

## **2022-12-12 ORDINARY MEETING OF COUNCIL - OPEN COUNCIL ATTACHMENTS**

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Attachment 13.1.1 Signage at Ross Village Green





## ULURU STATEMENT FROM THE HEART

We, gathered at the 2017 National Constitutional Convention, coming from all points of the southern sky, make this statement from the heart:

Our Aboriginal and Torres Strait Islander tribes were the first sovereign Nations of the Australian continent and its adjacent islands, and possessed it under our own laws and customs. This our ancestors did, according to the reckoning of our culture, from the Creation, according to the common law from 'time immemorial', and according to science more than 60,000 years ago.

*This sovereignty is a spiritual notion: the ancestral tie between the land, or 'mother nature', and the Aboriginal and Torres Strait Islander peoples who were born therefrom, remain attached thereto, and must one day return thither to be united with our ancestors. This link is the basis of the ownership of the soil, or better, of sovereignty.* It has never been ceded or extinguished, and co-exists with the sovereignty of the Crown.

How could it be otherwise? That peoples possessed a land for sixty millennia and this sacred link disappears from world history in merely the last two hundred years?

With substantive constitutional change and structural reform, we believe this ancient sovereignty can shine through as a fuller expression of Australia's nationhood.

Proportionally, we are the most incarcerated people on the planet. We are not an innately criminal people. Our children are alienated from their families at unprecedented rates. This cannot be because we have no love for them. And our youth languish in detention in obscene numbers. They should be our hope for the future.

These dimensions of our crisis tell plainly the structural nature of our problem. This is *the torment of our powerlessness*.

We seek constitutional reforms to empower our people and take *a rightful place* in our own country. When we have power over our destiny our children will flourish. They will walk in two worlds and their culture will be a gift to their country.

We call for the establishment of a First Nations Voice enshrined in the Constitution.

Makarrata is the culmination of our agenda: *the coming together after a struggle*. It captures our aspirations for a fair and truthful relationship with the people of Australia and a better future for our children based on justice and self-determination.

We seek a Makarrata Commission to supervise a process of agreement-making between governments and First Nations and truth-telling about our history.

In 1967 we were counted, in 2017 we seek to be heard. We leave base camp and start our trek across this vast country. We invite you to walk with us in a movement of the Australian people for a better future.

# Mayors for the Voice to Parliament Public Statement

We the undersigned endorse the Uluru Statement from the Heart and support constitutional recognition for Aboriginal and Torres Strait Islander people through a Voice to Parliament.

As local leaders we are committed to building awareness in our communities about the upcoming referendum.

Our citizens should be informed about what constitutional recognition through a Voice to Parliament will mean for Indigenous people and Australian society as a whole.

Local government must play an important role in holding civic forums, promoting dialogue, and providing a platform for Indigenous voices to be heard in the debate.

We believe that a successful referendum can be a unifying achievement for Australia.

We are ready to work with all levels of government to educate and inform our communities about why this referendum is such an important moment for our nation.



## COUNCILLORS ALLOWANCES, TRAVELLING AND OTHER EXPENSES

<b>Originated Date:</b>	Adopted 5 April 1993-Min. No. 12/93 (as Policy 4)
<b>Amended Date/s:</b>	Revised 3 May 1999 – Min. No. 196/99 Revised 13 March 2001 – Min. No. 099/01 Revised 7 February 2005 – Min. No.44/05 Revised 19 December 2005 – Min. No.422/05 Revised 16 August 2010 – Min. No. 207/10 Revised 23 June 2014 – Min. No. 144/14 Revised 17 August 2015 – Min. No. 222/15 Revised 12 December 2016 – Min. No. 361/16 Revised March 2021 – Min. No. 113/21 Revised December 2022 – Min. No. 22/....
<b>Applicable Legislation:</b>	Section 340A of the <i>Local Government Act 1993</i> , Schedule 5 Section 1 of the <i>Local Government Act 1993</i> Reg. 42(2) of the <i>Local Government (General) Regulations 2005</i>
<b>Objective</b>	To reimburse Councillors travelling and other expenses so that electors are not deterred by cost from seeking a position in Council.
<b>Administration:</b>	Governance
<b>Review Cycle/Date:</b>	Next review <del>2023</del> 2026

### 1. COUNCILLOR'S TRAVELLING EXPENSES

- 1.1 Travelling expenses will apply from each Councillor's place of normal residence to the authorised destination and return.
- 1.2 Reimbursement is to be paid ~~monthly~~ quarterly on the closest pay run to 1 day of April, July, October and January each year.
- 1.3 For the purpose of the "Corporation's business solely" the following policy is to apply:
  - i) Travelling inside the Council area to attend a meeting of Council or a Committee of Council Meeting, deputation, inspection or tour in respect of which notice has been given to attend, provided such travelling originates and concludes at the Councillor's normal residence, or his normal place of work, as the case may be.
  - ii) Travelling outside the circumstances of (i) above, either generally or specifically up to 2,000 kms or 10,000 kms for the Mayor per annum in excess of which Council to consider claims submitted.
  - iii) Travelling upon business of the Council outside the Council area in compliance with a resolution of the Council.
  - iv) Travelling to and from any seminar/conference in compliance with a resolution or policy of Council.
  - v) Travelling to be paid at the rates prescribed by the Australian Tax Office.

### 2. COMMUNICATION EQUIPMENT

For each term of office, Council will provide each councillor with

#### (1) COMPUTER & INTERNET

A laptop locked for corporate business systems with internet access is provided. The laptop remains the property of Council and at the conclusion of the term of office of a councillor the laptop is to be returned to Council.

and

**(ii) A CAPITAL COST ALLOWANCE**

- a) a capital cost allowance up to a maximum of ~~\$3,600~~ \$1,500 for purchase of a mobile phone, an ~~ipad~~ / printer/ scanner, ~~a computer (loaded with an appropriate operating system and Microsoft Office suite)~~ and a filing cabinet to assist them in performing his/her duties,
- b) the capital cost allowance will be paid upon evidence of the purchase of equipment.

or

**~~(ii) AN ANNUAL LEASE ALLOWANCE~~**

- ~~a) an annual lease allowance up to \$900 per annum to offset the usage of existing personal communication equipment as listed above~~  
~~when a Councillor provides personal communication equipment, which has not been funded previously by Council, for Council use.~~

Should a Councillor resign or the term of office be terminated prior to the normal four year term, ~~as the laptop is the property of Council, it is to be returned and~~ a pro-rata refund of the capital cost allowance may be payable by that Councillor (this shall be in the form of a cash refund or an equivalent deduction from any allowance payable to the Councillor under Section 7).

**3. TELEPHONES**

Council will reimburse Councillors for the cost of access charges for voice mail, telephone rentals, the cost of a separate line for internet access and the documented calls attributed to their role as a Councillor (where second lines are installed, all calls will be reimbursed on the dedicated line as calls associated with their function as a Councillor).

As soon as contact numbers for separate telephone lines, mobile phones, and/or faxes are available details will be circulated in Council documentation.

**4. EXPENSES INCURRED FOR CHILD OR DEPENDANT CARE**

Council will reimburse a Councillor for necessary, reasonable expenses in relation to care of any child or dependant of the Councillor, incurred whilst carrying out the duties of office, including:

- Attendance at Council and Council Committee meetings.
- To attend meetings arising as a result of a Councillor being appointed by Council to an internal or external body or committee except where the body or committee reimburses relevant child care expenses incurred by the Councillor.
- Upon inspections or business within the Council area, provided such inspections or business are undertaken in compliance with resolutions of the Council.
- To attend to business of the Council, outside the Council area, in compliance with a resolution of Council.
- Attend any seminar/conference in compliance with a resolution or policy of Council.
- Upon inspections or business as arranged by the General Manager or Departmental Managers.
- Claims will be paid upon presentation of a receipt from a licensed care provider as well as evidence of entitlement or non-entitlement to the Commonwealth Government Child Care Benefit Scheme or other applicable scheme. Any entitlement is to be off-set against the hourly rate charged by the registered care provider.
- At the General Manager's discretion, care may be paid at an hourly rate of \$20/hour when no licensed provider is available (evenings for example).
- Care costs are not eligible for reimbursement if care is provided by a person who normally or regularly lives with the councillor or is a member of the Councillor's immediate family.
- All claims must detail the date and time care was provided and the business of council it related to.
- Council will not reimburse any claims that are more than 3 months old.
- Care expenses will, unless there are exceptional circumstances, be paid in arrears.

## 5. INSURANCE

Council will provide personal accident insurance on the lives of Councillors and their accompanying partners/spouses for the time being whilst travelling to and from and attending Council meetings or on Council business, whether authorised or not and shall include the attendance at Council Functions which a Councillor is expected to attend.

### Schedule of Benefits

Capital Benefit	\$500,000
Weekly Benefit – Injury	Up to \$3,000
Weekly Benefit – Illness	Not insured
Weekly Benefit Period	Up to 156 weeks

~~Excluded period of claim – Weekly Benefit for 14 days.~~

Aggregate limit of liability for all claims ~~\$20,000,000~~ \$5,000,000.

~~Perils Insured – Bodily injury caused by an accident and solely and independently of any other cause except illness directly resulting from, or medical or surgical treatment rendered necessary by, such injury, occasions the death or disablement within twelve calendar months from the date of the accident by which such injury is caused.~~

## 6. CONFERENCES & SEMINARS

Council will make a budget allocation each year to reimburse delegates registration, travel costs and accommodation expenses ('mini-bar' expenses limited to \$10 per day). Partners will be reimbursed for meals at state conferences and the 'major dinner' at Federal conferences.

The budget will be allocated to the following conferences:

- LGAT & LGMA conference to be attended by up to 6 councillors
- ALGA conference attended by Mayor & Deputy Mayor
- Australian Roads conference attended by 1 councillor
- 'Other' conferences and seminar sessions as approved.

Attendance to all conferences, seminars and training sessions with a cost in excess of ~~\$150~~ \$200 are to be in compliance with a resolution of the Council, except on emergency situations, where approval must be given by a unanimous approval from Council Executive.

Following attendance of a conference by any councillor, a report must be submitted to Council setting out the relevance to local government, and the benefits that can be further investigated by Council. Where two or more councillors attend a conference, a joint report may be submitted.

## 7. COUNCILLORS' ALLOWANCES

7.1 The Council shall pay allowances in accordance with Section 42 and Schedule 4 of the *Local Government (General) Regulations 2015*.

7.2 The increase in allowances payable to the Mayor, Deputy Mayor and Councillors take effect on 1 November each year.

### NOTE:

In accordance with Section 340A(2A) of the *Local Government Act 1993*, the General Manager is obliged to pay Councillors the prescribed allowances. The Act states:

- A Councillor is entitled to prescribed allowances.
- A Mayor and Deputy Mayor are entitled to prescribed allowances in addition to any allowances referred to in subsection (i).
- A Councillor, Mayor or Deputy Mayor may decide not to receive part or all of an allowance.



- iv) *A decision under subsection (iii) is to be written by notice to the General Manager of the relevant Council.*

- 7.3 Allowances will be paid either fortnightly upon request to the Corporate Services Manager or on a quarterly monthly basis and paid in the closest pay run to 1 day of April, July, October and January each year.

In accordance with Section 340A(3) and (4) of the *Local Government Act 1993* should a Councillor determine that he/she does not wish to accept all/part of the prescribed allowance or salary sacrifice to a Superannuation Fund, notification is to be provided to the General Manager in writing.

If a Councillor wishes to donate his/her entitlement to a charity or not for profit organisation then he/she shall be entitled to do so, and this does not require any disclosure by Council.

#### **8. CLAIM FOR EXPENSES**

- 8.1 Claims for travelling expenses or reimbursement of out-of-pocket expenses incurred in accordance with this policy shall be made to the General Manager not later than three (3) months after the claim has been incurred and shall be submitted on the prescribed form. Claims are preferred on a monthly basis.
- 8.2 Purchases or payment of expenses by the Mayor and Councillors on a Northern Midlands Council corporate credit card must be in accordance with Council's Business Credit Cards Policy and Procedures.
- 8.3 Where, in the opinion of the General Manager, a question arises as to whether a claim for reimbursement of expenses is ineligible under this policy, or the claim appears unreasonable or does not serve the interests of Council, the General Manager shall refer the matter to Council for decision and policy guidance.

NOTE:

Council is encouraged to regularly review and revise this Policy. It is incumbent upon the General Manager and Councillors themselves to provide Council with this opportunity by referring claims, even historically accepted claims, to Council for policy consideration. The General Manager should endeavour to refer the matter without disclosing the identity of the individual who submitted the claim.

#### **9. STATIONERY**

Council, shall upon request, provide Councillors with standard stationery held or obtained generally for the organisation's requirements. Requests for stationery will be by way of the completion of a requisition presented to the General Manager.

#### **10. SECRETARIAL ASSISTANCE**

Council will provide a reasonable level of word processing assistance to enable elected members to carry out their official duties. The General Manager will have discretion in determining the extent of assistance which can be provided.

**COUNCILLOR EXPENSES****CLAIM FORM**

Name: .....

Address: .....

<i><b>Date Expense Incurred</b></i>	<i><b>Purpose</b></i>	<i><b>Total</b></i>
	<b>TOTAL CLAIMED</b>	<b>\$</b>

*I declare that the expenses claim on this form have been incurred by me whilst fulfilling my role as a Councillor for the Northern Midlands Council and have been made in accordance with Council's adopted policy. All claims for which receipts are available are hereby attached.*

.....  
Councillor.....  
Authorised for Payment  
General Manager



## NORTHERN MIDLANDS COUNCIL POLICY MANUAL

### COUNCILLORS ALLOWANCES, TRAVELLING AND OTHER EXPENSES

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<b>Administration:</b>	Governance
<b>Review Cycle/Date:</b>	Next review 2023

#### 1. COUNCILLOR'S TRAVELLING EXPENSES

- 1.1 Travelling expenses will apply from each Councillor's place of normal residence to the authorised destination and return.
- 1.2 Reimbursement is to be paid quarterly on the closest pay run to 1 day of April, July, October and January each year.
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##### (1) A CAPITAL COST ALLOWANCE

- a) a capital cost allowance up to a maximum of \$3,600 for purchase of a mobile phone, an ipad / printer/ scanner, a computer (loaded with an appropriate operating system and Microsoft Office suite) and a filing cabinet to assist them in performing his/her duties,





## NORTHERN MIDLANDS COUNCIL POLICY MANUAL

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#### Schedule of Benefits

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In accordance with *Section 340A(3) and (4) of the Local Government Act 1993* should a Councillor determine that

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## NORTHERN MIDLANDS COUNCIL POLICY MANUAL

he/she does not wish to accept all/part of the prescribed allowance or salary sacrifice to a Superannuation Fund, notification is to be provided to the General Manager in writing.

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## NORTHERN MIDLANDS COUNCIL POLICY MANUAL

### COUNCILLOR EXPENSES

#### CLAIM FORM

Name: .....

Address: .....

<i>Date Expense Incurred</i>	<i>Purpose</i>	<i>Total</i>
<b>TOTAL CLAIMED</b>		<b>\$</b>

*I declare that the expenses claim on this form have been incurred by me whilst fulfilling my role as a Councillor for the Northern Midlands Council and have been made in accordance with Council's adopted policy. All claims for which receipts are available are hereby attached.*

.....  
Councillor

.....  
Authorised for Payment  
General Manager

# Consumer, Building and Occupational Services

## Preliminary Permit Authority Audit

### Summary Report

September 2022



Consumer, Building and Occupational Services (CBOS)  
Department of Justice

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# 1. Summary

Consumer, Building and Occupational Services (CBOS) is an output located within the Department of Justice and regulates the Tasmanian building and construction sector.

The Executive Director of CBOS holds a number of statutory appointments, including the Director of Building Control (Director).

The Director has the power under section 22 of the *Building Act 2016* to arrange for an audit to be carried out in respect of the work of any person or body specified in section 16(g) of the Act, which includes permit authorities.

On 22 December 2021, the Director wrote to the General Manager of each municipal Council under section 22 of the Act requiring the provision of specific data and information pertaining to the performance of building, plumbing and demolition work and to better understand their exercise of compliance and enforcement powers during the last financial year. General Managers were also invited to provide their Council's feedback in relation to the operation of the Tasmanian building regulatory framework generally. The template requirement to provide information is attached to this report as "Appendix 1".

The purpose of this preliminary audit is to establish a baseline of activity undertaken by permit authorities. This will assist in understanding the performance of the regulatory system and enable the prioritisation of future compliance activity.

It was not the purpose of this audit to identify or determine non-compliance by any individual council. Accordingly, individual councils are not identified in the report.

All 29 councils responded to the request for data and information, and 5 provided their general feedback.

## 2. Regulatory Background

The *Building Act 2016* defines “*permit authorities*” as being a person who holds a relevant building services provider licence under the *Occupational Licensing Act 2005* and is appointed by the general manager of a municipal council to carry out the functions and exercise powers of a permit authority.

Permit authorities have a number of functions under section 25 of the *Building Act 2016* in relation to:

- receiving, assessing and approving or rejecting applications for building, plumbing and demolition work in line with categories of work which are defined by risk;
- ensuring that work performed under any permit is performed by appropriately qualified persons;
- promoting awareness of building and plumbing requirements under the *Building Act 2016*;
- keeping of registers as required under the *Building Act 2016*; and
- ensuring compliance with the requirements of the *Building Act 2016*.

In order to carry out these functions, permit authorities are also granted powers under section 26 of the *Building Act 2016* to:

- enter buildings or temporary structures at all reasonable times where building, plumbing or demolition work is being, has been, or is to carry out functions under the *Building Act 2016* and to gather evidence; and
- require provision of documents or records relating to the performance of building, plumbing or demolition work.

Should a permit authority fail to appropriately acquit their statutory functions, the Director of Building Control may consider compliance action against a permit authority under section 11(3) of the *Building Act 2016*.

Performance of permit authority functions are defined as ‘building services work’ for the purposes of the *Occupational Licensing Act 2005*, and permit authorities are subject to code of conduct expectations defined in the *Occupational Licensing (Building Services Work) Determination 2019*, which includes obligations to:

- perform their work in the public interest;
- abide by ethical standards expected by the community for compliance with the law and reputable conduct;
- not perform work where there is potential for conflict of interest; and
- comply with legislative requirements.

Where a licence holder fails to comply with a relevant code of practice under the *Occupational Licensing Act 2005*, the licence holder may be subject to compliance action under section 25(1) of that Act, and might also be subject to further disciplinary proceedings which could impact their ability to retain their occupational licence.

### 3. Data – Key Findings

The data received from each council is contained in the spreadsheet attached to this Report as “Appendix 2”.

Data captured by the Audit in relation to key plumbing activities is presented in Table 1, below:

Council	Plumbing CLCs (combined notifiable and permit)	Reported Inspections (combined notifiable and permit)	Average inspections per CLC	Plumbing Notices	Plumbing Orders not complied with	Actions for non-compliance with plumbing orders
Council 1	1235	2125	1.72	45	12	3
Council 2	628	878	1.40	69	44	1
Council 3	526	716	1.36	41	5	13
Council 4	491	1376	2.80	1	0	2
Council 5	305	966	3.17	5	3	0
Council 6	303	828	2.73	3	2	0
Council 7	301	752	2.50	2	2	3
Council 8	295	515	1.75	3	0	0
Council 9	284	865	3.05	29	15	0
Council 10	259	378	1.46	3	0	0
Council 11	217	440	2.03	1	1	0
Council 12	215	524	2.44	8	0	0
Council 13	196	299	1.53	2	0	0

Council 14	190	346	1.82	4	2	1
Council 15	183	336	1.84	4	1	0
Council 16	179	264	1.47	0	0	0
Council 17	173	67	0.39	1	0	0
Council 18	101	0*	0.00	0	0	0
Council 19	87	72	0.83	1	0	0
Council 20	86	258	3.00	5	2	0
Council 21	79	76	0.96	0	0	0
Council 22	78	174	2.23	4	0	1
Council 23	76	170	2.24	2	1	0
Council 24	71	193*	2.72	10	0	0
Council 25	59	20	0.34	0	0	0
Council 26	36	21	0.58	0	1	0
Council 27	25	4	0.16	0	0	0
Council 28	13	0	0.00	0	0	0
Council 29	13	0	0.00	0	0	0

Table 1 – Data returned in relation to plumbing work, inspections undertaken and subsequent compliance actions.

Note: \* indicates further investigation required to establish actual figure

## Plumbing Inspections

Permit authorities have primary responsibility for ensuring that plumbing work is compliant with the *Building Act 2016*. This includes ensuring that plumbing work is completed in line with the National Construction Code (NCC). Compliant plumbing work is important for sanitation, environmental health and to prevent property damage.

In performing this function, the *Building Act 2016* provides permit authorities with responsibility for assessing and approving certain plumbing work, inspecting plumbing work, issuing notices and orders to enable the rectification of defective or illegal plumbing work and enforcement powers when orders are not complied with.

The [Director's Guidelines – Inspection of Plumbing Work](#) provides guidance to permit authorities regarding the frequency of plumbing inspections. When determining whether to inspect plumbing work, permit authorities are to have regard to the risk associated with the complexity of the work; the experience and compliance history of the plumber; the accessibility for site inspections and the consequences of failure.

For the purposes of this Audit, it was expected that the rate of inspections per Certificate of Likely Compliance would be broadly consistent across the State and reflective of the risk associated with the categories of plumbing work being undertaken.

The need to ensure inspections of plumbing work are carried out is vital in the appropriate management of risk associated with the works. Based on the data received providing figures for the inspection of plumbing work, there is no evidence of increased inspection rates of permit plumbing work over notifiable plumbing work for many councils, as represented in the table below.

Permit Authority	Av. Inspections per notifiable plumbing CLC	Av. Inspections per plumbing permit granted
Council 1	1.95	1.66
Council 2	1.50	1.26
Council 3	2.85	2.67
Council 4	0.82	1.59
Council 6	1.64	4.98
Council 7	2.24	3.70
Council 9	1.26	1.64
Council 10	1.53	1.51
Council 11	1.43	2.42
Council 12	2.00	2.22
Council 13	2.71	1.55
Council 14	2.03	1.52
Council 16	1.24	1.90
Council 17	1.66	2.40
Council 18	3.00	3.00
Council 19	0.50	0.21
Council 20	0.81	0.84
Council 21	0.69	1.67
Council 22	0.27	0.41
Council 23	2.28	2.16
Council 24	0.00	0.17
Council 26	2.62	1.84
Council 27	0.43	0.68
Council 28	0	0
Council 29	0	0

Table 2 – Comparison of data relating to average inspection rates of notifiable and permit plumbing work by Tasmanian councils.



Although the Director's Guidelines does not establish a specific benchmark for rates of inspection of plumbing work by risk-category, the Regulator considers that where permit authorities conduct inspections of permit plumbing work at a lesser rate than notifiable plumbing work it appears the risk associated with the performance of the work is not being properly addressed.

This is evident in relation to Councils 1, 2, 3, 10, 13, 14, 18, 19, 20, 22, 23, 24 and 26, noting that Councils 3 and 18 performed inspections of both notifiable and permit plumbing work at comparatively high rates compared with other councils. Although Councils 3 and 18 conducted more inspections compared to others, the figures are still below the Regulator's expectations regarding the standard to be applied.

The Audit also notes that a number of councils (4, 8, 15 and 25) reported an inability to differentiate between records for inspection of notifiable and permit plumbing work.

Additionally, nine councils (almost 30 per cent) have inspection rates below one inspection per Certificate of Likely Compliance or permit for both notifiable and permit work overall. This includes three councils who report undertaking no inspections, three councils who undertake inspections at under 0.5 inspections per Certificate of Likely Compliance and three councils who undertake inspections at a rate between 0.5 and 1 inspections per Certificate of Likely Compliance. It is noted that the nine councils in question have among the lowest volume of Certificates of Likely Compliance in the State and account for approximately 9 per cent of Certificates of Likely Compliance.

Of concern, a number of councils reported they do not perform any inspections of notifiable or permit plumbing work, despite issuing Certificates of Likely Compliance. Council 28 reported they did not perform any inspections of notifiable or permit plumbing work, despite issuing 6 Certificates of Likely Compliance (Notifiable Plumbing Work) and 7 plumbing permits. Council 29 also reported they did not perform any inspections of notifiable or permit plumbing work, despite issuing 5 Certificates of Likely Compliance (notifiable plumbing work) and 8 plumbing permits.

It is evident that councils 17, 19, 25 and 26 issued significantly more Certificates of Likely Compliance (Notifiable Plumbing Work) when compared to the number of notifiable plumbing work inspections that were carried out, and granted. These councils also issued significantly more plumbing permits than the number of inspections of permit plumbing work that was carried out. This suggests that some councils are not appropriately assessing or mitigating the level of risk associated with plumbing work in line with the expectations of the Regulator.

Council 21 issued 16 Certificates of Likely Compliance (notifiable plumbing work) but only carried out 11 inspections of notifiable plumbing work. Council 3 issued 156 Certificates of Likely Compliance (notifiable plumbing work) and carried out 128 inspections of notifiable

plumbing work which is, in the view of the Regulator, a more appropriate balance of certificates and inspections.

Failure to appropriately inspect the performance of notifiable plumbing work will result in uncontrolled risk to property owners and will result in detrimental impact to the amenity of buildings and council or TasWater infrastructure.

Failure to appropriately inspect the performance of high risk plumbing work, such as onsite wastewater management systems will result in uncontrolled risk to the health of property owners, owners of neighbouring properties and potentially others downstream from a failed or failing system.

## Plumbing Notices/Orders

Plumbing Notices and Orders are the mechanisms available to permit authorities when enforcing compliance with the Act. A Plumbing Notice is most likely to be issued when a permit authority inspects plumbing work and finds it defective. The purpose of a Notice is to provide a plumber with notice that defective work needs to be rectified. In the event that a Plumbing Notice is not revoked, the Act states that a permit authority “is to” issue a Plumbing Order. The Regulator notes anecdotal reports of plumbing inspection failure rates in some municipalities that exceed 90%, and while this may not be replicated generally in other municipalities around Tasmania, it does demonstrate the need for appropriate inspection and enforcement regimes for plumbing work.

The rate of Plumbing Notices per inspection should reflect the proportion of defective work undertaken for notifiable plumbing work. The Regulator’s expectation is that the rate would be broadly consistent across the State. While some variation might be expected due to differences in practice within permit authorities, this should be moderated by the requirement that councils apply the Director’s Guidelines.

On average, permit authorities issued 1.02 Plumbing Notices per 100 inspections. 16 permit authorities issued notices at less than half the State-wide average, including eight permit authorities which did not issue any notices. Of these, seven councils were identified as having a low rate of inspections.

Four permit authorities issued notices at a rate of more than double the State-wide average. This included the permit authorities with the three highest volumes of Certificates of Likely Compliance.

Of concern, Councils 16, 18, 19, 21, 25, 26, 27 and 28 did not issue any plumbing notices, however Council 2 issued 69 plumbing notices, Council 1 issued 45, Council 3 issued 41, Council 9 issued 29, and Council 12 issued 8. The balance of councils not mentioned above

issued between 1-5 plumbing notices. This again demonstrates a lack of consistency in approaching compliance by the majority of councils.

It should be noted that this audit omitted to ask specifically how many Plumbing Orders were issued, and that in many cases where actions might be commenced to proceed against persons who have failed to comply with plumbing orders, the actions taken may not have been commenced in the same financial year as the Order was issued.

Council 4 commenced one prosecution and sought one court order for non-compliance with Plumbing Orders. Council 1 issued three infringement notices for non-compliance with Plumbing Orders. Council 7 issued one infringement notice, commenced one prosecution and sought one court order for non-compliance with Plumbing Orders. Council 14 issued one infringement notice for non-compliance with Plumbing Orders. Council 3 issued twelve infringement notices and commenced one prosecution for non-compliance with Plumbing Orders. Council 2 and Council 22 each issued one infringement notice for non-compliance with Plumbing Orders.

Failure to detect and enforce compliance of defective plumbing work prior to completion of plumbing work contributes to risk for Tasmanians as this may lead to consequential financial loss for property owners and potential negative health and environmental impacts.

## Building Notices/Orders

Building Notices and Orders are essential elements of the building regulatory framework as they enable permit authorities to mandate compliance with the Act and manage risk for building owners, occupants, neighbours and members of the public arising from buildings during and after construction.

Council permit authorities are directed to issue Building Notices, and subsequently Building Orders in circumstances including where building work is performed without appropriate permits or authorisation, where building work fails to comply with permits or authorisation, the building is being used in contravention of its occupancy permit, the building is not fit for occupation or the building is dangerous to occupants, neighbours or members of the public.

Building Notices are intended to formally identify issues relating to the foregoing criteria, and to provide the recipient an opportunity to make representations in relation to the identified issues. Once issued, if a Building Notice is not revoked and the representation period has expired, the Act directs that a permit authority “is to” issue a Building Order. Building Orders can require that the subject building or temporary structure be prohibited from occupation, caused to evacuate, and to cause performance of building work or other work. Failure to comply with Building Orders is an offence against the *Building Act 2016*, and permit authorities are empowered by the Act to undertake other actions to enforce

compliance as well as by proceeding against the recipient of the Building Order for the offence of failure to comply.

Building surveyors have similar powers to permit authorities to issue Building Notices and Building Orders during construction, however if a Building Order issued by a Building Surveyor is not complied with, the Building Surveyor is required by section 265(1) of the *Building Act 2016* to refer the matter to the permit authority of the relevant council, and the permit authority is directed by section 265(2) to take all reasonable steps to enforce that Order, including by entering the property in question and performing the work subject of the Building Order if necessary.

Data relating to key building activities captured by the Audit is presented in Table 2, below:

<b>Council</b>	<b>Applications for Building Permits granted</b>	<b>Building Notices issued by council</b>	<b>Building Orders issued by council or referred by Building Surveyors</b>	<b>Building Orders not complied with</b>	<b>Action taken for non-compliance with building orders</b>
Council 1	474	31	30	16	21
Council 2	438	86	126	54	1
Council 4	314	51	48	12	11
Council 3	294	74	52	6	15
Council 7	230	8	29	23	3
Council 6	211	59	53	45	2
Council 9	204	44	38	11	0
Council 5	192	35	39	22	2
Council 10	147	16	8	0	0
Council 13	116	5	7	0	0
Council 11	111	0	5	2	0
Council 8	111	5	9	3	0

Council 12	108	21	21	14	6
Council 14	95	7	6	2	2
Council 18	92	6	7	0	0
Council 16	83	0	3	0	0
Council 15	80	7	4	2	0
Council 20	72	5	5	1	0
Council 17	66	18	23	13	0
Council 19	54	2	0	14	0
Council 21	48	3	6	3	0
Council 25	47	3	7	4	0
Council 22	41	6	1	4	0
Council 27	35	3	0	0	0
Council 24	34	26	6	1	0
Council 23	32	11	11	8	0
Council 26	18	0	51	37	0
Council 28	13	1	1	1	0
Council 29	13	2	2	1	0
<b>Grand Total</b>	<b>3773</b>				

*Table 3 – Data returned in relation to building activity, building orders issued by council or referred by Building Surveyors and subsequent compliance actions.*

Building Orders Notably, Councils 11, 16, and 26 reported that they did not issue any Building Notices in the period.

Council 2 issued 86 building notices, Council 3 issued 74, Council 6 issued 59, Council 4 issued 51, Council 9 issued 44, Council 5 issued 35, Council 1 issued 31, Council 24 issued 26, Council 12 issued 21, Council 17 issued 18, Council 10 issued 16 and Council 23 issued 11. The balance of councils not mentioned above issued between 1-8 building notices.

Council 2 issued 99 Building Orders relating to illegal work, Council 6 issued 53, Council 4 issued 48, Council 3 issued 47, Council 5 issued 33, Council 9 issued 32, Council 7 issued 29,



Council 17 issued 20, Council 1 issued 18 and Council 12 issued 17. The balance of councils not mentioned above issued between 1-11 building orders.

Council 4 issued three infringement notices, commenced four prosecutions and sought four court orders for non-compliance with Building Orders. Council 1 issued 21 infringement notices for non-compliance with Building Orders. Council 3 issued 12 infringement notices, commenced two prosecutions and sought one court order for non-compliance with Building Orders. Council 12 Council issued six infringement notices for non-compliance with Building Orders. Council 7 issued three infringement notices for non-compliance with Building Orders. Council 6 issued one infringement notice and commenced one prosecution for non-compliance with Building Orders. Council 14 and Council 5 each issued two infringement notices for non-compliance with Building Orders. Council 2 issued one infringement notice for non-compliance with a Building Order.

Both Councils 6 and 8 are performing work required by a Building Order after non-compliance with a Building Order.

It is clear that the approach taken by Tasmanian councils to enforce compliance with the *Building Act 2016* through Building Notices and Building Orders, including when referred by Building Surveyors, is inconsistent and in some cases fails to adequately address risk associated with the construction, alteration and occupation of buildings.

## Emergency Orders

The ability to issue Emergency Orders exists to protect individuals and the community, as the council and permit authority respond to a threat to life arising out of the condition/use of a building, temporary structure or plumbing installation. Emergency Orders have traditionally been a measure of last resort and are only issued where there is a significant threat to life and/or public safety. The Regulator is aware of a number of instances where Emergency Orders should have or could have been issued but councils have failed to do so.

Several councils report the issuing of Emergency Orders in the 2020-21 financial year. Council 6 issued 30; Council 8 and Council 25 both issued four; Councils 13, 26 and 29 each issued three; Councils 10 and 22 issued two, and Councils 1, 2, 3, 4, 21, 23 and 28 each issued one respectively.

## Fire upgrading/Dilapidated building

Fire upgrading reports contain information that indicate whether a building or temporary structure is a fire hazard. A permit authority can then issue a Fire Upgrading Notice if the report states that a fire hazard exists.

Dilapidated building reports contain information about whether a building may be a dilapidated building. The *Building Act 2016* defines a dilapidated building as *“a building that, because of neglect, disrepair, defacement or damage, is of an appearance that is unsightly, particularly in comparison with its surroundings”*. A general manager can issue a Dilapidated Building Notice if the report determines a building is dilapidated. Council 6 is the only council that prepared one fire upgrading report and subsequently issued a Building Order relating to fire hazards not complied with.

Councils 2 and 4 each prepared one dilapidated building report, and Council 2 subsequently issued a Building Order relating to dilapidated buildings not complied with.

## Possession/Demolition

Council 8 is the only council that took possession of a building or temporary structure. Council 8 is also the only council that issued a Demolition Order.

The ability of councils to commence proceedings to obtain possession of a building or temporary structure is essential in the circumstance where an occupier of a building fails to allow work to be done under an Emergency Order.

Where building work that is the subject of a Building Order does not comply with the Act and is detrimental to the safety and health of any occupant or future occupant of the building, or the public, a council “is to” issue the owner with a Demolition Order.

## 4. General Feedback

Five councils elected to provide general feedback about the Tasmanian building regulatory framework. Some of the feedback provided includes:

- issues with accuracy and/or completeness of documents lodged with council, as well as documents being omitted/missed;
- non-compliance with regulatory requirements having little or no consequences;
- a misunderstanding about the categories of work;
- a lack of knowledge or awareness of certain legislative requirements by licence holders; and
- a lack of resources for some smaller councils to undertake statutory functions required for plumbing work.

## 5. Permit Authorities who are also Building Surveyors

Five permit authorities were also licensed as Building Surveyors at the time of the Audit data being received. Although there is increasing confidence in the level of initiation and understanding of the National Construction Code by the relevant permit authorities, it also creates a potential for perceived or actual conflicts of interest to arise.

Avoidance of conflicts of interest is a Code of Conduct expectation expressed in both the *Occupational Licensing (Building Services Work) Determination 2019* and the *Occupational Licensing (Building Surveyor) Code of Practice 2018* applying to building services.

It is noted that each of the permit authorities mentioned above are part of a team at their respective councils, thus mitigating the risk of these individuals being both the permit authority and the Building Surveyor on a specific project.

## 6. Conclusions

Based on the data gathered, it appears that some councils (permit authorities) are failing to acquit their statutory functions to ensure compliance with the *Building Act 2016*, as required by section 25(2)(b) of that Act.

- 1. A number of councils are failing to inspect the performance of plumbing work with regard to the risks associated with the category of plumbing work, regardless as to whether it is notifiable or permit work. It is noted that some councils appear to be carrying out inspections of notifiable or permit plumbing work at a rate that exercises an adequate level of control over the performance of plumbing work in their municipal areas.**

It is noted that different types of plumbing work may require different inspection regimes (numbers of notification/inspection stages) in order to properly address risk associated with the work in question. It is also noted that there are a number of councils in Tasmania that did not provide data in their response on the basis that their records management systems could not differentiate between inspections of notifiable and permit plumbing work. The Regulator will seek further information from those councils, and will audit the records held by those councils as required.

Twenty councils reported statistics that indicate less than two inspections performed on average, per Plumbing Certificate of Likely Compliance issued for plumbing work (both notifiable and permit). These councils are councils 1, 2, 3, 8, 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 24, 25, 26, 27, 28 and 29.

Nine councils report statistics indicating that more than two inspections were performed on average, per Plumbing Certificate of Likely Compliance issued for plumbing work (both notifiable and permit). These are councils 4, 5, 6, 7, 9, 11, 12, 22 and 23.

Some councils made representations in response to the Audit stating that their ability to conduct inspections is impinged when plumbers fail to report having achieved mandatory notification stages for plumbing work. The Regulator notes this, however this fails to acknowledge the council's obligations to enforce compliance with regulations 18 and 19 of the *Building Regulations 2016* in relation to mandatory notifications, and preventing progress of work which obstructs inspection and overlooks the guidance provided in the Director's Guidelines – Inspection of Plumbing Work.

Of significant concern is the apparent failure by some councils to ensure that higher risk plumbing work is subject to an escalated inspection regime to ensure that risk to current and future property owners, neighbours and the community are adequately controlled.

It is acknowledged that in some instances, only one inspection of a project may be deemed necessary and it is not always practical to inspect 100% of all plumbing work. Based on the



information provided, the position of the Regulator is that more plumbing inspections are required to be undertaken and in-line with risk associated with categories. The consequences of not performing inspections might include potential defective works not being identified meaning the issue will not be remedied which leads to risk of damage to the structure as well as risk to the health of both individuals and the public.

**2. Some councils appear to be taking insufficient actions to enforce compliance with the NCC and the *Building Act 2016* in relation to standards of plumbing work and/or performance of plumbing installations in their municipal areas. This is based on comparison of numbers of total plumbing Certificates of Likely Compliance issued in the reporting period with the numbers of plumbing notices issued.**

Seven councils reported not issuing any Plumbing Notices in the reporting period.

Council 2 reported having issued 628 Plumbing CLCs (total) and issued 69 notices (Notice to CLC rate of around 11%), Council 9 reported 284:29 (around 10%), Council 24 reported 71:10 (around 14%), and the remaining councils reported comparative rates between 0.1% and 5%.

While it is likely that a decreased inspection rate by councils would likely result in a lower rate of plumbing notices being issued, councils may also receive notification of defective plumbing installations through other means, such as complaints from property owners or referrals from the Regulator.

Of concern is the comparison between numbers of Plumbing Orders that were not complied with in comparison to actions taken by councils in response to the failure to comply with the order itself. Only seven councils report having taken compliance action in response to Plumbing Orders that had not been complied with. These councils were Councils 1, 2, 3, 4, 7, 14 and 22. However it is noted that Council 2 reported 44 plumbing orders that were not complied with, with one compliance action having been taken.

Fourteen councils report having no Plumbing Orders that had not been complied with.

The remaining eight councils report having issued at least one plumbing order that was not complied with, but taking no action in relation to that non-compliance.

One council (Council 14) reports having performed plumbing work where a Plumbing Order had not been complied with.

There will be some circumstances where a permit authority may not deem it necessary to take compliance action if a Plumbing Order is not complied with. It is the position of the Regulator however that appropriate compliance action needs to be taken by a permit authority to ensure a Plumbing Order is complied with. A failure to do so creates an unmanaged risk to the health of individuals and the public.

While it is acknowledged that circumstances arise where defective elements of plumbing work can be resolved without resorting to the issuing of Plumbing Notices or subsequently Orders, it is the view of the Regulator that by failing to issue, and enforce, plumbing Notices and Orders in a timely way can be damaging to the interests of individuals and the public and creates unmanaged risk for people and structures.

**3. Some councils appear to not be taking compliance actions where Building Orders (including where issued by Council) were not complied with, or referred by Building Surveyors.**

Nine councils report having taken compliance actions in relation to Building Orders that had not been complied with. These include councils 1, 2, 3, 4, 5, 6, 7, 12 and 14. It is notable that Council 2 reports having had 54 Building Orders that were not complied with and only two instances of compliance action being taken in response, Council 6 had 45 instances of Building Orders that were not complied with and only two instances of compliance action being taken.

Councils 13, 18 and 27 reported having not had any Building Orders that were not complied with.

The remaining councils reported having taken no such compliance action despite Building Orders not being complied with. These include Council 26 (37 Building Orders not complied with); Council 9 (17 Building Orders not complied with); Council 17 (13 Building Orders not complied with) and Council 23 (eight Building Orders not complied with).

There will be some circumstances where a permit authority may not deem it necessary to take compliance action if a Building Order is not complied with. It is the Regulators view that appropriate compliance action should be taken by a permit authority to ensure a Building Order is complied with. A failure to do so creates an unmanaged risk of damage to the structure as well as a risk to the health of individuals and the public.

**4. There is inconsistency in relation to the way that some councils address acute risk under the Tasmanian building regulatory framework, with one council (Council 6) having issued 30 Emergency Orders during the reporting period, but fifteen councils, being Councils 1, 5, 7, 9, 11, 12, 14, 15, 17, 18, 19, 20, 24, 25 and 27 reported having not issued any Emergency Orders. The remaining councils reported having issued between one and four Emergency Orders.**

It is apparent some councils are not utilising Emergency Orders at all. This raises a question of how councils regulate the performance of emergency work for the purposes of section 214 of the *Building Act 2016*. The Regulator is aware that some councils have determined to not issue Emergency Orders under section 245 of the *Building Act 2016*, preferring (where

circumstances permit) to refer persons responsible for the performance of emergency work to provide notice (Form 77) to the council after the emergency work has been performed under section 215(3) of the *Building Act 2016*.

While this process may be appropriate under some circumstances, it does not include any measure to cause a building to be evacuated nor to prevent occupation of the building until such time as building work or other work had been performed to make the building safe.

## 7. Recommendations

1. The Director of Building Control should provide feedback to all parties to the Audit, including all councils and the Local Government Association of Tasmania (LGAT) with regard to the performance of councils generally and each council specifically.
2. The Director of Building Control should undertake further and targeted auditing of the performance of permit authorities and general manager functions under the *Building Act 2016* with a specific focus on:
  - a. The inspection of plumbing work, including further examination of records held by councils that have failed to report plumbing inspection statistics, failed to report statistics clearly, or reported statistics that appear to be unreasonable. This includes Councils 1, 2, 3, 8, 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 24, 25, 26, 27, 28 and 29.
  - b. Enforcement of compliance with the requirements of the *Building Act 2016* and the NCC in relation to the performance of plumbing work, particularly in relation to councils that appear to be failing to issue Plumbing Notices, or issue Plumbing Notices infrequently with comparison to the numbers of plumbing CLCs issued.
  - c. Enforcement of compliance with the NCC and the *Building Act 2016*, including the gathering of further data and/or representations about the circumstances where councils have issued Building or Plumbing Orders; where those orders have not been complied with and where further enforcement actions appear to have not been undertaken. This includes Councils 2, 6, 9, 17, 23 and 26.
  - d. Assessment of the provision of "Notice of Emergency Work" (Form 77) to councils and the ability of the Director of Building Control to undertake further investigations into the requirements for emergency work under the *Building Act 2016*.
3. The Director of Building Control should consider offering an ongoing compliance training program for council permit authorities to ensure that persons appointed as permit authorities are provided an opportunity to improve their understanding of their statutory functions and are able to carry out those functions appropriately.
4. The Director of Building Control should regularly collect data from councils and permit authorities in relation to their obligations under relevant Acts to ensure transparency and accountability.

Permit Authority	Council 1	Council 2	Council 3	Council 4	Council 5	Council 6	Council 7	Council 8	Council 9	Council 10	Council 11	Council 12
CLCs (notifiable building work) received from building surveyors	479	304	339	239	238	177	108	254	106	195	174	164
Certificates of Completion (notifiable building work) received from building surveyors	146	196	220	65	95	48	68	64	53	54	47	36
CLCs (notifiable plumbing work) issued	245	366	156	357	196	204	157	200	127	125	190	164
Inspections of notifiable plumbing work	477	549	128	1018	966 -	335	752 -	285	284	158	380	445
Certificates of Completion (notifiable plumbing work) issued	86	253	53	117	127	60	106	64	71	59	140	44
Applications for building permits refused	0	0	36	0	0	1	0	0	0	0	0	0
Applications for building permits granted	474	438	294	314	192	211	230	111	204	147	111	108
Applications for CLCs (permit plumbing work) refused	0	0	33	0	0	0	0	0	0	0	0	0
Applications for CLCs (permit plumbing work) granted	990	262	370	134	109	99	144	95	157	134	27	51
CLCs (permit plumbing work) revoked	0	0	0	0	0	0	0	0	0	0	0	0
Applications for plumbing permit refused	0	0	33	0	0	0	0	0	0	0	0	0
Applications for plumbing permit granted	990	262	370	134	109	99	144	95	157	134	27	51
Inspections of permit plumbing work	1648	329	588	358	966 -	493	752 -	230	581	220	60	79
Certificates of Completion (permit plumbing work) issued	259	315	284	34	242	26	190	31	257	41	20	11
Emergency Orders	0	1	1	1	0	30	0	4	0	2	0	0
Building notices issued	31	86	74	51	35	59	8	0	44	16	5	21
Building notices revoked	0	0	2	0	0	6	0	0	6	0	0	0
Building orders served on person who has not been previously issued with a building notice	10	27	5	0	5	0	0	2	0	0	3	0
Building orders relating to illegal work	18	99	47	48	33	53	29	2	32	7	6	17
Building orders not complied with	16	54	6	12	22	45	23	2	11	0	3	14
Action taken for non-compliance with building orders	21	1	15	11	2	2	3	0	0	0	0	6
Building orders referred to Council by building surveyors	2	0	0	0	1	0	0	1	6	1	0	4
Council performing work required by an emergency order or building order after non-compliance with building order	0	0	0	0	0	1	0	1	0	0	0	0
Plumbing notices issued	45	69	41	1	5	3	2	3	29	3	1	8
Plumbing notices revoked	0	0	2	0	0	1	0	0	5	0	0	0
Plumbing orders served on a person who has not been previously issued with a plumbing notice	3	24	0	0	0	0	1	0	0	1	0	0
Plumbing orders not complied with	12	44	5	0	3	2	2	0	15	0	1	0
Action taken for non-compliance with plumbing orders	3	1	13	2	0	0	3	0	0	0	0	0
Council performing work required by a plumbing order after non-compliance with plumbing order	0	0	0	0	0	0	0	0	0	0	0	0
Fire upgrading reports prepared	0	0	0	0	0	1	0	0	0	0	0	0
Fire upgrading reports issued to owner	0	0	0	0	0	1	0	0	0	0	0	0
Fire upgrading notices not complied with	0	0	0	0	0	1	0	0	0	0	0	0
Building orders relating to fire hazards	0	0	0	0	0	1	0	0	0	0	0	0
Building orders relating to fire hazards not complied with	0	0	0	0	0	1	0	0	0	0	0	0
Action taken for non-compliance with building orders relating to fire hazards	0	0	0	0	0	Multiple	0	0	0	0	0	0
Dilapidated building reports prepared	0	1	0	1	0	0	0	0	0	0	0	0
Dilapidated building reports issued	0	1	0	1	0	0	0	0	0	0	0	0
Dilapidated building notices not complied with	0	1	0	0	0	0	0	0	0	0	0	0
Building orders relating to dilapidated buildings	0	1	0	0	0	0	0	0	0	0	0	0
Building orders relating to dilapidated buildings not complied with	0	1	0	0	0	0	0	0	0	0	0	0
Action taken for non-compliance with building orders relating to dilapidated buildings	0	0	0	0	0	0	0	0	0	0	0	0
Buildings or temporary structures taken possession of	0	0	0	0	0	0	0	1	0	0	0	0
Demolition orders	0	0	0	0	0	0	0	1	0	0	0	0



[illegible]



## NORTHERN MIDLANDS COUNCIL POLICY MANUAL

### AUDIT COMMITTEE

<b>Originated Date:</b>	Adopted 21 September 2015 – Min. No. 270/15 (Replacing previous Audit Committee Policy adopted 18 February 2013 – Min. No. 43/13 (as Policy 68) and last reviewed 9 December 2013 – Min. No. 354/13)
<b>Amended Date/s:</b>	Reviewed 20 August 2018 – Min No. 230/18 Reviewed 21 February 2022 – Min No. 22/70
<b>Applicable Legislation:</b>	<i>Local Government Act 1993 &amp; Local Government (Meeting Procedures) 2005, Audit Act 2008</i>
<b>Objective</b>	To establish the role, responsibility, structure and process of the Audit Committee.
<b>Administration:</b>	Corporate Services
<b>Review Cycle/Date:</b>	At least every 4 years. Next review 2026.

#### 1. PURPOSE

To set out the objectives, authority, composition, tenure, functions, reporting and administrative arrangements of the Audit Committee.

#### 2. OBJECTIVE

The objective of the Audit Committee is to review the council's performance under section 85A of the Act and report to the council its conclusions and recommendations.

#### 3. AUTHORITY

The Council authorises the audit panel, within its responsibilities, to:

- obtain any information it requires from any employee or external party (subject to any legal obligation to protect information);
- discuss any matters with the Tasmanian Audit Office (TAO), or other external parties (subject to confidentiality considerations);
- request the attendance of any employee, including members of the Council, at audit panel meetings; and
- obtain legal or other professional advice, as considered necessary to meet its responsibilities, to a pre-approved limit set in the annual budget.

#### 4. COMPOSITION AND TENURE

The audit panel comprises two councillors and two independent members, appointed by the council.

The Council will appoint an independent member as the chairperson of the panel.

Audit panel members are appointed for a period of not less than one year, and not exceeding four years.

Audit panel members may be re-appointed at the approval of the Council.

#### 5. FUNCTIONS

To comply with the Audit Panels Order, when reviewing the Council's performance the audit panel is to consider:

- the Council's financial system, financial governance arrangements and financial management;
- whether the annual financial statements of the Council accurately represent the state of affairs of the council;
- whether and how the strategic plan, annual plan, long-term financial management plan and long-term strategic



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asset management plans of the Council are integrated and the processes by which, and assumptions under which, those plans were prepared;

- the accounting, internal control, anti-fraud, anti-corruption and risk management policies, systems and controls that the Council has in relation to safeguarding its long-term financial position;
- whether the Council is complying with the provisions of the Act and any other relevant legislation; and whether the Council has taken any action in relation to previous recommendations provided by the audit panel to the Council and, if it has so taken action, what that action was and its effectiveness.

### 5.1 KEY AREAS

In fulfilling its functions, the audit panel should consider the following key areas:

- corporate governance;
- human resource management, including policies, procedures and enterprise agreements;
- information and communications technology governance;
- management and governance of the use of data, information and knowledge; and
- internal and external reporting requirements.

## **6. RESPONSIBILITIES OF PANEL MEMBERS**

Members of the audit panel are expected to understand and observe the legal requirements of the Act and the Audit panels Order. Members are also expected to:

- act in the best interests of the council;
- apply sound analytical skills, objectivity and judgment;
- express opinions constructively and openly, raise issues that relate to the audit panel's functions and pursue independent lines of enquiry; and
- contribute the time required to review the papers provided.

## **7. REPORTING**

The audit panel is to provide a copy of its meeting minutes to the Council as soon as practicable after each audit panel meeting.

If the audit panel has conducted a review under section 85A of the Act, the audit panel must provide a written report of its conclusions and recommendations to the Council as soon as practicable after the review is completed.

## **8. ADMINISTRATIVE ARRANGEMENTS**

### 8.1 MEETINGS

The audit panel will meet at least four times per year.

The audit panel is to regulate its own proceedings in accordance with this charter.

The chairperson may determine that a meeting is to be held in private.

The general manager and financial manager, or their delegates, are to attend audit panel meetings unless the chairperson determines a meeting is to be held in private.

The audit panel may invite any councillor and/or employee of the Council and/or representative of the TAO to attend meetings of the audit panel.

### 8.2 QUORUM

A quorum of an audit panel meeting is two members, including an independent member.



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### 8.3 WORK PLAN

The audit panel is to develop an annual work plan that includes, but is not limited to, a schedule of meetings and the known objectives for each meeting.

The forward meeting schedule should include the dates, location, and proposed agenda items for each meeting.

### 8.4 SECRETARIAT

The Council, in consultation with the audit panel, will appoint a person to provide secretariat support to the audit panel. The secretariat will:

- ensure the agenda for each meeting is approved by the chairperson;
- ensure the agenda and supporting papers are circulated at least one week prior to the meeting; and
- ensure the minutes of the meetings are prepared and submitted to the Council as soon as practicable after each meeting.

### 8.5 INTERESTS

Audit panel members must declare to the chairperson any pecuniary or non-pecuniary interests that may affect them carrying out their functions. Details of any pecuniary or non-pecuniary interests declared by members will be appropriately minuted.

Independent members are to consider past employment, consultancy arrangements and related party issues in making these declarations.

At the beginning of each audit panel meeting, members are required to declare any potential or actual pecuniary or non-pecuniary interest that may apply to specific matters on the meeting agenda. Where required by the chairperson, the member will be excused from the meeting or from the audit panel's consideration of the relevant agenda item(s). Details of potential or actual pecuniary or non-pecuniary interests declared by members will be appropriately minuted.

### 8.6 INDUCTION

The Council will provide new audit panel members with relevant information and briefings on their appointment to assist them to meet their audit panel responsibilities.

### 8.7 REMUNERATION

Independent members of the audit panel shall be paid an annual sitting fee per meeting attended.

The chairperson of the audit panel shall be paid a sitting fee of per meeting attended.

## **9. REVIEW**

The Council will review this charter at least every four years.