> <li>• 'Artworks' shall mean various art mediums including paintings, drawings, prints, photographs, ceramics, sculpture, textiles and electronic media;</li> <li>• 'Gallery Staff' shall mean Council employees whose position is predominantly to assist in the delivery of the Gallery Exhibition program, namely the Convention and Arts Centre Director, Curator and Visual Arts Coordinator;</li> <li>• 'Advisory Committee' shall mean parnaple arts centre Special Advisory Committee;</li> <li>• 'Collection' shall mean City of Devonport Permanent Collection;</li> <li>• 'Council' shall mean Devonport City Council;</li> <li>• 'Gallery' shall mean Devonport Regional Gallery.</li> </ul>		

<b>POLICY</b>	<p>The Devonport Regional Gallery will acquire significant artworks by Tasmanian artists. Focus will be on collecting works by practising, contemporary artists, with the aim that over time the Collection will become a strong, accumulative record of serious artistic activity and development within the state of Tasmania. The Collection will be unique, owing to its representation of Tasmanian practitioners, and hence will have state, national and international significance.</p> <p>The policy is intended to bring together the disparate elements of the existing Collection by assessing the relevance of each item in accordance with the Collecting Guidelines outlined below.</p> <p>The Policy will support the growth of a collection of significant artworks, craft and design that embodies the best of contemporary practice within the state of Tasmania.</p> <p>The Collection benefits Devonport by:</p> <ul style="list-style-type: none"> <li>• Identifying the City's heritage and honouring the region;</li> <li>• Assisting to build a community identity;</li> <li>• Contributing to the development of cultural services that enriches the quality of life offered in the City;</li> <li>• Integrating works of art into the community so the community is regularly exposed to quality art;</li> <li>• Reflecting the culture and interests of the community and the state of Tasmania;</li> <li>• Providing an educative function for academics, artists and curators;</li> <li>• Providing access to key aspects of the development of contemporary art, craft and design in Tasmania;</li> <li>• being a valuable drawcard for cultural tourism;</li> <li>• Acting as an important reference point for art studies for children, art students, researchers and residents;</li> <li>• Maintaining the tradition established by the foresight of past Gallery Directors, Committee members and Elected Members of Council.</li> </ul> <p>The Collection is held in trust by Council for the community and the proper stewardship for this asset will provide maximum exposure, utilisation and benefits for the community, the Devonport Regional Gallery and Council.</p> <p><b>Collection Profile</b></p> <p>The Collection is managed by the Gallery.</p> <p>The Gallery was founded as The Little Gallery by Mrs Jean Thomas in 1966. During the late 1960s and 1970s the Gallery's exhibition program supported emerging, contemporary Tasmanian artists and Thomas' decision to purchase one work from each exhibition formed the genesis of Council's permanent collection.</p> <p>In 1979, Council purchased The Little Gallery and gained custodianship of the Collection. The Collecting focus has varied between Directors since Council began managing the Gallery and hence the Permanent Collection comprises a number of disparate components, including:</p> <ul style="list-style-type: none"> <li>• Art Collection – approximately 2100 items including works by Tasmanian and Australian artists, and objects of the collection known as the Moon Collection;</li> </ul>
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- Robinson Photographic Collection – approximately 100,000 photographic negatives;
- Davis Collection (DC) – items of obsolete technology, includes televisions and gramophones;

Strategic management of the Collection will ensure its potential significance is realised as individual items are acquired, de-accessioned, and maintained according to the guidelines outlined in this document.

#### **paranaple arts centre Special Advisory Committee**

The Advisory Committee's role in relation to the Collection is to provide advice and recommendations to Council on the following:

- Assistance in the identification of, and strategic advice on, the acquisition of art works;
- Endorsement of recommendations from Gallery staff for the acquisition of art works;
- Input and advise on Collection related policy development;
- Act as ambassadors for the Gallery, actively advocating on behalf of and promoting the Gallery initiatives and the Collection at local, state and national levels;
- Engage the local Devonport and regional community in Collection exhibitions, activities and programs; and
- Support Council efforts to attract funding and other resources in accordance with identified needs and the strategic direction of the Gallery.

#### **1. ACQUISITION:**

##### **1.1 Acquisition Criteria**

This policy recommends that works of art, craft, and design acquired by Council for accessioning into the Collection by purchase, commission, gift or donation fulfil the following criteria:

- a) The artist is identified as Tasmanian by either birth, or by having demonstrated a strong and ongoing association with in Tasmania for no less than two years, which is evident in their practice;
- OR**
- The artist is able to adequately demonstrate a strong connection to Tasmania, which is evident in the work recommended for acquisition;
  - b) The artist demonstrates a history in visual arts practice or, in the case of emerging artists, the realistic potential for establishing a long-term career in the visual arts;
  - c) The condition of the work must be assessed as fair and stable, and any risk of damage or deterioration of the work in the Gallery's storage facility or display should be addressed prior to acquisition;
  - d) Purchases for the Collection must be accompanied by a Certificate of Authentication from the Vendor/Gallery where the work was purchased or an equivalent signed document from the artist;
  - e) The work, or works, directly purchased by Council (excludes donations, or works purchased by other means) does not exceed the annual acquisition budget (capital budget) set by Council.

##### **1.2 Acquisition Criteria - Exceptions**

- a) To provide an opportunity that is outside the Acquisition Criteria, artworks may be acquired where it can be demonstrated that there would be significant value in acquiring a certain artwork due to its

cultural relevance, and would need to be assessed as significantly benefiting the Collection and City of Devonport.

### 1.3 Tidal: City of Devonport Art Award

To assist build a value collection of contemporary Tasmanian art, Tidal: City of Devonport Art Award will be presented as an acquisitive award. The entry criteria will align with the acquisition criteria:

- a) The artist is identified as Tasmanian by either birth, or by having demonstrated a strong and ongoing association with Tasmania for no less than two years, which is evident in their practice;

**OR**

The artist is able to adequately demonstrate a strong connection to Tasmania, which is evident in the work entered in the award;

- b) The artist demonstrates a history in visual arts practice or, in the case of emerging artists, the realistic potential for establishing a long-term career in the visual arts.

### 1.4 Acquisition Procedure

Works for acquisition can be proposed by Gallery staff and/or members of the Special Advisory Committee. Proposals are to be considered and discussed by an Acquisition sub-committee, made up of Gallery Staff and nominated members of the Special Advisory Committee.

The sub-committee has the responsibility to assess proposals against the acquisition criteria.

As the officer with the financial delegation related to the expenditure of Council Capital budget, only the Convention and Arts Centre Director can provide advice on, and report against, the acquisition budget which is to form part of the assessment procedure.

Once a work is identified and recommended by the acquisition sub-committee, the recommendation is to be documented by Gallery Staff, detailing the recommendation's relevance against the Acquisition Criteria.

Recommendations then require to the endorsement of the Advisory Committee and are to be co-signed by the Committee Chair and Convention and Arts Centre Director.

Proposals endorsed by the Advisory Committee will be reported to Council.

The provenance of all artworks approved for acquisition will be checked and approved by Gallery staff prior to purchase.

The legal title of all works will remain with Council.

Copyright of acquired works remain with the artist. (*Generally, copyright is valid for the life of the artist plus 70 years, refer to the Copyright Act 1968*). At the time of acquisition, the Gallery will seek the artist's permission to publish images of the work for reasons solely related to the promotion of the Gallery, the Council, and the Collection. This will be undertaken according to the *Copyright Act 1968*.

All artworks approved for acquisition will be officially accessioned into the Collection.

**1.5 Donations**

Encouragement of philanthropy is a strategic approach to support the realisation of specific targets and goals of the Collection. The Gallery has Deductible Gift Recipient Status, which assists in encouraging donations of artworks.

The *Cultural Gifts Program* encourages gifts of significant cultural items to public art galleries by offering donors a tax deduction for the market value of their gifts. Artworks accepted as a donation for the Collection must have cultural importance relative to the Collection and therefore meet the Acquisition Criteria. It is the responsibility of the donor to have the artwork assessed by two valuers and arrive at an average based on these two assessments. This value will be used for the purpose of insurance and recorded on the Collection data base. The donor can use this information to claim an income tax deduction.

**1.6 Donation Exceptions**

To provide for the exceptional Gift or opportunity that is outside the acquisition criteria, artworks may be accepted where it will benefit the Collection and the City. Gifts to the Collection will be encouraged with a view to enhancing the congruence of the Collection. The Advisory Committee will assess each exceptional Gift or opportunity that do not meet the acquisition criteria, and will accept or refuse such offers of gifts as they occur and report them to Council.

**2. DEACCESSION AND DISPOSAL:****2.1 Deaccessioning**

'Deaccessioning' is the formal process of removal of an object from the collection register, catalogue or database.

'Disposal' is the physical removal of the object from the organisation by the process decided upon by the Advisory Committee.

Objects identified and approved for disposal must remain in the Collection for a minimum period of 12 months after the deaccessioning approval has been granted.

Deaccession decisions, like acquisition decisions, are based on objective criteria and not personal taste. Gallery staff shall determine whether a work of art should be considered for deaccessioning or disposal of: if the work does not legally belong to the Collection; is damaged or inappropriate for the Collection or does not relate to the Collection Policy. The proceeds from any sale of a deaccessioned work must be reserved and applied only to acquisitions. The proceeds from any sale are to be entered into Council's Assets budget.

**2.2 Deaccession Criteria**

The following classes of works may be considered for deaccession:

- a) Works which may not have been lawfully obtained by the Devonport Regional Gallery or the Devonport City Council or which may legitimately be claimed by an individual or their heirs, trustees or representatives, or by an organisation or institution representing a claimant community or nation;
- b) Works which are in poor physical condition, whether through accidental damage, deterioration or infestation and which are

- beyond restoration to a level suitable for public display, scholarly use or other appropriate museum purposes;
- c) Works which have been determined to be forgeries, or which have been falsely or wrongly attributed;
  - d) Works which fall outside the parameters of the Collection, as defined by the acquisition criteria (refer Section 1.1).

### **2.3 Restrictions**

Works shall not be deaccessioned which are subject to a trust or other legal impediment which forbids deaccessioning. Works which were acquired less than ten years prior to the time of the proposed deaccession shall not be deaccessioned.

### **2.4 Deaccession Procedure**

Based on the Collections Policy, and the Significance Assessment of individual collections within the overall Collection a proposal for deaccessioning shall be initiated by Gallery staff, to be considered by the Advisory Committee.

Except in the case of returns, the Gallery and Council's clear and unrestricted title in the work shall be established.

A written deaccession proposal shall be prepared by Gallery staff for the Advisory Committee, and the proposal is to include:

- a) Accession number;
- b) Provenance including full details of the circumstances of the work's acquisition, including any prohibitions or restrictions on deaccessioning, including statutory restrictions;
- c) Reasons for the proposed deaccessioning;
- d) Recommendations for the means of disposal;
- e) Estimated current market value of the work.

The work shall be approved in principle for deaccessioning on the absolute majority vote of the Advisory Committee. Works that have the endorsement of the Committee for deaccessioning will be recommended to Council.

The object/s identified for deaccession must be placed separately in the storage facility away from the rest of the Collection. All items endorsed for deaccessioning must be set aside for a 12 month 'cooling off period' prior to active disposal.

If the object/s is approved for deaccession, the object/s must be removed from the Permanent Collection records including the computer database and hard copy files. The deaccessioning of the object must be recorded in the collection data base. A deaccessioned object's number cannot be used again for another object.

If an object is to be sold at auction, and does not possess a current valuation, a certificate of valuation must be sought.

### **2.5 Methods of Disposal**

Objects identified and approved for disposal must remain in the Collection for a minimum period of 12 months after the deaccessioning approval has been granted. At the end of such period, Gallery staff, in consultation with the Advisory Committee, will

determine which of the following methods is most appropriate for disposal of the identified item;

- a) Return the object to the donor, if donor in agreement;
- b) Transfer to another institution. This will be an institution with a similar collecting area, i.e. if a maritime related object, a maritime museum would be appropriate;
- c) Exchange with another institution;
- d) Sale by public art auction or by tender;
- e) Destruction – only to be carried out if the object has irreparable damage;

#### **2.6 Restrictions**

Under no circumstance shall a deaccessioned work be purchased by or transferred or given to any Trustee, Devonport City Council elected member, employee, volunteer or Committee Member, or any member of their immediate families.

#### **2.7 Exception**

Unless purchased in an open and transparent process, which provides fair opportunity to the Community, for example, a public auction.

#### **2.8 Recording deaccessioned information**

Note on the accession register that the object has been deaccessioned; this information must remain on record. A deaccessioned object's number can never be used again.

All decisions and actions are to be fully documented and recorded on the Collection database and the object removed from Council's asset management register.

### **3. Collection Management:**

#### **3.1 Storage, Valuation and Insurance**

Gallery staff will endeavour to ensure each item in the Collection is housed according to international standards and best practice regarding conservation, handling, storage, cataloguing and security.

Routine monitoring of the Collection will be conducted and reported in the following ways:

- a) Weekly facility storage check, this includes atmospheric conditions relating to the Robinson Collection;
- b) Biannual assessment of the condition of the Collection, with any identified conservation requirements, recorded, prioritized and actioned;
- c) Annual assessment of storage requirements. Improvements identified are to be included for consideration by Council in future capital budget projections;

Revaluation of the Collection is recommended every five years, and not beyond 10 years, to ensure works are insured according to value. Changes in status of Artists can and does impact on the value of Art works.

The Collection's insurance value is of priority. All works are to be valued by an accredited art valuer. Evidence of the valuer's credentials will be requested and recorded.

**3.2 Display and Promotion**

An important part of the exhibition program is the provision of a Collection known both for its quality and diversity.

Gallery staff will promote the Collection by curating collection-based exhibitions in accordance with the Gallery's strategic plan.

Gallery staff will endeavour to ensure that art works from the Collection are displayed according to international standards and best practice regarding museum and gallery conservation, handling, storage, cataloguing and security.

Alternative exhibition spaces to the Devonport Regional Gallery are required to be secure public areas where works can be shown safely. Criteria for public display of the Collection falls part of the Exhibition Policy.

**3.3 Loans**

All loans from the Collection will be managed by a formal loan agreement, including information regarding freight arrangements and insurance details, confirmed before art works leave Council premises.

Works of art will be available for loans in the order of priority listed below:

- a) Devonport Regional Gallery exhibitions;
- b) Temporary exhibition loans to other galleries and museums, including interstate venues;
- c) Council offices;
- d) Public and other suitable spaces.

Images and a brief description of selected works of art from the Collection are accessible on [www.devonportgallery.com](http://www.devonportgallery.com). As an ongoing initiative, Gallery staff will endeavour to upload images to ensure the Collection is represented in the broadest possible context.

**3.4 Conservation**

The Gallery will only engage professionally trained or suitably qualified conservators to undertake conservation on any work of art from the Collection.

**3.5 Record Management and Documentation**

All items in the Collection will be documented within the Devonport City Council asset management system. Details regarding each item will be as specific as possible, including an image of each item, a brief description, provenance, an accession number, artist details, current location update, and a given value. The following numbering system will be used for accessioned items: year the work is acquired i.e. 2012 then a full stop followed by a number in order of acquisition i.e. 2012.002 – (002 denote the second work acquired in 2012).

**3.6 Access**

Gallery staff aim to ensure that, wherever possible, the Collection, and information pertaining to it, is available to researchers requesting access. Any access to the collection/storage facility shall be under the supervision of Gallery staff or nominated Council Officer.

	<p>Maintenance workers checking equipment and/or building will also need to be accompanied by nominated staff.</p> <p><b>3.7 Priorities</b>            Priorities for managing the Collection are developed in consultation with the Advisory Committee. Budget restraints will determine what can be achieved in particular timeframes:</p> <ul style="list-style-type: none"> <li>a) Promote the Collection on the Gallery website;</li> <li>b) Expand the Collection by continued acquisition of new work;</li> <li>c) Exhibit the Collection;</li> <li>d) Undertake assessments of the Collection and actions associated with conservation and collection management;</li> <li>e) Risk Management;</li> <li>f) Undertake regular valuations to provide for appropriate asset and insurance assessments;</li> <li>g) De-accession works with no relationship to the Collection Criteria.</li> </ul>		
<b>LEGISLATION AND RELATED DOCUMENTS</b>	<i>Local Government Act 1993</i> <i>Copyright Act 1968</i> Asset Management Policy International Council of Museums Code of Professional Ethics Museum Collections Management Standards		
<b>ATTACHMENT/S (IF APPLICABLE)</b>			
<b>TRAINING REQUIREMENTS (IF APPLICABLE)</b>	Is training required as result of this Policy	<b>YES</b>	<b>NO</b>
	Training required by:	Councillors Staff	Department

## **Paver Project for the Mary Binks Wetlands**

### **Concept**

Produce a series of between 10-20 pavers to be embedded in the current paths at the Mary Binks wetlands. Pavers would feature flat ceramic artwork by local children, which is surrounded by a mosaic background made by the Devonport Community House mosaic group.

### **Background**

Debbie Qadri was contacted by three members of the East Devonport Village People, who said they were interested in putting some artwork by local children into the wetlands. They had heard that Debbie had experience with doing these types of projects.

Debbie contacted Garry Corcoran, Parks and Reserves Co-ordinator for Devonport City Council to discuss the idea of decorating pavers with ceramic artwork made by the children and mosaic by a local mosaic group. He was very positive about the idea and said that the pavers could be embedded into existing paths. These paths might be gravel or asphalt.

Debbie met with the Village people on the 6<sup>th</sup> May and told them about the idea and they were supportive of it. Debbie also emailed Meg Lutwyche from Reece High School to see if she would be involved in the project if Debbie undertook to conduct the clay workshops and she said she would be happy to organise a lunch time workshop. Brett Youd from East Devonport Primary School has also been contacted to see if the school would host a workshop. The East Devonport Child and Family Centre have also offered to be involved.

### **Safety**

- Debbie would run the ceramic workshops, ensuring that safety is discussed with participants.
- Debbie would conduct an induction with the mosaic group on safe handling of materials for mosaicking and also ensure that the grouting procedure is conducted safely.
- All ceramics made for the pavers would be very low relief or flat, and not cause a trip hazard if they are embedded at ground level.
- Mosaics would be grouted and sharp edges removed with a sharpening stone.
- Pavers would be installed so that their tops were at ground level.
- Pavers would be de-commissioned immediately upon deterioration so that no maintenance is needed unless it is considered worthwhile.

**Budget**

Pavers \$100-200

Clay, coloured underglazes, glaze and firing – donated by participating schools or local ceramicists

Tiles - donated

Tile adhesive, grout \$50

Safety equipment face masks, filters and gloves – from the Devonport Regional Gallery, existing equipment or Creative Learning and Public Programs budget. \$100

**Process**

Approval for project from Public Art Advisory Board

Workshops held with local children.

Ceramic artwork fired, glazed, refired,

Ceramic artwork embedded onto paver with mosaic by the Devonport Mosaic Group

Pavers delivered to the Parks and Reserves Dept. of Devonport City Council.

Pavers embedded in path by Parks and Reserves

**Maintenance**

Pavers are only constructed with cement-based adhesives and grout so that they harden over time and are less likely to be deteriorated by adverse weather.

Any maintenance should be undertaken with cement-based adhesives and grout, such as ceramacrete, davco slate and quarry grout with additives such as bondcrete if needed.





Example of childrens' ceramic artwork embedded into mosaic (though this example is not flat).

The flat black tiles (of stars in the sky) are examples of carving back into liquid underglaze on a pre-made bisque tile. This method will also be utilised as it results in flat tiles with very detailed artwork.



**MINUTES FOR A MEETING OF THE  
EAST DEVONPORT SPECIAL INTEREST GROUP  
MEETING HELD WEDNESDAY, 19 JUNE 2019 3.30PM**

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**PRESENT**

Cr Jarman (Chair), Cr Alexiou, Tracey Carter, Jenny Mountney (arrived 3.39pm), Scott Newman, Frances Wilson, Karen Hampton, Michael Williams (departed 4.03pm), Charmane Hardy and Danielle O'Brien

**1.0 APOLOGIES**

Mayor Rockliff, Maureen Clarke, Neil Newman

**NOT PRESENT**

Cr Murphy

**2.0 DECLARATION OF INTEREST**

NIL

**3.0 GUEST**

Michael Williams - Infrastructure and Works Manager

Following on from the last meeting, a number of questions were raised by the Group for Mike to address:

- Bike path  
Wright Street Roundabout/Traffic leaving the Spirit of Tasmania
  - Council will wait for further information from Tasports and TT-Line regarding their future plans for the East Devonport Port, prior to making recommendations.
  - Council are a stakeholder (not a driver), so will lobby those involved on behalf of the Community.
  - Gantry signage directs people straight through the roundabout.
  - TT-Line recognise this as an issue, and one option they are looking at for future plans are to split the entry/exit roads.
- Coastal Pathway  
Project is funded, scheduled to start prior to Christmas
- Cemetery in Pioneer Park
  - Council are working to ensure the site is safe
  - Council currently focussing on other Pioneer Park projects ie: South/West corner.
- Garden of Reflection
  - Council are working to develop a plan with the East Devonport Village People.
  - When available, the East Devonport Special Interest Group will review the Plans and make recommendations to Council.
- Mary Binks Wetland – Paver Project
  - Paver Project could align with upgrading of a path within the wetlands. The upgrade and paver project is to be approved by Council
- East Devonport Beach – Rising Sea Levels
  - Coastal erosion is an issue being looked at by Federal/State/Local Government.

Cr Jarman thanked Mr Williams for attending the meeting and answering the queries put to him.

**4.0 CONFIRMATION OF PREVIOUS MINUTES**

The group reviewed and noted the minutes of the East Devonport Special Interest Group meeting held 16 April 2019.

*Moved: Cr Alexiou/F Wilson***CARRIED****5.0 ACTION LIST**

Group reviewed and noted the Action List and updated as required.

**6.0 INFORMATION SHARING**East Devonport Child and Family Centre

- Successfully received a Relationships Tasmania Grant - Men's Suicide Prevention Evening.  
Evening will include a screening of Jimmy Barnes answering scripted questions (Jimmy Barnes unable to be there in person due to ill health).
- Devonport Jazz
- Childcare Pilot: Going well. The five higher needs children have shown immense growth. This pilot also works with the mothers, and all mothers have seen an increase in self-care during the program.
- Food Drive  
Run by East Devonport Child and East Devonport Community House. Receiving great support from Rotary and Lifeway Baptist. Food coming from the area, going out to the area.

Council

- Seniors Week: Council Seeking Expressions of Interest for a weeklong calendar  
COTA, Seniors Week Expressions of Interest cut off 7 July 2019
- Keep Australia Beautiful Awards – Community based

East Devonport Community House

- Successfully received a Relationships Tasmania Grant for Project - Grow a Row. Working with Melaluca, and community members to put in 'another'/an extra row of vegetables, to give to the Community House to give out to those in need.
- Received a grant to create Packs. Different Packs will be for people new to the Community or in Crisis, just out of hospital etc.
- Due to get a Pink Box – Sanitary product dispensing machine

Cr Alexiou

Devonport Food and Wine – East Meets Greek Event at Foodworks supermarket

SN

Working on the Devonport City Guide – A Website to promote local business and events. Launching next week. Devonport.net.au

Cr Jarman

Christmas Gift Project – Cr Jarman to arrange, asks for numbers (gender and age groups) around Sept/Oct.

**7.0 AGENDA ITEMS FOR NEXT MEETING**

- Guest - BioMar Representative to be confirmed
- New Membership
- Terms of Reference

**NEXT MEETING TO BE CONFIRMED**

**MEETING CLOSED 4.50PM**

**EAST DEVONPORT SPECIAL INTEREST GROUP ACTION LIST  
MEETING HELD 19 JUNE 2019**

DATE	ACTION	RESP. PERSON	STATUS Not started In progress On-going Completed	COMMENT	DUE
16 APRIL 2019	Sporting Clubs, accessibility for Low Income families		On-going	Investigate and share low cost arrangements with sporting clubs to increase participation of low-income families.	
	Welcome to Devonport Signage	Visitor Services	In progress	Council Visitor Services investigate who owns the Signage on building "15 Tables", "Welcome to Devonport and Relax" – request a refreshed sign.	
12 FEBRUARY 2019	Undertake conservation of the historic Cemetery located in Pioneer Park	Mayor R	In progress	In efforts to preserve in accordance with Heritage Listings. Long Term Project 1. Find out legally what changes need to be made/what can be done. 2. Work with Church 3. Invite a Service club to assist	
	Cycle paths/Lanes	Cr A	Completed	Investigate cycle lane beside truck route.  Cycle way to bridge could have cleared markings.	
	Kiah Place Playground		In progress	Playground equipment to be replaced or removed – to meet current compliance standards.  Group provided feedback.	
9 OCT 2018	Advocating for the East Devonport Community	KH	Completed	BioMar Human Resources Representative to be invited to a future meeting.	
26 JUNE 2018	Garden of Reflection – Pioneer Park		In progress	Future Works  July 2018 Council Recommendation: consider the development of a conceptual plan in the future, dependent on priorities emanating from the Pioneer Park Master Plan.  Email received 11 May 2016, on behalf of Mersey Apex, Ald Goodwin granted permission to relocate the memorial plaque.	

DATE	ACTION	RESP. PERSON	STATUS Not started In progress On-going Completed	COMMENT	DUE
17 APRIL 2018	East Devonport Outdoor Fitness Equipment Update	KH	Completed	Equipment installed and actively being used by the community  Ablution block replacement began in March 2019. Ablution block will include hot shower facilities to be locked overnight.	
	East Devonport Retailers	KH/Cr Jarman/ NN/JR	In progress	April 2019 Invitation sent out to Workshop. Due to the small response received, meeting postponed. Cr Jarman and Cr Alexiou to engage with retailers.  9 October 2018 - East Devonport Retail Strategy Workshop Report distributed to the group.	
	East Devonport Community Plan	All	In progress	Group to update actions completed/Identify future actions. Share document sent 2 July 2018.	
7 OCTOBER 2017	East Devonport Shopping Sign		In progress	16 April – Cr Jarman to seek retailers support.  12 Feb 2019 – Cr Jarman to source information and funding.  Location: -41.183090, 146.412264 Latrobe municipality.  Cr Jarman has spoken to the owner of the property. The sign has been there for about 30 years.  KH/ DO'B advised by Latrobe Council (April-August 2018) that the requirements are the same as DCC planning requirements. DO'B has signage requirements provided by Dept of State Growth and DCC Planning. Signage Codes dictate that signage would need to be for visitor information and destination direction.	

## 7.2 COMMUNITY SERVICES REPORT - MAY/JUNE 2019

File: 29530 D580528

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

#### Council's Strategic Plan 2009-2030:

- Strategy 5.4.1 Provide timely, efficient, consistent and quality services which are aligned with and meet our customers needs

### SUMMARY

This report provides a summary of the activities undertaken in the Community Services Department during the period from 1 May 2019 to 30 June 2019.

### BACKGROUND

This report is provided to the Governance, Finance and Community Services Committee and aims to update the Councillors and community on matters of interest.

### STATUTORY REQUIREMENTS

Council is required to comply with the provision of the *Local Government Act 1993* and other legislation. The functional areas of Council covered in this report include:

- Community Services and Engagement
- Recreation and Sports Development
- Events and Marketing
- Environmental Sustainability

### DISCUSSION

#### 1. COMMUNITY SERVICES

##### 1.1 **Community Services Manager's update**

- With the Mayor escorted the Governor on her visit to Devonport on 1 May
- Met with representative of Devonport Men's Shed to review their partnership agreement with Council
- Attended LGAT Regional Breakfast – Lee Whiteley from UTAS was the guest speaker
- Facilitated a Council workshop with Clare Hester, ERA Planning re Kelcey Tier Draft Master Plan
- Met with Principals of Reece, Latrobe and Devonport High regarding parent and community cyber-safety forum
- Met with Vos Constructions and 6ty regarding Gymnastics Centre construction
- Met with Troy Crystal, Department of State Growth re Sister City relationships
- Attended Operational and Capital Works Budget workshops
- Attended the National Families Week free event – Showing of the movie "Trolls" in the paranapple convention centre
- Met with Burnie City Council re cruise ship opportunities
- Attended breakfast to celebrate Council's Volunteers – Volunteers Week
- Met with AFL Tasmania regarding funding priorities for Council facilities
- Attended Reece High School Assembly
- Attended Anti-Bullying, Resilience and Cyber Safety Parent and Community forum
- Attended East Devonport Beach All Abilities Official Opening

- Attended Annual General Meeting of Maidstone Park Controlling Authority – Ted van Overmeeren re-appointed President for a further 12 month term, a position he has held since 1994. Ted has been a member of the Committee Executive since 1968.
- Attended Community Budget Information session
- Meeting with Devonport Basketball Council Board
- Meeting with representatives of Devonport Football Club and State Government regarding funding submissions
- Attended LGAT's Community Health and Wellbeing forum where I was invited to present on Council's "Square Peg" program

## 1.2 Events/Programs/Activities

- 1.2.1 Youth Family and Community Connections – Annual Report to Council  
Youth Family and Community Connections has provided its annual report to Council regarding the outcomes of the Council's partnership with them. The report is attached for information.

- 1.2.2 Bullying, Resilience and Cyber Safety Forum  
Council partnered with Devonport High, Reece High, Latrobe High Schools and Latrobe Council to deliver a community forum on bullying, resilience and cyber safety. About 190 community members attended a forum Monday, 3 June in the paranapple convention centre, with many more attending Information Sessions held at the High Schools. International speaker Jonny Shannon shared his experiences growing up being bullied and provided insight into to provide positive support for someone being bullied, how to recognise the signs and how to be safe online.



*International Speaker Jonny Shannon at the Bullying, Resilience and Cyber Safety Forum June 2019*

- 1.2.3 East Devonport All Abilities Beach Access  
The East Devonport all abilities beach access was officially opened on 11 June. The all abilities ramp is a joint initiative of Rotary of Devonport South East, Council and with funding from the Tasmanian Community Fund. Sally Darke from Tasmanian Community Fund attended the opening.



*East Devonport All Abilities Beach Access opening*

**1.2.4 “Square Peg” Project**

Participants of the Square Peg Project raised \$335 for the Devonport RSPCA & Dogs home with a fundraiser “Parma for a Puppy”. After the successful fundraiser last year with “Parma for a Farmer”, the participants were keen to undertake a fundraiser again, this time choosing the Devonport RSPCA & Devonport Dogs Home as the funding recipients. The fundraiser created media attention which included an Advocate article and two radio interviews with ABC & 7AD. The participants visited the Devonport Dogs Home to deliver the funds raised and received a guided tour of the facility.

**1.2.5 School Holiday Program**

Continuing on from last school holiday success, the July holiday program will be run in conjunction with Youth Family and Community Connections. Four sessions will be held between Devonport and Burnie during the school holidays. Sessions include a Bootcamp/Sports Day, Movies and Pizza, Swimming @ SPLASH and “Time warp: take a trip back in time” session.

**1.2.6 National Families Week 2019**

To celebrate National Families Week (15-21 May), Council held a screening of the children's movie “Trolls”. Attendees were encouraged to bring picnic rugs, chairs and food to the free event. Around 150 community members attended the movie. An online evaluation was conducted and with the positive feedback and success of the movie, another Movie Day is being organised for Sunday 4 August. Using social media, the community were asked to vote for their preferred movie and the movie “Babe” was the preferred movie from the 346 votes received.



*National Families Week free movie in the paranple convention centre*

#### 1.2.7 **Men's** Health Week

'Pit Stop' Program was held at the Devonport Football Club on Wednesday 12 June in partnership with Tasmanian Health Service, Cancer Council Tasmania and Anglicare. The event was open to the community and the Devonport Football Club. Unfortunately, participation numbers were low.

#### 1.2.8 Volunteers Week – May 2019

A celebration breakfast at paranple convention centre was held for Council's volunteers, with 50 in attendance. The Brass Band entertained Council's volunteers whilst they enjoyed their breakfast and each other's company. Community organisations again this year had the opportunity to receive a certificate of recognition signed by the Mayor and 634 were printed for collection for 2019.



*2019 Volunteer Week – Mayor Annette Rockliff presenting a Volunteer Certificate to TS Mersey Navy Cadet Leonie Angius*

#### 1.2.9 **"Youth Matter" Launch**

Council officers attend the "Youth Matters" Launch. "Youth Matter – A Practical Guide to Increase Youth Engagement and Participation in Tasmania" document was produced by the Department of Communities Tasmania as part of the Government's Youth at Risk Strategy.

**1.2.10 Dementia Café**

Consultation and planning are underway with Munnew Day Care Centre to establish a dementia friendly café in Devonport. A meeting has been held with the Seniors Citizens Committee regarding the use of their venue on a Wednesday morning for two hours fortnightly. The café will be supported by Munnew and their volunteers. It is intended that the café will become a dementia safe and friendly place for carers and people with dementia to enjoy morning tea, companionship and support.

**1.2.11 Silent Disco**

Planning is currently underway for Council to host a silent disco at the Devonport Recreation Centre for youth aged between 12-17.

**1.2.12 Seniors Week**

Planning is currently underway for Seniors Week (14-20 October 2019). Council will host/partner in at least five activities and has again called for Expressions of Interest from community organisations to host a "Seniors Week" activity which will be collated into a calendar for the Devonport community.

**1.2.13 Devonport Sister Cities Association****Minamata Visit**

Council has commenced discussions with Minamata City Hall to investigate the possibility of the Devonport High School Japanese class visiting Minamata Super Global High School in April 2020. This request comes after a beneficial visit by a Devonport High School class in 2018.

**Koinobori Display**

Over 100 linen Koinobori (Japanese carp kites) decorated by Minamata Primary students were displayed in the paranple arts centre foyer.

Koinobori created by local Primary School Students will be displayed in Minamata later this year to celebrate the 70<sup>th</sup> Anniversary of Minamata becoming a City.



*Minamata made Koinobori on display in the paranple arts centre*

#### Cultural Items/Gift Collection

A Council Officer and a representative from the Devonport Sister City Association attended a *'Caring for Collections Workshop'* hosted by Arts Tasmania at the Bass Strait Maritime Centre, to assist in the Collection Management of Devonport's Cultural Items/Gift Collection.

#### 1.2.14 Jazz Festival 2019

The program for Devonport Jazz 2019 has been finalised and includes 35 public events which will be held in and around Devonport in 22 venues. While many of these venues will be hosting events, Council staff will be responsible for hosting Jazz Style Street Eats, Gospel Song, James Morrison, Pure Jazz Sessions, Musos in the Mall and the gala Squeezebox Cabaret. Council will also host four closed events in local schools.

Bookings are strong for several venues including new venue Cafe Squire, which has already sold out.

Festival Passes are proving popular, with 37 sold and over 85% of James Morrison tickets being allocated.

Council has undertaken promotional activities to advertise Devonport Jazz, via radio, several printed publications, billboard, flyers have been displayed around town, and host businesses have been supplied with posters/Devonport Jazz Guides to help promote the event at their place of business. Facebook events and Instagram coverage have increased this year's social media advertising.

Merchandise such as ball point pens, keep cups and scarves have been ordered for sale over the Devonport Jazz weekend (25 - 28 July 2019).

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



2019 Devonport Jazz Billboard

#### 1.2.15 Devonport Food and Wine 2019

The Devonport Food and Wine Working Group continue to meet on a monthly basis to plan the festival, which will be held during the month of October.

This year's focus has been on special food days on the international calendar. Much of the initial promotion was around these days and many of the venues have chosen to include these themes within their events.

Food and Wine vendor Expressions of Interest have closed, with over 70 events nominated throughout the month, Council Officers have begun working on a program/flyer for the month.

The Working Group and Council will run a Spring Festival, on 5 October 2019.

A new Devonport Food and Wine website is currently in development.

#### 1.2.16 Environmental Sustainability

##### Don College Planting

Council partnered with Don College to plant 200 native plants along the Don River off Macoma Close at Don to increase the riparian planting. The group noted that the area of erosion from the 2016 Flood is starting to recover and have marked it as a future student educational site as plants develop.

##### Friends of Don Reserve

In June the group continued the riparian zone planting, along the Western banks of the Don River to help stabilise it for future flooding.

The group removed some invasive species (Poor man's Rhododendron, English Ivy and blackberry) from around the Splash Aquatic centre.



*Friends of Don removing invasive species June 2019*

Program	Attendance
Friends of Don Reserve May (Cancelled due to weather)	Cancelled
Don College 17 June	40
Friends of Don 18 June	3
Friends of Don Reserve 25 June	4

### 1.3 Community Partnerships

#### 1.3.1 Council and Community Partnerships

Council partners with a diverse range of community-based organisations to achieve shared objectives.

Existing partnership arrangements are included in the table below.

Details	End date and length of agreement	Amount – If Applicable
Carols by Candlelight	2 year Agreement 30 June 2020	\$ 3,500 P/A
City of Devonport Lions Club	2 year Agreement 29 November 2019	\$ 5,000 P/A
Devonport Brass Band	2 year Agreement 30 June 2019 Currently under review	\$12,000 Year 1 \$10,000 Year 2 \$ 8,000 Year 3
Devonport Community House	2 year Agreement 30 June 2019 Currently under review	\$18,000 P/A
Devonport - Cradle Country Marketing Group	3 year Agreement June 2018 Committee agreed to extend current partnership till June 2019	\$15,000 P/A
Devonport Men's Shed	3 year agreement June 2022	\$ 8,000 P/A
Devonport Motor Show	5 year Agreement 29 January 2024	\$ 2,500 P/A
Tasmanian Arboretum	2 year Agreement 1 July 2020	\$22,000 P/A
Taste the Harvest	2 year Agreement January 2020	Underwrite 2019 and 2020 events
National Trust of Australia – Home Hill operations	3 year Agreement October 2018	\$28,000 P/A
City of Devonport Eisteddfod	3 year Agreement	\$ 10,000 P/A
Youth and Family & Community Connections	5 year Agreement 29 Jan 2024	Rental agreement/ Youth services - in kind funding

### 1.4 Recreation, Health and Wellbeing

#### 1.4.1 Bonorong Wildlife Rescue

The Bonorong Wildlife Park Rescue Team held a free training day at the East Devonport Recreation & Function Centre on Sunday, 30 June, with approximately 180 interested community members attending.

The session educated participants in very basic wildlife rescue, transport and temporary care. The workshop enables the Rescue Team to create a database of Wildlife Carers around the State. People who can be on-call to help an animal in need quickly and follow the right first aid steps in order to maximise chances of survival and relieve pain and stress for individual animals.

The session ran for approximately six hours and was free to participants.

## 1.4.2 Major Sporting events held in May and June 2019

Event	Location	Date
Basketball Tasmania College Invitational	Devonport Recreation Centre	May
North West Basketball Union (NWBU) Finals Series	Devonport Recreation Centre	May/June
Devonport Junior Soccer – Devonport Cup	Meercroft Park	8-9 June
Basketball Tasmania – Tri Series	Devonport Recreation Centre	June

## NWBU Finals Series

Devonport Stadium was again home court for the 2019 series, with the first semi-finals in the men's and women's competition played on Tuesday, 21 May, the second semi-finals on Tuesday, 28 May, the preliminary finals on Tuesday, 4 June, and the grand finals on Friday, 7 June.

Latrobe, Burnie, Devonport and Penguin qualified for the finals in the women's competition, with Penguin, Latrobe, Wynyard and Burnie doing the same in the men's competition.

## Devonport Junior Soccer – Devonport Cup

The 2019 Devonport Cup was held during the long weekend in June, with a record number of teams registering for the event. Approximately 60 teams (850 players) registered, with 130 games played over two days at Meercroft Park and Valley Road Soccer Centre.

## 1.4.3 Participation Across Community Service Facilities and Events

Levels of participation are a determinant of an inclusive, strong and robust community. Council monitors the level of participation to capture trends and demand for services, usage of existing services, opportunities to increase participation and customer satisfaction.

The following table shows activities delivered across Council recreation and sport facilities over May and June.

Facility	Customers through the Door	Customers through the Door
	May 2019	June 2019
Devonport Recreation Centre	10,942	10,110
East Devonport Recreation Centre	2,775	3,825
YTD TOTAL 2019	13,717	13,935

## 1.4.4 Recreation Facilities Usage

Usage for facilities for May and June are listed in the table below:

Recreation Usage			
Facility	Room/Ground	Number of Bookings May	Number of Bookings June
Devonport Recreation Centre	Judo Room	12	9
	Meeting Room	8	7
	Sauna	33	52
	Squash	34	38
	Stadium	101	95
	Table Tennis Building	69	84

Report to Governance, Finance &amp; Community Service Committee meeting on 15 July 2019

	Youth Centre	101	93
East Devonport Recreation and Function Centre	Community Room	39	40
	Stadium	39	49
Total		436	467

Special recreational events held at the DRC and EDR&FC for May and June are as listed in the table below:

Special Recreation Events		
Facility	Event	Date
Devonport Recreation Centre	NWBU Seniors	7 May
	Van Diemen Rollers Event	11 May
	Torokan Karate Open Day	18 May
	NWBU First Semi-Final	21 May
	NWBU Second Semi-Final	28 May
	NWBU Preliminary Final	4 June
	NWBU Grand Final	7 June
	BTAS State Under 16 Camp	22 June
	NWBU Junior Intertown Grand Finals	23 June
	Van Diemen Rollers Event	29 June
East Devonport Recreation and Function Centre	Devon Darts League Development Tour	11-12 May
	Devon Darts League Development Tour	25-26 May
	Children's birthday party	15 June
	Bonorong Wildlife Rescue Session	30 June

#### 1.4.5 Splash Aquatic and Leisure Centre Attendances including YTD comparison:

May 2019

Year to date comparison													
Attendees	Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19	Apr-19	May-19	May-18	YTD
Casual Entry	5,010	3,388	4,589	5,283	4,097	6,389	10,526	4,820	5,271	3,859	3,077	3,615	56,309
Fitness Members	11,974	10,229	12,204	8,626	8,514	9,807	8,601	9,645	11,482	8,073	9,369	7,881	108,524
Learn to Swim	5,010	3,960	5,040	4,248	4,368	5,090	3,984	4,688	4,744	4,696	4,856	4,072	50,684
Lane Hire	1,140	912	863	338	622	3,201	950	1,002	1,220	220	618	585	11,086
Bookings	640	990	377	497	1,003	1,264	300	734	2,360	129	126	402	8,420
Total	23,774	19,479	23,073	18,992	18,604	25,751	24,361	20,889	25,077	16,977	18,046	16,555	235,023

#### 1.4.6 Upcoming Sporting Events 2019 Future confirmed sporting events for the 2019 calendar year are provided in the table below. All events are sponsored by Council.

Upcoming Sporting Events		
Facility	Event	Date
Tasmanian Squash Open	Devonport Recreation Centre – Squash Building	12-14 July
Devonport Basketball Council - Primary School Tournament	Devonport Recreation Centre – Stadium	23-25 August
Basketball TAS Under 12 State Championships	Devonport Recreation Centre – Stadium	September – date to be confirmed

#### 1.4.7 Health and Well Being Programs

##### East Devonport Boot Camp

The Boot Camp program resumed in February 2019 at the East Devonport Recreation Centre and continues to be very popular with young participants. This program is conducted by Council staff with support from the East Devonport Child and Family Centre. Weekly sessions are held with up to 40 participants.

##### Tai Chi - **For seniors and people with Parkinson's, MS and Arthritis**

Programs resumed in February 2019 at the Devonport Recreation Centre. Due to popular demand, a 'Tai Chi for Beginners' program was introduced in May 2019.

##### Partnership with TAFE

The partnership with TAFE resumed in February 2019 at the Devonport Recreation Centre.

Under supervision from a teacher, students undertaking Certificate 3 in Fitness use the facilities in the gym and assist Council staff with the Seniors Program.

##### Seniors Program – Ageing Stronger, Active Longer

The Ageing Strong, Active Longer program is held every Tuesday and Thursday at the Devonport Recreation Centre and Wednesday at East Devonport Recreation & Function Centre.

#### COMMUNITY ENGAGEMENT

The information provided above details all community engagement.

#### FINANCIAL IMPLICATIONS

Any financial or budgetary implication related to matters discussed in this report will be separately reported to Council.

**No impact on Council's operating budget is expected as a result of this recommendation.**

#### RISK IMPLICATIONS

There are no risk implications which relate to this report.

#### CONCLUSION

This report is provided for information purposes only and to allow Council and the Community to be updated on matters of interest.

#### ATTACHMENTS

- [1.](#) Youth Family Community Connections Report May 2019

#### RECOMMENDATION

That it be recommended to Council that the Community Services report be received and noted.

Author:	Karen Hampton	Endorsed By:	Paul West
Position:	Community Services Manager	Position:	General Manager



**Report on Partnership Agreement between Devonport City Council and  
Youth, Family & Community Connections Inc.**

**June 2018 – May 2019**



## 1.0 Introduction

This report demonstrates the many positive outcomes for the Community that are reached as a result of the ongoing Partnership Agreement between Youth, Family & Community Connections (YFCC) and Devonport City Council (DCC). This partnership commenced in July 2013 and was recently updated and renewed for the current period until June 2023.

The Partnership Agreement is focussed on service provision to young people (12 – 24 years) living, working or attending school in the Devonport municipality. The focus of this report will be demonstration of \$20,000 (in-kind) service delivery to young people through services, programs and activities.

In May 2018 YFCC also commenced tenancy of 62 Stewart St (former Community Legal Centre) resulting in our service delivery and management staff being consolidated into two buildings right next to each other.



Image: 62 Stewart St – YFCC Head Office

## 2.0 Services available at the Junction?

Services available by YFCC at 62 and 64 Stewart Street as of May 2019 include:

- Youth Drug & Alcohol Counselling
- Community Drug and Alcohol Counselling
- Case Management
- Youth Educational Programs
- Youth Engagement Program (afternoon and school holiday activities)
- Family Support Service
- Emergency Relief Program (financial support)
- Community Voices youth employment program
- Needle & Syringe Program and disposal.
- Free feminine hygiene pack vending machine.

### 3.0 Value-adding

The Junction continues to evolve in an effort to best meet community need. Over the past 12 months we have seen a growth in the services offered from 62 and 64 Stewart Street. We have also been able to value-add to the services currently provided by securing over \$40,000 additional funding to be spent on programs and projects in Devonport. This additional funding has come from the following primary sources:

- i) **Devonport Local Drug Action Team:** We currently have \$10,000 to partner with Council and Devonport Community House to engage with the community around Highfield Park to develop a natural playscape design for the park.
- ii) **LUCRF Superannuation grant:** This \$30,000 over two years funding is to specifically support our after school and school holiday programs for teenagers. It has allowed us to significantly upgrade the resources for these programs and hire a casual employee (who is currently studying community services). These funds will also create the opportunity to engage in broader range of activities.
- iii) **Emergency Relief Program:** YFCC have been successful in obtaining Federal funds to distribute to the community in the form of emergency brokerage. These funds can be used for one of payments to assist community members with necessities when there are no other payment options. This can include (but is not limited to) health services or products, rental arrears, or amenities.

### 4.0 Partnering with DCC

YFCC and DCC continue to work well together bringing their respective knowledge and resources together for the benefit of Devonport's young people. Examples of this over 12 months include:

- **Youth Week Tasmania 2019.** YFCC partnered with both DCC community development staff and also Devonport Regional Gallery (DRG) staff to deliver Embrace the Place – a rebrand of Reclaim the Lane. We were successful in obtaining \$1000 funding for the event from the State Government. This event saw up to 400 community members engage in a youth music & arts festival at Provedore Place.
- **School Holiday Program.** YFCC and DCC Community Development staff are currently working together to deliver school holiday program for young people in Devonport. By the two organisations combining staff and resources we are able to offer reach a broader number of local youth and also offer a greater variety of programs.
- **Devonport Youth Network.** A regular meeting for service providers working with Devonport's youth to discuss opportunity, challenges and collaborative approaches. Attendees include representatives from TasPolice, Dept. of Education, THS and other Community Service Organisations.

**5.0 July 2018 – May 2019 statistical snapshot:**

- 40 Afternoon Activities Sessions, with over 425 participants.
- 23 School Holiday Program activities with 250 participants.
- 19 other local service providers accessing the building to work with community.
- 10 additional events celebrating themed weeks/days such as International Women's Day
- Over 1000 client counselling sessions at the Junction.

**6.0 Conclusion**

The past twelve months have seen an evolution of services offered from 62 & 64 Stewart St with consolidation of YFCC's Devonport sites and additional funds successfully being brought into the area. Our working relationship with DCC has seen considerable formalisation and strengthening and this is leading to increased outcomes for the Devonport Community.

**7.0 Images**

Embrace the Place 2019:



LUCRF funding launch 2019:



YFCC report to DCC on Partnership: May 2019

## 7.3 ARTS AND CULTURE REPORT - MAY/JUNE 2019

File: 29530 D580540

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

#### Council's Strategic Plan 2009-2030:

- Strategy 5.4.1 Provide timely, efficient, consistent and quality services which are aligned with and meet our customers needs

### SUMMARY

This report provides a summary of the activities undertaken in the Arts and Culture Departments during the period from 1 May 2019 to 30 June 2019.

### BACKGROUND

This report is provided to the Governance, Finance and Community Services Committee and aims to update the Councillors and community on matters of interest.

### STATUTORY REQUIREMENTS

Council is required to comply with the provision of the *Local Government Act 1993* and other legislation. The functional areas of Council covered in this report include:

#### Arts and Cultural Development

- paranapple arts centre
- Devonport Regional Gallery
- Town Hall Theatre
- Bass Strait Maritime Museum
- paranapple convention centre
- Visitor Information Centre and Tourism

### DISCUSSION

#### 1. ARTS AND CULTURAL DEVELOPMENT

##### 1.1 Convention & Arts Centre Director update

- Attended quarterly Tasmanian Visitor Information Centre Network meeting, Burnie;
- Met with Troy Crystal, Department of State Growth, regarding Minamata and Kumamon, the mascot of Kumamoto, Devonport;
- Attended preview of *Downtown: the Mod Musical*, Devonport Choral Society;
- Met with Caroline Sharpen, CEO, and Samuel Cairnduff, Director Marketing and Communications, Tasmanian Symphony Orchestra, Devonport;
- Attended the Regional Events Working Group meeting at Cradle Coast Authority, Burnie.

##### 1.2 Devonport Regional Gallery

###### 1.2.1 Gallery Exhibitions

###### *Littoral*

Upper Gallery: 2 March – 2 June 2019

Opening Attendance: 46

*Littoral* was the first major airing for several years of Devonport Regional Gallery's collection of ceramics and was timed to coincide with The Australian

Ceramics Triennale Tasmania 2019. The works selected were made by ceramic artists living in Tasmania or who have worked or studied here. Curated by Marilyn Raw, Ceramics Teacher, TasTAFE, Devonport

*Del Kathryn Barton: The Nightingale and The Rose - An ACMI touring exhibition*  
Main Gallery: 16 March - 26 May 2019

Opening Attendance: 46

Showcasing the hauntingly beautiful collaboration between Del Kathryn Barton and Brendan Fletcher, this milestone exhibition on a National Tour, traces the interpretation of Oscar Wilde's 19th century classic through an artistic lens. Featuring a screening of their award-winning film alongside material from the production archives, *Del Kathryn Barton: The Nightingale and the Rose* reveals the workings behind this captivating animated picture. This project has been assisted by the Australian Government's Visions of Australia program.

*Placing Things - Kelly Austin*

Little Gallery: 16 March – 19 May 2019

Opening Attendance: 46

*Placing Things* questioned the connections between perception and expectation. The grouping of familiar and ambiguous ceramic objects shifts the generalised contemplation invited by still life works into a more forensic exploration of looking.

*Koinobori Display*

pac Foyer Space: 17 April – 13 May 2019

The Japanese Koinobori, or Carp Windsock, was a community-based art project celebrating Devonport's Sister City relationship with Minamata, Japan, and Japanese Children's Day. School children and members of the Devonport community decorated Koinobori in January 2019 and these were exchanged with examples made by school children in Minamata.

*International Museum Day Exhibition*

pac Foyer Space: 16 May – 2 June

Presentations Event: 22

The aim of International Museum Day is to bring a focus on the role collections fill in the community. This annual Friends of the Gallery event saw Friends Committee members, members of the Gallery Advisory Board, Devonport City Councillors and Droogs present on works they had selected from the Devonport City Permanent Art Collection.



*International Museum Day celebration*

*10 Objects 10 Stories: Celebrating Community Collections*

Little Gallery: 25 May – 21 July

Opening attendance: 42

The *10 objects – 10 stories: Celebrating Community Collections* exhibition has been curated by Arts Tasmania's Roving Curators. It features 10 selected objects and their accompanying stories from various small museums and collections around Tasmania and aims to celebrate the important role that the community museum sector plays as storytellers and custodians of Tasmania's unique cultural heritage.

*As far as the eye can see*

Main Gallery and pac Foyer Space: 8 June – 28 July

Opening attendance: 42

*As far as the eye can see* celebrates the contemporary topography of both landscape and printmaking. The exhibition challenges these doubly conventional themes through the work of twenty-two Australian artists whose work reflects the breadth and depth of print practice in Australia today. The artists express their individual relationships to the land through a variety of print media, describing both the vast scale and the intimate detail of our diverse natural environment and portraying Australia's unique and varied geography.

A Blue Mountains City Art Gallery touring exhibition. This exhibition is supported by the Visions regional touring program, an Australian Government program aiming to improve access to cultural material for all Australians.



*Floor talk with Gary Shinfield (NSW) one of the artists in the exhibition As far as the eye can see.*

*Uncanny*

Upper Gallery: 8 June – 25 August

Opening attendance: 42

*Uncanny* brings together works from the Permanent Collection that have strange, mysterious and unsettling qualities. Whether through humour and hyperbole, or ambiguity and unease, these uncanny works raise more questions than they answer.



*Uncanny. Image Credit: Kelly Slater*

### 1.2.2 Committee Update

#### The Droogs

Five members accepted the invitation to select and research a work from the Permanent Collection for the Friends' International Museum Day event. The Droogs are continuing their monthly workshops which are followed up by a committee meeting.

#### Friends of the Gallery

The Friends held their annual event for International Museum Day at the paranapple arts centre's Foyer Space with an exhibition of works from the Permanent Collection. These works were selected by Friends Committee members, members of the Gallery Advisory Committee, Devonport City Councillors and DROOGS, who also presented their research and thoughts on the works selected.

### 1.3 Bass Strait Maritime Centre

#### 1.3.1 Bass Strait Maritime Centre Update

##### Collection Management

Two Collection Object Handling Workshops were presented by Roving Curator Melissa Smith in May and attended by Centre volunteers as well as staff and Sister City Project volunteers.

During June, an audit of the collection at Lawrence Drive was completed and new artworks storage units were installed in the museum's storage room. In order to complete this installation, all objects and shelving needed to be removed from the room and then returned once the units were in. This could not have been done without the enthusiastic assistance provided by Bass Strait Maritime Centre and Julie Burgess volunteers.



*New art storage unit and shelving in Lawrence Drive*

#### **Governor's Visit**

The Honourable Kate Warner, Governor of Tasmania, visited the Centre with officials on the morning of 1 May.

#### 1.3.2 Bass Strait Maritime Centre Current and Upcoming Exhibitions Calendar

Devonport **Embroiderer's** Guild Annual Display  
10 – 12 July 2019

**Torquay Stories**

26 July 2019 – February 2020

The next temporary exhibition at the BSMC is in development and is provisionally titled 'Torquay Stories'. It will focus on East Devonport's local history. The Centre wishes to explore some of the stories of triumph and tragedy for the people who have made their homes on the eastern side of the Mersey.

**1.3.3 Bass Strait Maritime Centre Education and Public Programming**

The May and June Education and Public Programming schedule included five events over the two months with 205 people attending.

**Maritime and History Talk with Peter Puskic**

PhD student and Adrift Lab researcher Peter Puskic was the guest speaker for May's Maritime and History Talk, speaking on the impact of plastic waste on sentinel seabird species and the research being undertaken on Pacific Islands and within Tasmania on plastic waste and discard.

**Curious Creatures workshops**

More Curious Creatures workshops were attended during May and June, incorporating learning and art. Workshops are tied into part of the Flow exhibition.



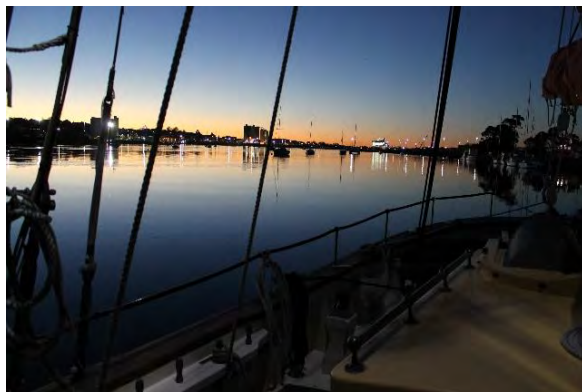
*Curious Creatures Workshops*

**Upcoming Programming**

July is jam-packed with public programming at the Bass Strait Maritime Centre, including school holiday workshops, a Maritime and History Talk with Karl Rowbottom, Embroiderer's Guild workshop, opening of Torquay Stories, and the first Vino and the Visual.

**1.3.4 Julie Burgess**

During May and June, the weather was difficult, and many sailings were cancelled as a result. The sailings that went ahead were very well-received, particularly the Solstice Sail on the evening of 21 June. This sailing was the second-last of a good season with a total of 471 pax over 27 sails.



*Solstice Sail (Image Credit: Brent Cox)*

SBS and *Who Do You Think You Are?*

On 18 June, an episode of *Who Do You Think You Are?* aired, featuring Rodger Corser aboard the Julie Burgess.



*Rodger Corser, Who Do You Think You Are?*

*Image Credit: Warner Bros International Television Production Australia*

#### 1.4 Town Hall Theatre

##### 1.4.1 Theatre Performances and Events

The Town Hall Theatre was hired for a total of 49 days during May and June.

**DOWNTOWN! The Mod Musical – Devonport Choral Society**

17 May – 1 June

Devonport Choral Society presented the musical journey DOWNTOWN! The Mod Musical to capacity audiences during May. Theatre patrons were transported back in time to when life was swinging, fashions were changing, and freedoms were being sought and won.

**Legally Blonde: The Musical – Don College**

13 June – 22 June

The award-winning musical, based on the smash hit motion picture, *Legally Blonde - The Musical* played to capacity houses during June. The show tackled stereotypes and scandal in pursuit of dreams. The college hosted six performances of the musical, including an additional performance which was

added due to high demand. Local schools also attended two matinee performances held prior to opening night.

#### Melbourne International Comedy Festival Roadshow

27 June

The Melbourne International Comedy Festival Roadshow arrived in Devonport jam-packed with a crew of some of the country's best comics. This performance is a regular event for Devonport audiences and is well supported by the community.

#### Cinderella – Victorian State Ballet

28 June

Following sell out seasons, the Victorian State Ballet presented Cinderella, the timeless and much loved fairy-tale classic. The Victorian State Ballet's Cinderella featured a cast of the highest standard of classical ballet artists of outstanding skill. In addition to the performance, a master class was held for approximately 25 local dance school students who also attended the performance.

#### Stardust Dance Studio

29 June

Local Dance School, Stardust Dance Studio held their Dance Examination and Graduation on the last Saturday in June. Families and friends attended.

### 1.4.2 paranapple arts centre Audience and Ticketing

Facility	Show	Presented by	Audience Attendance
Town Hall Theatre	DownTown – The Mod Musical	Devonport Choral Society	3,637
	Legally Blonde – The Musical	The Don College	2,930
	Melbourne International Comedy Festival Roadshow	paranapple arts centre	223
	Cinderella	Victorian State Ballet	235
	Dance Graduation & Examination	Stardust Dance Studio	58
Totals			7,083

The following table shows the Theatre hire for the May and June period.

Performance	Number of Days Hired	Number of Perform/Events	Audience Attendances
Commercial Hire	2	2	293
Community Hire	46	18	6,567
Presenter Season	1	1	223
Totals	3	3	7,083

A summary is provided for all performances and events sold through the paranapple arts centre Box Office for the May and June period.

Box Office/Agency Sales	Number of Tickets Sold
paranapple arts centre performances	6,234
External Ticketed Events	226
Ticketmaster Events	105
Ticketek Events	213
Totals	6,778

## 1.5 Participation Across Arts and Cultural Development Facilities

Levels of participation are a determinant of an inclusive, strong and robust community. Council monitors the level of participation to capture trends and demand for services, usage of existing services, opportunities to increase participation and customer satisfaction.

The following table shows the customers across Council Cultural facilities over the May and June period.

Facility	Customers through the Door May 2019	Customers through the Door June 2019
paranaple art centre	4,991	5,207
Devonport Regional Gallery (Main Gallery Entrance)	707*	631*
Town Hall - Audience	3,637*	3,446*
Bass Strait Maritime Centre	459	452
Julie Burgess	6	29
Totals	5,456	5,688

\*Included in paranaple arts centre total

## 1.5.1 Education and Public Programs – May and June

Devonport Regional Gallery Program	Attendance	Date
Untutored Life Drawing	8	7 May
Toddler Pop Up	2	7 May
Create & Make	23	8 May
Gallery visit: TASTAFE Cert 2 Art	17	10 May
Gallery visit: Orana Day service	9	13 May
Youth Art	4	13 May
Create & Make	13	14 May
Untutored Life Drawing	7	14 May
Create & Make	16	15 May
Friends event: International Museum Day	22	16 May
Youth Arts	4	20 May
Untutored Life Drawing	5	21 May
Create & Make	15	21 May
Create & Make	20	22 May
Outreach: Munnew Day Service Responses to Robinson Images	10	23 May
Gallery Visit: Devonport High School	10	23 May
Twilight Talk: Marilyn Raw, Curator on Littoral	12	23 May
Youth Arts	5	27 May
Create & Make	12	28 May
Create & Make	18	29 May
Youth Arts	4	3 June
Toddler Pop-Up	10	4 June
Create & Make	15	4 June
Create & Make	23	5 June
Droogs Workshop: Print and paint on textile	5	6 June
Exhibition Opening: <i>As far as the eye can see, 10 Objects, Uncanny</i>	42	7 June
Floor talk: <i>As far as the eye can see</i> , Artist Gary Shinfield	10	8 June
Create & Make	13	11 June
Create & Make	20	12 June

Youth Arts	6	17 June
Books + Art	7	17 June
Outreach: East Dvp Community Centre Jeans for Genes Workshop	4	18 June
Gallery visit & workshop: North West Home Educators	38	20 June
Toddler Pop-Up	4	20 June
Floor Talk: <i>Uncanny</i> , Curator Erin Wilson	17	20 June
Gallery visit Tas TAFE Cert 2 Art	14	21 June
Gallery visit & workshop: Lady Of Lourdes 2 Kinder classes	40	26 June
Gallery visit & workshop: Port Sorell Primary 2 Grade 5/6	45	27 June
Gallery visit & workshop: Sprent Primary Mixed ages	44	27 June
Gallery visit & workshop: St Josephs Rosebery	20	27 June
Droogs Workshop: Arts Grants and opportunities	6	27 June
Bass Strait Maritime Centre Program		
Maritime & History Talk with Peter Puskic – Birds vs Plastic	46	28 May
Curious Creatures Workshop – Zeehan Primary School	26	29 May
Curious Creatures Workshop – Our Lady of the Lourdes	62	3 June
Curious Creatures Workshop – Ridgley Primary School	30	14 June
Curious Creatures Workshop – Port Sorell Primary School	41	27 June
Town Hall Theatre		
Victorian State Ballet – Cinderella Workshop	25	28 June
Arts and Cultural Development Facilities Total	849	

## 1.6 paranapple convention centre

### 1.6.1 Meetings at paranapple convention centre

During May and June, meeting rooms at the paranapple centre held 112 events, with an additional 15 events in the convention centre. Total attendance was 12,139.

Events held in the paranapple convention centre were:

Facility	Event	Presented by	Audience Attendance
paranapple convention centre	Governors Civic Reception	Devonport City Council	40
	GRL in PWR Charity Ball	GRL in PWR	273
	ACER – National School Improvement Tool	Professional Learning	26
	Launch of Youth Matter	Communities Tasmania	45
	Year 11 & 12 Ball	St Brendan Shaw College	110
	National Families Week – Trolls Movie	Devonport City Council	150
	Volunteers Breakfast	Devonport City Council	44
	Unite in Yellow Gala	Cancer Council Tasmania	263
	Early Voting Centre	Australian Electoral Commission	7,820
	Bullying, Resilience & Cyber Safety Forum	DCC in partnership with Devonport, Latrobe & Reece High Schools	250
	Tasmanian Energy Development Conference	Informa	130 per day
	Tackling it Together	Diabetes Tasmania	80
	Education Leaders Forum	Professional Learning	180
	Morris Gleitzman	Devonport Library	700
	Changeover Dinner	Rotary Club of Devonport North	77



*GRL in PWR Charity Ball*



*Tasmanian Energy Development Conference*



*School Talk with Author Morris Gleitzman*

## 1.7 Tourism

### 1.7.1 Tourism Development Strategy

The Cradle Coast Visitor Information Network maintain their involvement with the TVIN (Tasmanian Visitor Information Network). Recently staff attended a workshop targeting Customer Service Communication and Selling Essentials to enhance service and selling techniques.

### 1.7.2 Cradle Country Marketing Group (CCMG)

The Cradle Country Marketing Group have started reviewing their distribution and advertising methods throughout Tasmanian Visitor information Centres and at entry points into Tasmania.

### 1.7.3 Regional Tourism Organisation (RTO)

Cradle Coast Authority will transition out of operating the Regional Tourism Organisation by the end of the financial year. In the coming months a new organisation is to be formed with a new board.

## COMMUNITY ENGAGEMENT

The information provided above details all community engagement.

## FINANCIAL IMPLICATIONS

Any financial or budgetary implication related to matters discussed in this report will be separately reported to Council.

There is not expected to be any impact on the Council's operating budget as a result of this recommendation.

#### RISK IMPLICATIONS

There are no risk implications which relate to this report.

#### CONCLUSION

This report is provided for information purposes only and to allow Council and the community to be updated on matters of interest.

#### ATTACHMENTS

Nil

#### RECOMMENDATION

That it be recommended to Council that the Arts and Culture report be received and noted.

Author:	Geoff Dobson	Endorsed By:	Paul West
Position:	Convention and Arts Centre Manager	Position:	General Manager

## 7.4 GOVERNANCE AND FINANCE REPORT

File: 33784 D589817

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

#### Council's Strategic Plan 2009-2030:

- Strategy 5.3.2 Provide appropriate support to elected members to enable them to discharge their functions

### SUMMARY

This report provides a summary of the activities undertaken during the months May and June 2019 in the following areas of Council:

- Organisational Performance; and
- Corporate Services

### BACKGROUND

This report is provided to the Governance, Finance and Community Services Committee every two months and aims to update the Councillors and the community on matters of interest. The functional areas of Council covered by this report include:

- |                                   |                                     |
|-----------------------------------|-------------------------------------|
| • Governance                      | • Property Management               |
| • Financial Reporting             | • Legal Issues                      |
| • Strategic and Operational Plans | • Customer Service                  |
| • Corporate Communication         | • Financial Strategy and Management |
| • Human Resources                 | - Revenue and Rating                |
| • Partnerships                    | - Grants                            |
| • Information Technology          | - Loan Borrowings                   |
| • Budget Management               | - Compliance                        |
| • Car Parking                     | - Related Policies                  |
|                                   | - Financial Reporting               |

### STATUTORY REQUIREMENTS

Council is required to comply with the provisions of the *Local Government Act 1993* and other legislation.

### DISCUSSION

#### 1. ORGANISATIONAL PERFORMANCE

##### 1.1. Common Seal Register

The following documents have been signed under Council's seal for the period May and June 2019:

Report to Governance, Finance & Community Service Committee meeting on 15 July 2019

REG/490	Licence Agreement - DCC & Crown	6/05/2019
REG/491	Plan of Survey - PA2018.0095	7/05/2019
REG/492	Black Spot Funding - Berrigan Road/Lyons Avenue, Miandetta, Devonport - Grant Deed	8/05/2019
REG/493	Black Spot Funding - Fenton Street/Stewart Street, Devonport - Grant Deed	8/05/2019
REG/494	Grant Deed - Vulnerable Road Users Program 2018-19 - Steele Street - DSG & DCC	9/05/2019
REG/495	Variation of Lease - Crown Land and DCC - Crown Land at corner of Wheeler & Thomas Street East	17/05/2019
REG/496	Amendment - Sealed Plan No 161553 and Sealed Plan No 148697	20/05/2019
REG/497	Grant Deed - Vulnerable Road Users Program 2019-2020 - Council Road - Lovett Street	22/05/2019
REG/498	Grant Deed - Vulnerable Road Users Program 2019-2020 - Middle Road	22/05/2019
REG/499	Draft Amendment AM2019.02 - Rezone 117 Tasman Street from the General Industrial and Community	30/05/2019
REG/500	Adhesion Order - Volume 54990 Folio 4 and Volume 54990 Folio 5 - ADH2019.002	3/06/2019
REG/501	Part 5 Agreement - Lot 50 on SP169263, Tugrah Road, Devonport	4/06/2019
REG/502	Plan of Survey - SA2003.0019	4/06/2019
REG/503	Memorandum of Understanding between Cradle Coast Authority, Central Coast Council, Devonport	13/06/2019
REG/504	Contract for Sale - DCC to Tasports - 2-12 Murray Street East Devonport	18/06/2019
REG/505	Transfer of Titles - 2-12 Murray Street, East Devonport	20/06/2019

### 1.2. Property Management Update

A number of Crown Land applications (Works and Development Applications) are in progress at varying stages of completion as follows:

- DCC works at Coles Beach Road - road crossing safety improvements;
- DCC works relating to coastal re-vegetation work at the East Devonport Foreshore
- Approval sought to assess planning application for minor works at Abel Tasman Caravan Park

Council Officers have been assisting with the transition of ownership of Fenton Villas. Several administrative matters have been worked through with the tenants and the new owners.

Sale of 2-12 Murray Street East Devonport, to TasPorts.

Officers have been working with the Gymnastics Club in relation to finalising the lease of land for the new building at Maidstone Park.

The proposed hand back to Crown of Public Land at 193 Melrose Road, Aberdeen is subject to a separate report on this Agenda.

### 1.3. Councillor's Attendance

Councillor's attendance for the year ended 30 June 2019 is detailed as follows:

	<b>Council</b>	<b>Planning Authority</b>		<b>Governance, Finance &amp; Community Services</b>		<b>Infrastructure, Works &amp; Development</b>		<b>Workshops</b>
<b>No. of Meetings Attendance</b>	<b>15</b>	<b>6</b>		<b>5</b>		<b>6</b>		<b>27</b>
		<b>Member</b>	<b>Non Member</b>	<b>Member</b>	<b>Non Member</b>	<b>Member</b>	<b>Non Member</b>	
Mayor Cr A Rockliff	15	6	0	5	0	2	3	26
Cr J Alexiou **	11	4	0	3	0	0	4	20
Cr G Enniss **	10	0	4	3	0	4	0	18
Cr P Hollister **	11	4	0	0	3	3	0	18
Cr A Jarman	15	0	5	5	0	6	0	27
Cr L Laycock	14	0	6	4	0	6	0	26
Cr S Milbourne **	10	4	0	3	0	0	4	20
Cr L Murphy **	11	3	0	0	3	4	0	19
Cr L Perry	14	6	0	0	5	5	0	25
Ald C Emmerton *	4	2	0	2	0	0	2	6
Ald G Goodwin *	4	1	0	2	1	2	0	5
Ald J Matthews *	2		0	0	1	2	0	3
Ald T Milne *	4	2	0		0	0	2	5

\* No longer Alderman from 2 November 2018

\*\* Elected 2 November 2018

## 1.4. Human Resources

## 1.4.1. Recruitment

Staff positions advertised May and June 2019

Position	Department	Work Location
Revenue Coordinator	Corporate Services	paranaple centre
Customer Service Officer	Corporate Services	paranaple centre
Administration Officer (internal applicants maternity relief)	Convention & Arts	paranaple arts centre and paraple convention centre
Waste Management Coordinator	Infrastructure Works and Development	Works
Waste Management Serviceperson	Infrastructure Works and Development	Works

Staff Appointments May and June 2019

Position	Name	Department	Work Location
Casual Attendant/Front of House Supervisor	Stephanie Shaw	Convention & Arts	paranaple arts centre and paraple convention centre
Finance Officer	Helen Wise	Corporate Services	Finance
Bass Strait Maritime Centre Coordinator (12- month extension)	Jaydeyn Thomas	Convention & Arts	Bass Strait Maritime Centre
Casual Project Support Officer/Website Development (extension)	Scott Newman	Corporate Services	paranaple centre

Position	Name	Department	Work Location
Asset Management Project Officer	Dami Barnes	Infrastructure Works and Development	paranaple centre
Customer Service Officer	Sophie Brinkman	Corporate Services	paranaple centre
Events Administration Officer	Isabella Dyke	Community Services	paranaple centre
Revenue Coordinator	Denise Hayes	Corporate Services	paranaple centre
Media and Communication Officer (12-month extension)	Nigel Tapp	Organisational Performance	paranaple centre

## Staff Departures May and June 2019

Position	Name	Department	Work Location	Date Effective
Customer Service Officer	Stephanie Shaw	Corporate Services	paranaple centre	1/5/2019
Waste Management Serviceperson	Lyndon Smith	Infrastructure Works and Development	Works	31/5/2019

## Workers Compensation

Policy year ending 30 June	Number of Workers Compensation Claims lodged with <b>Council's Insurer</b>	Current Open claims	Gross value incurred by the Insurer (including estimates)
30/6/2019 *	12 claims	5	\$307,785.07
30/6/2018 *	6 claims	1	\$ 24,244.86
30/6/2017	7 claims	0	\$ 27,839.69
30/6/2016	20 claims	0	\$128,445.62
30/6/2015	12 claims	0	\$201,329.20
30/6/2014	8 claims	0	\$ 20,368.14

## Commentary:

\* Claim/s remains open in this year ending.

New Workers Compensation claims for the period

Three new claims lodged in May 2019, one claim since closed.

Two new claims lodged in June 2019.

## 1.4.2. Work Experience

Date	Work Experience Program	Student	Location of placement
N/A			

## 1.4.3. Staff Training

Issued Date	Training Description	No of employees	Department	Location
2/5/2019	Agfest, mower/tractor	1	Infrastructure Works and Development	Works
9/5/2109	Polish Program – mentoring	1	Organisational Performance	paranaple centre

Issued Date	Training Description	No of employees	Department	Location
8/5/2019 to 10/5/2019	AMMC Conference	1	Convention & Arts	BSMC
8/5/2019	Control Traffic with a Stop Slow Bat and Implement Traffic Management Plan	1	Infrastructure Works and Development	Works
8/5/2019	TAO Client Seminar	1	Corporate Services	Finance
15/5/2019	Word Press – Administration	1	Organisational Performance	paranaple centre
15/5/2019 to 17/5/2019	State Parks & Leisure Conference	1	Community Service	paranaple centre
15/5/2019	State of GIS	2	Infrastructure Works and Development	paranaple centre
15/5/2019	Ed Training – email security online training	1	Organisational Performance	paranaple centre
15/5/2019	Object Handling	1	Community Services	paranaple centre
22/5/2019	Collection Management	1	Community Services	paranaple centre
23/5/2019	Grant Writing Workshop	5	Infrastructure Works and Development	paranaple centre
22/5/2019	Leadership Insights	1	Infrastructure Works and Development	paranaple centre
31/5/2019	Staff Induction management introduction	1	Organisational Performance	paranaple centre
May/June 2019	AvePoint	4	Various	paranaple centre
6/6/2019 and 11/9/2019	Manual Handling Training	24	Various	paranaple centre
11/6/2019	Manual Handling Training	26	Infrastructure Works and Development	Works
June 2019	Sharepoint training and Introduction to teams	8	Various	paranaple centre
20/6/2019	Manual Handling Training	8	Convention & Arts	paranaple arts centre
20/6/2019	Manual Handling Training	7	Infrastructure Works and Development	Works - Waste
20/6/2019	Emotional Intelligence Essentials	1	Convention & Arts	BSMC

Issued Date	Training Description	No of employees	Department	Location
20/6/2019 & 21/6/2109	Emerging Leaders Program	2	Infrastructure Works and Development & Corporate Services	paranaple centre
14/6/2019 & 26/6/2019	Completed Induction Kits	2	Corporate Services and Infrastructure Works and Development	paranaple centre
May/June 2019	Training modules for Cert III in Competitive Systems & Practice	4	Infrastructure Works and Development	Works
June 2019	Heavy Rigid Truck training	1	Infrastructure Works and Development	Works
June 2019	Chainsaw training	2	Infrastructure Works and Development	Works
June 2019	Selection of training modules for Cert III in Horticulture	1	Infrastructure Works and Development	Works

#### 1.4.4. Health & Wellbeing

The 2018/2019 Health and Wellbeing program was actively promoted to staff referring to the activities and initiatives undertaken within the workplace that are designed to impact positively on the general health and wellbeing of employees and their families. This has included:

- Stress Management Information Sessions with staff
- "Make your Super work for you" Information Sessions with staff
- Promotion of workplace counselling
- Promoted Community Services Men's Health Week Pit Stop Program
- Promotion of Blood donation Red Cross
- Finalised new Health and Wellbeing program for 2019/2020

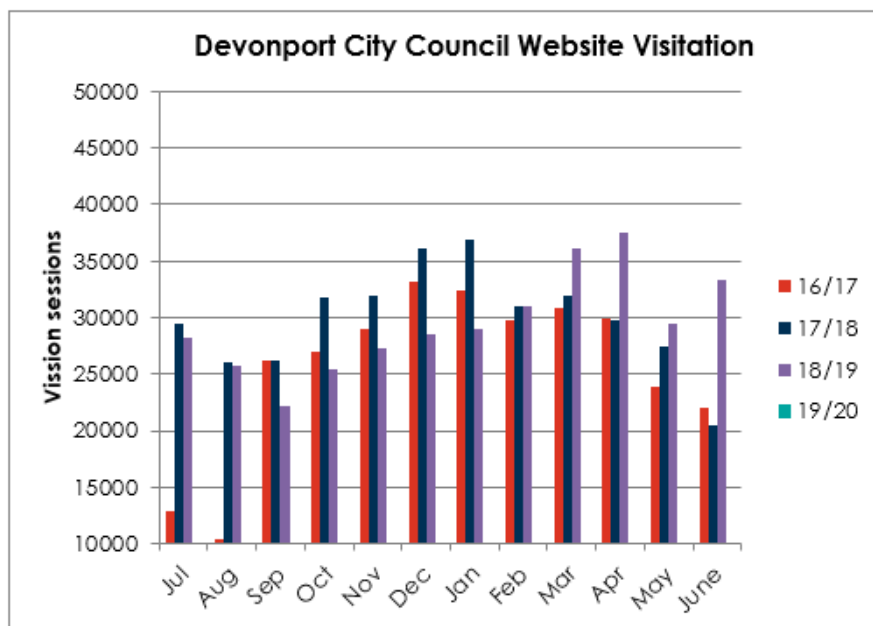
#### 1.5. Corporate Communication

##### 1.5.1. Devonport City Council Website

Visitation to Council's website in May and June continued to show solid improvement.

Site content is refreshed on an on-going basis, through the addition of new public notices, planning applications, news stories and events.

Desktop and mobile access remains fairly consistent and accounting for almost 90 per cent of users.



Content relating to how to contact Council, employment opportunities, events, some news events and Mersey Vale Cemetery continue to rank highly in terms of pages visited during the reporting period.

Devonport City Council Website Statistics	May 2019	June 2019
Total Visitor sessions	11,345	13,271
Total page views	29,513	33,396
Average daily sessions	365.96	442.3
Average session duration (minutes)	1:54	2:00
Average page views per visit	2.60	2.52
Device Category		
• Desktop	39.5%	42.7%
• Mobile	60.5%	57.3%
Top 10 Pages	<ol style="list-style-type: none"> <li>1. Contact Us/How to Contact Us</li> <li>2. Council/Employment/ Careers/Employment Opportunities</li> <li>3. Council/Our City/Our Cemeteries/Mersey Vale Devonport Cemetery search</li> <li>4. Council/Employment/ Careers</li> <li>5. Events/Activities/ Downtown the Mod Musical</li> <li>6. Contact Us</li> </ol>	<ol style="list-style-type: none"> <li>1. Contact Us/How to Contact Us</li> <li>2. Council/Employment/ Careers</li> <li>3. Events/Activities</li> <li>4. Council/Our City/Cemeteries/ Devonport Cemetery search</li> <li>5. Planning- Development</li> <li>6. Live/Waste- Recycling/Weekly Rubbish Collection</li> </ol>

Devonport City Council Website Statistics	May 2019	June 2019
	7. Public Notices 8. Planning-Development 9. Council/Meetings/ Council Meetings/ Agendas and Minutes 10. /Employment/Careers	7. Environment/Waste Recycling/Waste Transfer Station 8. Council/Meetings/ Council Meetings/ Agendas and Minutes 9. Public Notices 10. Employment/Careers

#### 1.5.2. Community Consultations

Council's online engagement platform [www.speakupdevonport.com.au](http://www.speakupdevonport.com.au) is utilised for all of Council's community consultations. During the reporting period one community consultation was undertaken:

- Public input sought on Show Day Public Holiday

#### 1.5.3. Social Media

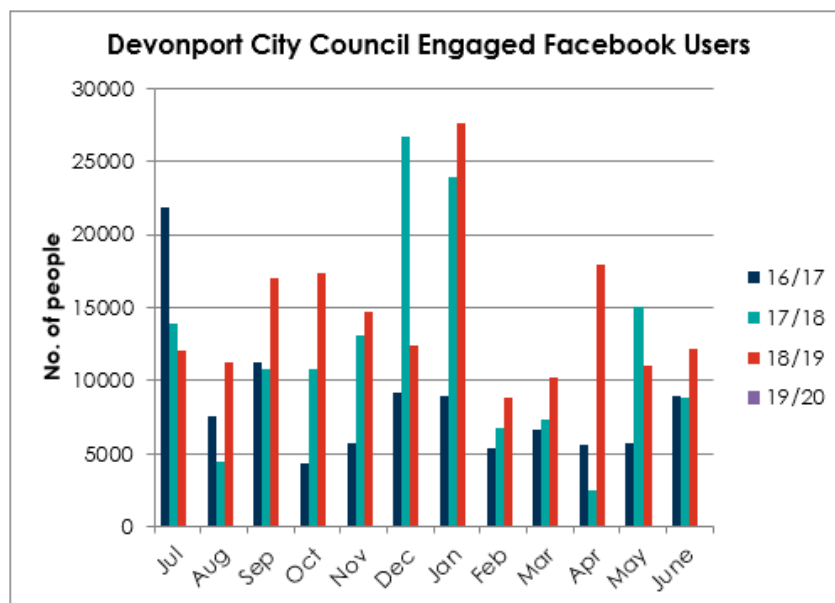
Council currently utilises both Twitter and Facebook as social media tools to engage with the community and local media.

Council's corporate Twitter account (@devonportcity) was launched in December 2014 and had 581 followers at the end of the reporting period. It is actively used to 'break' news to the media.

Council currently operates twelve (12) Facebook pages (Devonport City Council, Devonport Food & Wine Festival, Devonport Food Connection, Devonport Jazz, Devonport Events, Bass Strait Maritime Centre, Devonport Entertainment & Convention Centre, Living+Learning Devonport, Devonport Regional Gallery, Devonport Recreation, Diamonds of Devonport and The Julie Burgess). Each represent a targeted marketing opportunity, with content planned specific to each page's audience.

The Devonport City Council Corporate Facebook page is well utilised by the community, with high engagement regarding capital works projects, events, weather events, Council decisions, community initiatives and road works. The community can use the page to ask questions of Council and find out what is happening in Devonport. Key questions or matters raised by the public are **generally around Council's services, opening times and reports of community infrastructure needing repairs.** Activity remains at its highest between 6:00pm and 9:00pm.

DCC Facebook Page Statistics	May 2019	June 2019
Facebook Followers: Number of Facebook users who 'like' the DCC Facebook page at the end of each period.	7,819 TY (6,552 LY) +19.3%	7,878 TY (6,580 LY) +19.7%
Facebook Reach: Number of Facebook users who have seen content associated with the page during the period (individual users can be 'reached' numerous times per month).	109,883 TY (104,772 LY) +14.3%	113,597 TY (63,647 LY) +56.02%
Facebook Engaged Users: Unique number of people who actively engaged with the page by liking, commenting, sharing or clicking on posts on the page during the period.	11,051 TY (15,054 LY) -26.6%	12,211 TY (8,767 LY) +39.3%



During May and June, the top 10 page posts each month in terms of audience reach were:

May 2019	June 2019
1. Are you missing a pig? – 13/5/19 – 16.0K	1. Public views sought on Show Day holiday – 5/6/19 – 9.2K
2. Rose Plants for collection – 28/5/19 – 15.1K	2. Road Closure – 12/6/19 – 6K
3. Have you lost a chicken – 28/5/19 – 10.1K	3. Small rate rise for residents – 7/6/19 – 5.8K
4. Ronald-Parker Sts roundabout works – 17/5/19 – 7.6K	4. Rose plantings available – 3/6/19 – 5.8K
5. Fake advert warning – 31/5/19 – 7.5K	5. What movie do you want to see next? – 20/6/19 – 5.5K
6. DCC community movie – 20/5/19 – 7.2K	6. All abilities beach access ramp opened – 11/6/19 – 5.3K
7. Triton Rd works – 21/5/19 – 6.8K	7. Expressions of interest sought – 4/6/19 – 5.3K
8. Position Vacant-Waste Management Coordinator – 13/5/19 – 6.6K	8. Southern Rooke street renewal project completed – 10/6 – 5.2K
9. Distinctly Devonport photo comp winners announced – 16/5/19 – 6.3K	9. Forth Road works to begin – 7/6/19 – 4.1 K
10. More rose plants available – 31/5/19 – 6.0K	10. Sports grounds closed – 12/6/19 – 4 K

#### 1.5.4. Publications & Media

During the month of May, Council issued 10 media releases, alerts, comment statements and invitations:

- Media Comment Forth illegal dumping
- Media Comments Show Day public holiday
- Media Comment Charlotte Jack trading hours
- Media Comment East Devonport beach access ramp
- Media Comment Tasman Street rezoning
- Media Comment Devonport Court and Library buildings
- Media Comment tiny houses

- Media Release 10 Objects, 10 Stories
- Media Release Uncanny exhibition
- Media Release anti-bullying seminar

During the month of June, Council issued 17 media releases, alerts, comment statements and invitations:

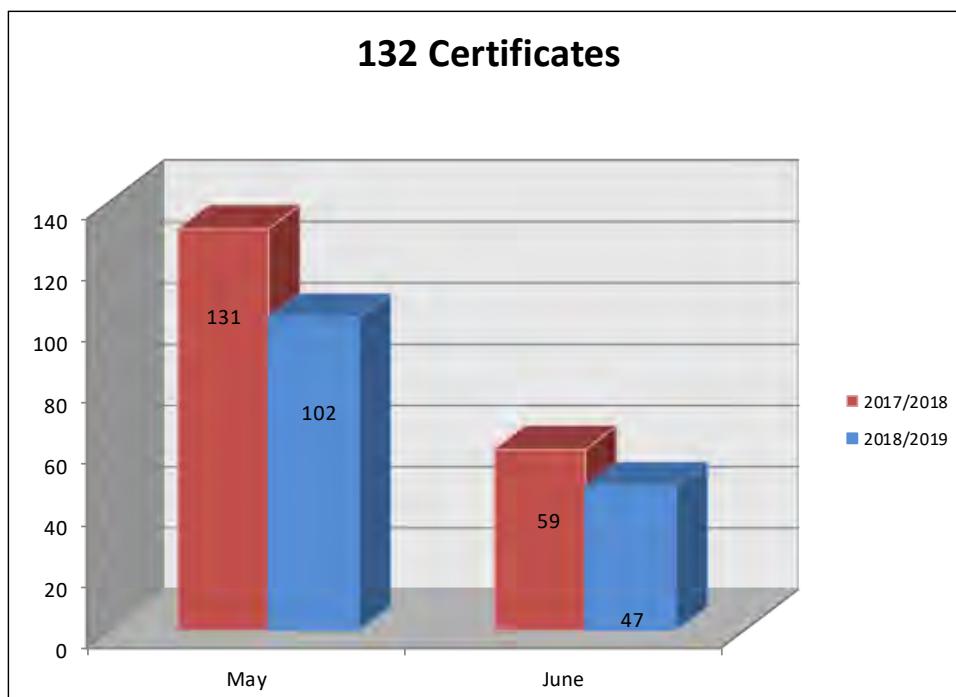
- Members for Council's **Special Interest Groups** sought
- Council surveying community of Show Day public holiday
- Winter Solstice sail for Julie Burgess
- Extensive capital works program unveiled
- Southern Rooke Street Renewal Project completed
- All abilities beach access ramp opened
- Parmi Day raised \$335 for local dog charities
- Dog agility area up and running
- Media Comment Triton Road works
- From a Melbourne Whisky bar to Devonport Jazz
- Media Comment CBD road issues
- Giles jazzes up the music of INXS
- Mature trees in Roundhouse Park to remain
- **Council's approved budget shows minimal rate rise**
- Navy band looking forward to Devonport visit
- Vino and Visual at the BSMC
- As far as the eye can see exhibition

## 2. CORPORATE SERVICES

### 2.1. Finance

#### 2.1.1. S132 Certificates

During the months of May and June 2019, the Finance Team issued 149 Section 132 certificates under the *Local Government Act, 1993* (Certificate of Liabilities in relation to rates on properties). This information is a good indicator of property sales in the municipality. A comparison to the previous year is shown below.



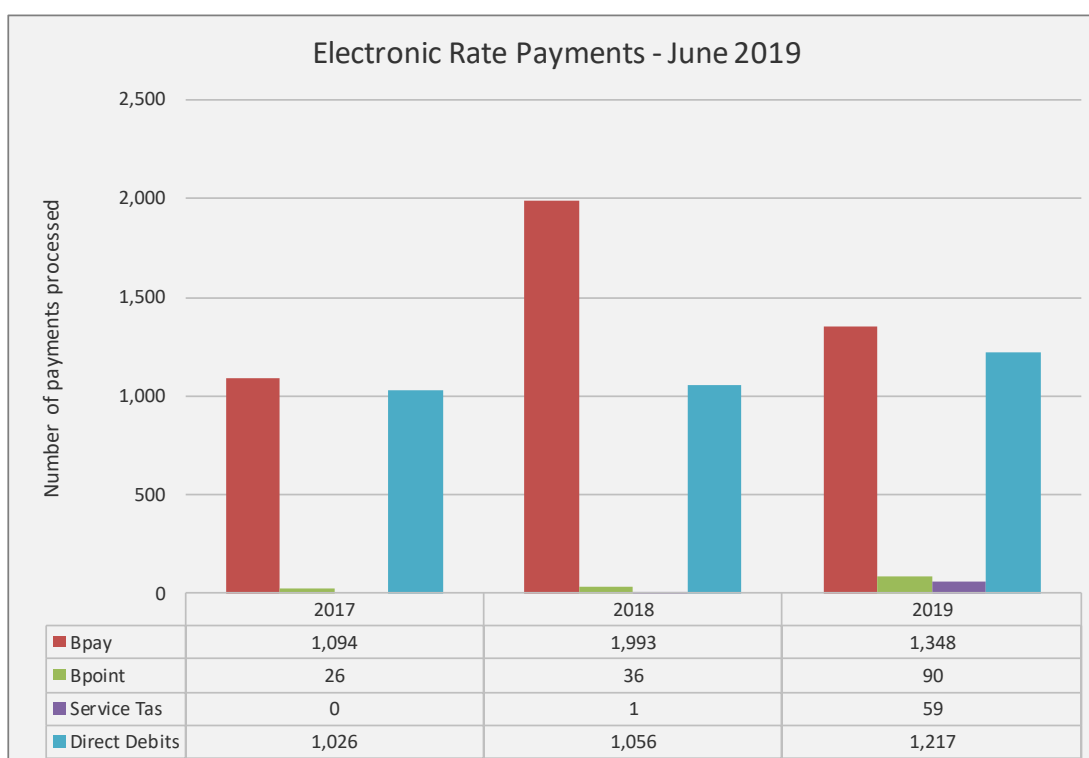
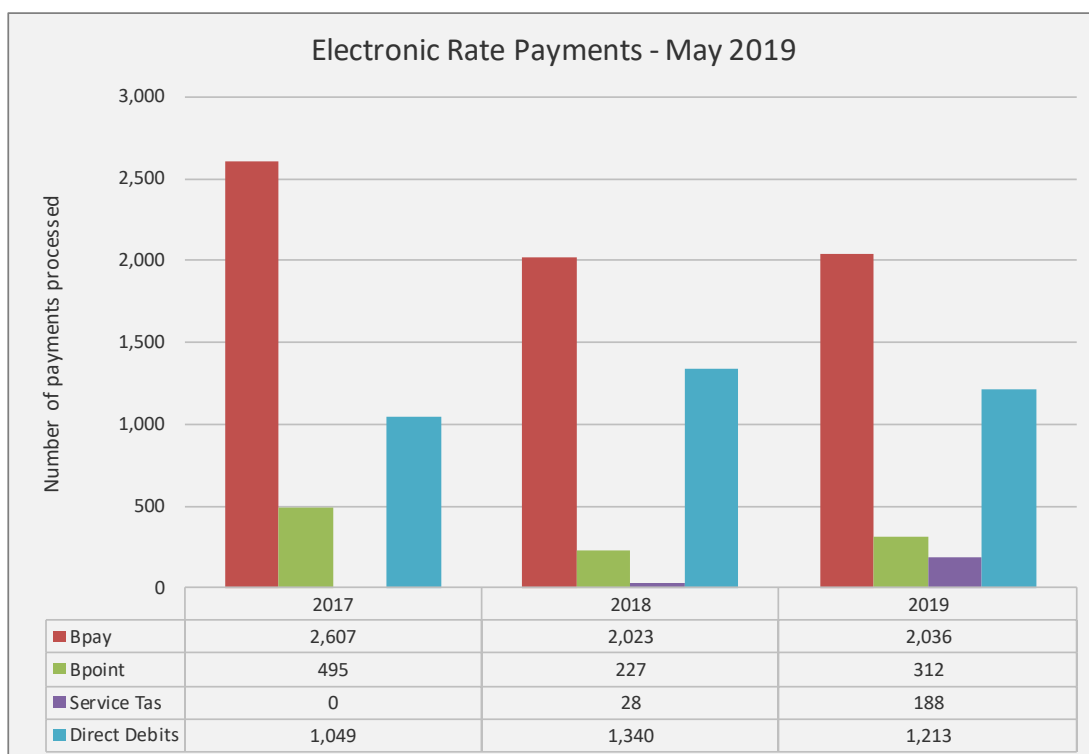
## 2.1.2. Rate Statistics

Percentage of Rates Paid<sup>\*</sup>

	2016/2017	2017/2018	2018/2019
May	98.47%	98.53%	98.40%
June	99.58%	99.47%	99.29%

<sup>\*</sup>Please note the above statistics include rates paid in advance.

## Number of Electronic Rate Payments Processed



## 2.2. Parking

## 2.2.1. Parking Statistics

## May

Income – Car Parks (Total)	17/18	18/19	Commentary
May	\$84,767	\$91,188	Occupancy remains consistent.

Income from Meters	17/18	18/19	Commentary
May	\$37,656	\$55,947	Occupancy remains consistent. Cash collection and banking timing can lead to variances.

Infringements Issued	17/18	18/19	Commentary
May	1,319	1,244	Easy park is well used and has resulted in a decrease in the number of infringements.

Income – Multi-level Car Park	17/18	18/19	Commentary
May	\$11,594	\$22,389	Increased occupancy.

Total Parking Income	17/18	18/19	Commentary
May	\$215,009	\$189,134	MPES income was higher last year. Influenced by MPES ability to recover outstanding infringement payments.

## June

Income – Car Parks (Total)	17/18	18/19	Commentary
June	\$106,850	\$105,713	Income and usage are similar to last June.

Income from Meters	17/18	18/19	Commentary
June	\$70,803	\$68,754	Income and usage are similar to last June.

Infringements Issued	17/18	18/19	Commentary
June	1,256	997	Decrease in infringements due to EasyPark and increased use of multilevel carpark.

Income – Multi-level Car Park	17/18	18/19	Commentary
June	\$12,286	\$18,252	Increased occupancy.

Total Parking Income	17/18	18/19	Commentary
June	\$266,400	\$199,446	Occupancy counts show similar usage of parking spaces. MPES recovery has

			been less. Infringements issued have also been less due to EasyPark and use of CBD ML carpark.
Total parking income YTD	17/18	18/19	Commentary
June	\$2,678,998	\$2,554,808	The two main factors affecting our end of financial year figures are:  as occupancy of the CBD ML carpark and use Easy Park increases, infringements decrease;  due to a software issue the process for MPES recoveries has been delayed but should be recovered in the next financial year.

## 2.3. Information Technology and Customer Service

### 2.3.1. DCC Website Project

This project commenced in February. As planned, Council has transitioned the first three websites to a newly developed platform. The new Devonport Jazz site has gone live as of 1 May and can be found at [devonportjazz.com.au](http://devonportjazz.com.au). The new LIVING CITY website went live on 30 May and can be found at [livingcitydevonport.com.au](http://livingcitydevonport.com.au). Council's main website located at [devonport.tas.gov.au](http://devonport.tas.gov.au) went live on 30 June 2019.

Stage 2 of Council's website development will commence in July with the development of the following websites:

- paranple arts centre
- paranple convention centre
- Bass Strait Maritime Centre
- Visit Devonport
- Devonport Food & Wine

Council will also realise substantial ongoing savings by working with a local Northwest Tasmanian web development firm and will deliver consistent branding, cross site navigation along with online electronic forms and electronic payment options.

### 2.3.2. Asset Management System Implementation

TechnologyOne completed a health check, in June, of Council's current utilisation of the Asset Management System. They have provided a list of recommended actions that are currently being prioritised and assigned ownership.

The full implementation of the Asset Management system includes, Dynamic Work Orders, Scheduled Maintenance, Inspections, Embedded Mapping and Test Points Configuration. The project has a life span of 15 to 18 months, from commencement and is expected to deliver more than \$400k per annum in operational benefits.

### 2.3.3. Records Management

Council has employed a records management system called HP Records Manager for more than a decade. The solution has served Council well, however with the advent of Cloud hosted Document Management systems

such as Office 365 and SharePoint it has necessitated the need to review and consider alternative Cloud based Records Management solutions.

Employees are fully leveraging the capability of Microsoft SharePoint with documents stored in the Cloud. After a review of several solutions, Council selected AvePoint Cloud Records, which will work in conjunction with Microsoft SharePoint. The transition from HP Records Manager to AvePoint commenced in March 2019 and is targeted to complete in October 2019.

The solution will allow employees to remove the admin overhead of moving documents to the HP Records Management solution and will deliver more **comprehensive records management for Council's information assets**. Lastly, Council will realise substantial ongoing savings as Cloud based solutions are often substantially less than comparable on premises hosted solutions.

#### 2.3.4. Digital Security

Council recognises the importance of mitigating the risk of cyber security events leading to data loss and operational impact. A thorough assessment of **Council's inherent risks and digital security maturity level was undertaken**. A range of actions came out of the review and are ongoing to drive an increased level of protection for Council's information assets. Some of the key actions follow:

- Employee training to recognise phishing scams designed to steal the **employee's system credentials**;
- Hosting critical business systems with cloud providers that deliver a high degree of digital security certification;
- **Leveraging Telstra's network and solutions** that offer Intrusion Detection and Prevention;
- Adherence to well governed and audited policies for employee system access rights;
- Ongoing use of solutions that detect and prevent Ransomware and other forms of Malware.

#### 2.3.5. Customer Service Integration with Service Tasmania

Council completed Stage 2 of integrating services with Service Tasmania in May. Service Tasmania are now processing Parking Infringements and taking General Enquiries.

Service Tasmania have provided a quality service that has been well received by the community. Customers are now able to use Service Tasmania centres across the State to make payment for a majority of Devonport City Council related services. Stats indicate that many are taking advantage of this added convenience.

### COMMUNITY ENGAGEMENT

The information provided above provides details relating to community engagement.

### FINANCIAL IMPLICATIONS

Any financial or budgetary implications related to matters discussed in this report will be separately reported to Council.

**There is not expected to be any impact on the Council's operating budget as a result of this recommendation.**

#### RISK IMPLICATIONS

Any specific risk implications have been outlined in the commentary above. Any specific risk that becomes an issue for Council may become the subject of a separate report to Council.

#### CONCLUSION

This report is provided for information purposes only and to allow Council to be updated on matters of interest.

#### ATTACHMENTS

Nil

#### RECOMMENDATION

That it be recommended to Council that the Governance and Finance report be received and noted.

Author:	Kym Peebles/Jeff Griffith	Endorsed By:	Paul West
Position:	Executive Manager Organisational Performance/Executive Manager Corporate Services	Position:	General Manager

## 8.0 CLOSED SESSION

### RECOMMENDATION

That in accordance with Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015*, the following be dealt with in Closed Session.

Item No	Matter	<i>Local Government (Meeting Procedures) Regulations 2015</i> Reference
8.1	Outstanding Debtors - 90 Days and Over Report	15(2)(j)
8.2	Outstanding Rates Debtors - Three Years and Over	15(2)(j)

## OUT OF CLOSED SESSION

### RECOMMENDATION

That the Committee move out of Closed Session.

## 9.0 CLOSURE

There being no further business the Chairperson declared the meeting closed at     pm.