

**EXTRACT FROM COUNCIL MINUTES – 23 January 2019 (Late Item –
Letter from Minister Peter Gutwien)**

14.10

**Letter from Hon. Peter Gutwien
MP Minister for Local
Government**

Resolution 18/01.2019/C

Moved: Cr P Fenerty

Seconded: Deputy Mayor M Stacey

That Tasman Council commit to honouring the outcome of the Elector Poll to be conducted by the Tasmanian Electoral Commission in March 2019 on whether the community supports or does not support, the amalgamation of the Tasman and Sorell Councils into one new Council.

Carried

*For – Mayor Spaulding, Deputy Mayor Stacey, Councillors Barwick, Garrett, Griffiths and Fenerty
Against – Councillor Beard*

Resolution 19/01.2019/C

Moved: Cr P Fenerty

Seconded: Cr J Barwick

That Council require the Mayor to write to the Minister for Local Government advising of the outcome of the Elector Poll, stating that the Council accepts the outcome of the Elector Poll and that the Council will implement/give effect to that outcome as soon as reasonably practicable, and seeks the State Government to undertake whatever action may be required of it under the *Local Government Act 1993*.

Carried Unanimously

**Treasurer
Minister for Local Government
Minister for State Growth**

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21 JAN 2019



Councillor Kelly Spaulding
Mayor
Tasman Council
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Dear Mayor Spaulding

Thank you for your letter of 19 December 2018 regarding arrangements for the elector poll to be conducted by the Tasmanian Electoral Commission in March next year. I note that, among other matters, the Council has requested a financial contribution from the State Government to assist with funding the costs of running the poll.

I can confirm that the Government is willing to make a contribution of up to \$15,000 to fund the elector poll. This offer is conditional on the Council committing to honouring the outcome. I am sure the Council appreciates that if it intends to provide all its electors the opportunity to clearly put forward their support for how they want the Tasman community to be governed in the future, it will be incumbent on the Council to honour the majority view.

While the outcome of an elector poll conducted under the *Local Government Act 1993* is not legally binding on the Council, I consider that in the circumstance it is incumbent on the Council to resolve a clear policy commitment to abide by the outcome of the poll in order to provide certainty to the Tasman community.

Doing so would also, in my view, alleviate potential conflict of interest issues. That is, if councillors commit to honouring the outcome, then they should be free to advocate their own position on the matter, knowing that they have committed to the outcome even if that outcome is different to that which they advocated for.

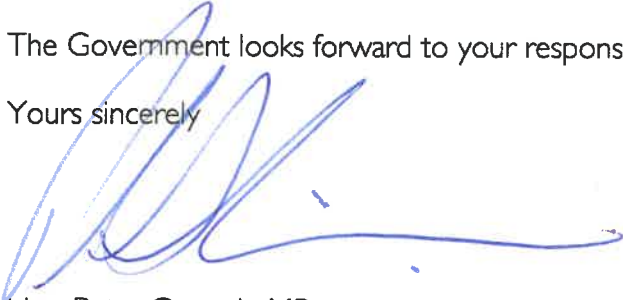
If Council were to agree to this approach, it would be prudent to resolve motions to give effect to this at the next Council meeting. While the wording of the motions would be a matter for the Council to determine on advice, in principle the motions would:

1. Commit the Council to honouring the outcome of the elector poll to be conducted by the Tasmanian Electoral Commission in March 2019 on whether the community supports or does not support the amalgamation of the Tasman and Sorell Councils into one new council; and
2. Require the Mayor to write to the Minister for Local Government advising of the outcome of the elector poll, stating that the Council accepts the outcome of the elector poll and that the Council will implement/give effect to that outcome as soon as reasonably practicable, and seeks the State Government to undertake whatever action may be required of it under the *Local Government Act 1993*.

This approach should alleviate the need for a subsequent vote on the matter after the elector poll and would also help avoid Code of Conduct issues.

The Government looks forward to your response.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'Peter Gutwein', written over the 'Yours sincerely' text.

Hon Peter Gutwein MP
Minister for Local Government